STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
BOX 942732
CRAMENTO, CA 94234-7320

August 9, 1989

Letter No.: 89-66

TO: All County Welfare Directors
All County Administrative Officers

SUBJECT: ADDITIONAL INFORMATION ON MILLER V. WOODS COURT ORDER

REFERENCE: ALL COUNTY WELFARE DIRECTORS LETTER NO. 89-35

The purpose of this letter is to provide you with additional information based on regulations released by the State of California Department of Social Services regarding the retroactive Miller v. Woods payments.

Medi-Cal will be exempting, for the month of receipt as income and for the month following the month of receipt as property, any retroactive IHSS payment paid to a spouse or a housemate. A housemate is simply one who lived with an IHSS recipient and provided protective supervision to that individual during the applicable retroactive period. The time periods for retroactive benefits are April 1, 1979 through April 30, 1984 for recipients with nonspouse providers and April 1, 1979 through July 31, 1981 for recipients with spouse providers. Every claimant under Miller v. Woods will receive two checks; one for past wages and one for interest on the past wages, both the check representing wages and the check representing interest must be exempted.

Claimants may also be eligible for IHSS underpayments from May 1, 1984 forward. These claimants, however, will not receive interest. The payments should receive the same exempt treatment and should be not be counted as income in the month received or as property the month after the month of receipt.

Claims will be processed by counties within 60 days of the filing date. Claimants will receive IHSS Notices of Action that may be used for verification of payment received. If additional verification is necessary you simply request the Medi-Cal applicant or beneficiary to contact his/her IHSS worker.

Warrants will be processed through the Case Management Information and Payrolling System (CMIPS) and will be mailed so that they will be received by the claimants no later than the 10th of each month. If a warrant can not be received by the 10th of the month, it will not be sent out until the following month. The reason is to allow each claimant 6 - 7 weeks to make reasonable decisions about how to use the money.

We hope this additional information has been helpful. If you have any additional questions, please contact Sharyl Shanen at (916) 324-4956 or ATSS 8-454-4956.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: June 30, 1990