STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
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October 27, 1995

Medi-Cal Eligibility Information Letter No: I-95-25

TO: All County Medi-Cal Program Specialists/Liaisons
All County MEDS Coordinators

DRAFT CHANGES TO MINOR CONSENT SERVICES REGULATIONS

Enclosed, for your information, is a draft copy of the proposed regulation changes for minor consent services, Sections 50063.5 and 50147.1. Here is a brief summary of the proposed changes in these sections:

- Adding the word "outpatient" to mental health throughout both sections to correctly reflect the legislative language.

- Deleting the word "venereal disease" throughout both sections since it is considered a sexually transmitted disease, therefore is redundant to list venereal disease separately.

- In Section 50147.1 we deleted the phrase "other than mental health care" because we now are including outpatient mental health services on the MC 4026.

- Added licensed clinical social worker and psychiatrist to the list of mental health professionals who may write a statement of need for outpatient mental health care.

- Deleted the phrase "the person completing the Statement of Facts in accordance with Section 50163 (a) (2) and (3) may sign the form on the child's behalf" because we believe it is in error and not in compliance with the intent of the legislation. We added "deny the application and refer the responsible adult or agency to apply for Medi-Cal in the child's behalf." Prior language allowed someone else to complete the Statement of Facts when a minor was incompetent or had a conservator, guardian, or executor. The laws are very clear that the minor is to identify the need for and consent to these services. We reasoned that also included being able to apply for minor consent services and to complete the Statement of Facts.

- Deleted the phrase "POE labels under the child's" and added "a paper card" to conform to the procedures for the paper minor consent identification card.

A hearing for these regulations has not yet been scheduled. If you have any questions about these proposed regulation changes, please contact Gary Varner of my staff at (916) 654-5321.

Sincerely,

Original signed by

Glenda Arellano for
Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

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50063.5 **Minor Consent Services**

(a) Minor consent services means services related to:

(1) Sexual assault.

(2) Drug or alcohol abuse for children 12 years of age or older.

(3) Pregnancy.

(4) Family Planning.

~~(5) Venereal disease for children 12 years of age or older.~~

~~(6)~~(5) Sexually transmitted diseases designated by the Director for children 12 years of age or older.

~~(7)~~(6) Outpatient mental health care for children 12 years of age or older who are mature enough to participate intelligently and which is needed to prevent the children from seriously harming themselves or others or because the children are the alleged victims of incest or child abuse.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Section 14010, Welfare and Institutions Code; and Sections ~~25.9 and 34.7, Civil Code~~ 6924, 6925, 6926, 6927, 6928, and 6929, Family Code.

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50147.1

(a) A child may apply for Medi-Cal without parental contact in order to receive minor consent services.

(b) A child applying on the basis of a need for minor consent services ~~other than mental health care~~ shall submit to the county welfare department a completed and signed form Request for Eligibility for Limited Services indicating the need for services related to one or more of these needs.

(c) A child applying for Medi-Cal ~~solely~~ on the basis of a need for mental health outpatient care shall also submit to the county welfare department a statement from a mental health professional: licensed marriage, family and child counselor; licensed clinical social worker; licensed educational psychologist; credentialed school psychologist; a licensed psychologist or a psychiatrist which states that the child needs mental health outpatient treatment or counseling and meets both of the following conditions:

(1) Is mature enough to participate intelligently in the mental health treatment or counseling on an outpatient basis.

(2) Is one of the following:

(A) In danger of causing serious physical or mental harm to self or others without mental health treatment or counseling.

(B) The alleged victim of incest or child abuse.

(d) The county department shall process the application of children applying under (b) and (c) in accordance with the following:

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(1) If a child refuses to complete or sign the form and/or provide a statement of need for outpatient mental health care the child's application shall be denied.

(2) If a child is not competent to complete or sign the form, deny the application and refer the responsible adult or agency to apply for Medi-Cal on the child's behalf ~~the person completing the Statement of Facts in accordance with Section 50163(a)(2) and (3) may sign the form on the child's behalf~~.

(3) After submission of the completed and signed form or statement of need for mental health outpatient care, the county department shall:

(A) Deny the application if a child is under 12 years of age and applying for services related to drug abuse, alcohol abuse, ~~venereal disease or~~ a sexually transmitted disease or for mental health outpatient care.

(B) Issue ~~POE labels under the child's~~ a paper card under the child's existing Medi-Cal status if the child is currently included in a public assistance case or an MFBU which has no share of cost and is not enrolled in a PHP or PCCM plan. The child's separate application shall be denied.

(C) Deny the application if the child is currently eligible for Medi-Cal and enrolled in a PHP or PCCM plan and refer the child to the PHP or PCCM plan for care.

(D) Process the application and determine eligibility if the child is one of the following:

1. Currently included in an MFBU which has a share of cost.
2. Part of a family not currently receiving Medi-Cal.
3. Excluded from an MFBU.

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4. An ineligible member of an MFBU.

(E) If the child is an unmarried minor parent, he/she shall be included in the MFBU with his/her child for minor consent services only.

(e) When a child is not living with the child's parents and county department determines that no person or agency accepts legal responsibility for the child, the county department shall process the child's application and determine his or her eligibility as an adult if the child appears to be competent.

(f) The parents of a child applying in accordance with (b) or (c) shall neither be contacted regarding the child's application nor informed that the application has occurred.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.1, 14005.4, 14005.7, 14008, 14008.5, 14010, 14011, 14017, 14018, and 14088.3, Welfare and Institutions Code; Sections ~~25.6,25.9, 34.5, 34.7, 34.9, and 34.10, Civil Code~~ 6924, 6925, 6926, 6927, 6928, and 6929, Family Code.