State of California—Health and Human Services Agency
Department of Health Care Services

TOBY DOUGLAS
Director

EDMUND G. BROWN JR.
Governor

February 25, 2011

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

Letter No.: 11-11

SUBJECT: REFERRAL OF DISABILITY PACKETS TO THE DISABILITY DETERMINATION SERVICE DIVISION - STATE PROGRAMS
(References: Medi-Cal Eligibility Procedures Manual, Article 22, C-1 – Referring Disability Applications to SSA or DDSD-SP, Article 22, C-4 – Completing Disability Evaluation Forms and ACWDL 05-14)

This letter provides clarification and updates, regarding previously issued instructions by the Department of Health Care Services (DHCS), to All County Welfare Directors' Letter (ACWDL) 05-14, pertaining to making diligent attempts to obtain case status on disability determinations either pending with or adjudicated by the Social Security Administration (SSA). This ACWDL instructs counties on the process to follow before sending a packet to the California Department of Social Services' Disability Determination Service Division-State Programs (DDSD-SP) for applicants who apply for Medi-Cal based on a disability.

Background

Counties currently send a referral packet to DDSD-SP for a determination of disability when an applicant/beneficiary alleges he/she is disabled. Approximately 40 percent of the disability packets that DDSD-SP receives from the counties are for applicants that have a disability determination adjudicated by SSA or have one pending with SSA. Due to the binding nature of SSA determinations, there is no need for DDSD-SP to review these applications, because there is no practical way to make a decision faster than SSA. DDSD-SP staff time and resources spent on these cases could be more efficiently allocated to the adjudication of Medi-Cal applications from the counties where there is no SSA involvement.

Following the instructions outlined in this letter, and in the Medi-Cal Eligibility Procedures Manual (MEMP), should result in a reduced workload for DDSP-SP when handling disability applications with SSA involvement, and allow DDSD-SP to focus their resources adjudicating disability applications for Medi-Cal in a timelier manner.

Process Counties Should Follow

- When counties receive Medi-Cal applications requiring a disability evaluation, counties shall verify if the applicant has had a disability determination adjudicated by the SSA or has one pending.

- If the above information can be verified, counties shall not send a disability packet to DDSD-SP (except in the specific circumstances outlined in the MEMP, Article 22, C-1).

- MEPM, Article 22, C-1, provides instructions on referring disability packets to DDSD-SP. MEMP, Article 22, C-1, instructs counties to carefully review the "Applicant's Supplemental Statement of Facts for Medi-Cal" (MC 223), especially Part II, Number 5, on Page 1.

- MC 223, Part II, Number 5, asks the applicant to indicate if they have filed an application for disability benefits with SSA and if the status of that application is known to them.

- If the information provided by the applicant on the MC 223 indicates an SSA determination, the following should apply:

    - If applicants have a favorable disability determination completed by SSA for Social Security Disability Insurance (SSDI) or for Supplemental Security Income/State Supplementary Program (SSI/SSP) payments, then they should have an "award letter" from SSA verifying the decision.

    - If their application for SSDI or SSI/SSP disability was denied, then they should have a "denial letter" from SSA with their appeal rights enclosed.

    - The county eligibility worker should ask the applicant for a copy of the award or denial letter to help verify the SSA involvement indicated on the MC 223.

- If, after following all the above steps, the disability application status is not available to the county, the county may use the methods specified in Title 22 of the California Code of Regulations, Section 50167, which include: viewing SSA disability award/denial letters, SSA disability checks, the Medi-Cal Eligibility Data System (MEDS), and/or contacting the local SSA field office. While telephone contact with an SSA field office may be the most expeditious method of obtaining information, counties may also use SSA Form 1610, "Public Assistance Agency Information Request."

- After completing this process, the county should refer to the referral chart at the end of MEPM, Article 22 C-1, to determine if the applicant should be redirected to SSA, or if an application should be sent to DDSD-SP.

There are exceptions to the precedence of an SSA disability determination where DDSD-SP may make an independent determination even though the existing SSA disability determination is a denial. These exceptions are outlined in MEPM, Article 22, C-1. If a packet is being submitted to DDSD-SP based on an exception, the county should clearly identify which situation applies and note it on the MC 221, "Disability Determination and Transmittal" in Section 10.

The following clarification should be noted pertaining to the referral chart Client Status Number 2:

> If an application is "pending" with SSA, a disability packet should not be forwarded to DDSD-SP unless 80 days have passed since the Medi-Cal-only application date. This complies with the Radcliffe lawsuit requirements as described in the MEPM Article 22, C-4.

This section instructs that if the applicant has an application pending with SSA, and a disability determination has not been made by the 80th day from the date of application, the MC 179 (90-day status letter) should be sent to the applicant and the county should forward the disability packet to DDSD-SP to initiate independent development.

Contacting DDSD-SP

If, after diligent attempts, the case status result is “unknown” (i.e. it cannot be ascertained if an application is pending with SSA), the county should submit a disability packet to DDSD-SP for adjudication. County staff may contact the DDSD-SP Operations Support Bureau, at the branch that provides service to their county, to see if the applicant has filed with SSA. This specific information supersedes the instructions given in ACWDL 05-14, page two, paragraph one.

If you have questions regarding this ACWDL, or disability-linked Medi-Cal, please contact Warren Jorgensen at (916) 322-8494 or by email at Warren.Jorgensen@dhcs.ca.gov.

Original signed by:

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