STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, *Governor*

DEPARTMENT OF HEALTH SERVICES

744 P STREET
. BOX 942732
SACRAMENTO, CA 94234-7320

January 12, 1990
Letter No.: 90-12

To: All County Welfare Directors
All County Administrative Officers

SUBJECT: RULING IN CURTIS SNEEDE, ET AL. V. KENNETH KIZER, ET AL.

Reference: ACWDL 90-04

The United States District Court in San Francisco has ruled that Medi-Cal regulations governing the treatment of income and resources belonging to a stepparent, child, and an unmarried couple and their separate and mutual children violate federal law. Federal law limits financial responsibility for medical care to parent-for-child and spouse-for-spouse.

Therefore, as specified in the court order, counties must identify the following cases no later than March 6, 1990 (60 days from the date of the order):

A. All cases in which persons in the MFBU (1) applied for or were receiving Medi-Cal at any time on or after May 1, 1988 and (2) were determined to have a share of cost, and (3) included:

(a) a stepparent and his/her stepchild(ren);

(b) an unmarried couple and their separate and mutual children;

(c) a child with income.

B. All cases in which, in or after May, 1988, a family elected to exclude a child with income and/or resources;

C. All cases in which, in or after May, 1988, a family with a stepparent or unmarried partners elected to receive Medi-Cal only for the separate child(ren) of one parent;

D. All cases in which, in or after May, 1988, an application was denied for excess resources, and which include a stepparent, a child with resources, or an unmarried couple with mutual and separate children;

E. All cases in which, in or after May, 1988, an application for Medi-Cal was withdrawn, and which included a stepparent, a child with resources or income, or an unmarried couple with mutual and separate children.

The Department will contact each county and will assist the counties in developing procedures on how these cases shall be identified. Once identified, the counties shall hold these cases pending further instructions. The Department is also working closely with some of the counties in developing implementation procedures and in evaluating their feasibility. It is advisable that county program staff keep their systems staff informed of new developments as they occur on this matter to anticipate any programming needs and associated programming costs.

If there are any questions, please contact Yvonne Lee at (916) 324-4954, ATSS 454-4954.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: June 30, 1991