STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
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January 5, 1994

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

Letter No.: ~~93-89~~ 94-02

INSTITUTIONAL STATUS--RETROACTIVE PERIOD OF NEW GUIDELINES

REF.: ACWDL Nos. 93-41, 93-42, and 93-46

The purpose of this letter is to inform you of the retroactive period of eligibility for the clarifying guidelines on eligibility of "inmates of a public institution" which were set out in All County Welfare Directors Letter No. 93-42 (attached).

The guidelines set out the criteria for determining Medi-Cal eligibility in cases involving institutional status. Previously, we had determined that an individual was ineligible from the date of arrest to the date of release. Now, it is from the date that the individual actually becomes an inmate of a public institution until he is released, paroled, or on probation.

Since these are guidelines which clarify the federal statute, there will be a retroactive period of one year previous to the date of the All County Letter No. 93-42 which was July 7, 1993. One year is the applicable limitations period for actions arising from the denial of eligibility. (Welfare & Institutions Code, Section 10962 and Code of Civil Procedures, Section 1094.5.)

When any case comes to your attention which resulted in a wrongful denial of Medi-Cal eligibility based upon institutional status or the final determination of ineligibility was made during the time period July 7, 1992 until July 7, 1993, please review for retroactive eligibility under the new guidelines in order to avoid any federal noncompliance action.

Issue retroactive Medi-Cal cards to those individuals who were wrongfully denied Medi-Cal. If the retroactive Medi-Cal card is to be issued more than one year after the month of service, follow the procedures in All County Welfare Director's Letter 91-103. Indicate on the Letter of Authorization that, as the reason for your request, that "An administrative error has occurred". Use "Retroactive Medi-Cal for non-institutional status at the State's request" for the description. Even though these cards are issued at DHS's request, it is necessary to use the administrative error category so that you can issue the LOA without forwarding it to DHS for signature. Use of the administrative error category on the LOA will not result in a county quality control error. (Title 22, CCR, Section 50746.)

Medi-Cal eligibility is now allowed for individuals for the following: House arrest; medical assistance prior to booking; work release; transfer to halfway house or residential treatment center before probation; community service; medical release; placement for treatment as probation requirement in a psychiatric hospital, residential treatment center, or as an outpatient. Review All County Letter Nos. 93-41, 93-42, and

93-46 for comprehensive clarification of the new federal guidelines regarding Medi-Cal eligibility of inmates in a public institution.

If you have any questions, please contact Ms. Elena Lara of my staff at (916) 657-0712.

Sincerely,

ORIGINAL SIGNED BY,

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure