

DATE: December 30, 2024 LETTER NO. 24-21

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH PROGRAM SPECIALISTS
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: APPLICANT/RECIPIENT AUTHORIZATION FOR RELEASE OF
INFORMATION TO COMMUNITY-BASED ORGANIZATION IN
BENEFITSCAL

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 14100.2;](#)
[WIC SECTION 10850.2; ALL COUNTY LETTER \(ACL\) NO. 23-37;](#)
[ACL NO. 19-55; ACL NO. 16-02;](#)
[ALL COUNTY WELFARE DIRECTORS LETTER \(ACWDL\) 23-10;](#)
[ACWDL 18-26E; ACWDL 20-28; ACWDL 19-17E;](#)
[MEDI-CAL ELIGIBILITY DIVISION INFORMATIONAL LETTER](#)
[\(MEDIL\) I 21-38;](#)

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PURPOSE

The Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) are issuing this joint letter to provide updated guidance to counties regarding the policy for the Release of Information (ROI) feature within BenefitsCal and the [Applicant/Recipient's Authorization for Release of Information to Community-Based Organization \(CBO\) in BenefitsCal \(ABCDM 229\)](#) form. This guidance supersedes previous guidance provided by DHCS and CDSS in [All County Welfare Directors Letter \(ACWDL\) 23-10](#) and [All County Letter \(ACL\) No. 23-37](#), released on May 1, 2023.

This guidance is for purposes of planning only and will be implemented when the functionality is supported in BenefitsCal and the California Statewide Automated Welfare System (CalSAWS). CalSAWS shall make changes to implement the ROI process in BenefitsCal at the next available release. DHCS will provide confirmation of the automation timelines in a future Medi-Cal Eligibility Division Informational Letter (MEDIL). CDSS will provide confirmation of the automation timelines in a future All County Information Notice (ACIN).

DHCS and CDSS use the following terms and definitions throughout this letter:

- “Primary applicant” is any individual who applies on behalf of themselves or a household for CalFresh, Medi-Cal, and/or California Work Opportunity and Responsibility to Kids (CalWORKs) and is responsible for contact with the County Welfare Departments (CWDs).
- “Customer(s)” is any applicant(s), recipient(s), member(s) of CalFresh, Medi-Cal, and/or CalWORKs.
- “Designated signer” is the customer’s appointed authorized representative(s) (AR); the parent/guardian, if the applicant is a minor; or other individual(s) with legal documentation providing the authority to act on behalf of a customer under state law.
 - For Medi-Cal, please see [ACWDL 18-26E](#) and [ACWDL 20-28](#) for policies for the designation of a Medi-Cal AR and other applicable designations that may apply.
 - For CalFresh, please see [ACL No. 19-55](#), released on May 31, 2019, for policies related to the designation of an AR.
 - For CalWORKs, please see [ACL No. 16-02](#), released January 20, 2016, for policies related to ARs.
- “Release of information” or ROI refers to the process where a customer requests and authorizes a county to disclose their Personally Identifiable Information (PII) or specified case information from their county case record in accordance with applicable state and federal laws.
- “Approved Community Based Organization (CBO)” is a CBO that has been approved by a CWD for a CBO account in BenefitsCal, according to the CWD’s approval process.

BACKGROUND

BenefitsCal is an online portal the customer can use to have their application delivered to the county and maintain their public services benefits. Welfare-to-Work (WTW) and General Assistance/General Relief (GA/GR) are not included in the scope of this letter. A CBO is an organization that helps people apply for and/or manage their benefits. This includes navigating the online application process in BenefitsCal.

Approved CBOs may also use the CBO account in BenefitsCal to submit certain applications on behalf of customers, upload documents, and check application status without having to contact the CWD. This supports efficient application processing, tracking, and timely submission of requested documentation.

CDSS and DHCS, in partnership with counties and stakeholders, developed the ABCDM 229. The ABCDM 229 was created to facilitate the use of the new CBO ROI feature in BenefitsCal. This feature in BenefitsCal allows primary applicants to execute an ROI via the ABCDM 229 and allows a CBO to view authorized information within the CBO account of BenefitsCal. A primary applicant does not need a BenefitsCal account for the CBO to utilize the ROI feature to view the primary applicant's authorized case information as long as there is an approved ABCDM 229 on file.

LEGAL AUTHORITY FOR ROI UNDER CALFRESH, MEDI-CAL, AND/OR CALWORKS

State and federal laws permit customers to authorize the disclosure of their information to a third party. This process is referred to as ROI and involves completing a form, which outlines the information to be released, the purpose of the release, who is authorized to view the information, and any restrictions or limitations applicable to the disclosure and use of the information. Once approved, the ROI remains in effect until it expires or is revoked by the primary applicant or their designated signer.

Third parties, such as CBOs, designated on an approved ROI do not need a formal agreement or contract with the county or state to legally access the customer's CalFresh, Medi-Cal, and/or CalWORKs information.

Medi-Cal

Federal Medicaid law requires customer information be kept confidential and state Medicaid agencies must provide safeguards to restrict the use or disclosure of such information to purposes directly connected with the administration of the state Medicaid program. ([42 U.S.C. §1396a\(a\)\(7\)](#)).

State law requires the same protections for Medi-Cal information ([Welfare & Institutions Code §14100.2](#)). However, a customer or designated signer may provide an ROI to grant access to the customer's specified case information for the limited purpose outlined in the ROI. Customers may give a county consent to release their case record or specific case-level information to an agency, institution, or individual provider. The customer must sign and date their consent which clearly identifies the customer releasing information, the agency, institution, or individual provider to whom information is released, and the reason for sharing this information. Once consent is given, the customer has released their case record or specific case-level information.

CalFresh and CalWORKs

Under state law, non-privileged, non-confidential documents in a case record may only be inspected by the customer who is the subject of the case record ([Welfare & Institutions Code §10850.2](#)). However, a customer or designated signer may provide an ROI to grant access to the customer's specified case information for the limited purpose outlined in the ROI. Customers may give a county consent to release their case record or specific case-level information to an agency, institution, or individual provider. The customer must sign and date their consent which clearly identifies the customer releasing information and the agency, institution, or individual provider to whom information is released. Once consent is given, the customer has released their case record or specific case-level information. For guidance on maintaining customer confidentiality and privilege, please refer to ACL No. 16-02, released on January 20, 2016.

RELEASE OF INFORMATION VIA BENEFITSCAL

Primary applicants and designated signers may release information to CBOs in BenefitsCal using the ABCDM 229. This function will be integrated into BenefitsCal to streamline the ROI process. By signing the ABCDM 229, the primary applicant, or their designated signer, is authorizing a designated CBO to access their PII in BenefitsCal. The ABCDM 229 informs the primary applicant or their designated signer:

- Their confidential information may no longer be protected by federal laws and privacy regulations, and
- The CBO is prohibited from re-disclosing (sharing) the information except with the customer's written authorization, or as specifically required or permitted by law.

If the CBO violates the BenefitsCal [Terms of Use](#) or misuses the customer's information, the CBO's BenefitsCal access may be revoked by a county or CalSAWS.

Additional considerations:

- The ABCDM 229 is available electronically and in paper format.
- The ABCDM 229 is the only acceptable form for the CBO ROI in BenefitsCal and limits the release of information to BenefitsCal. No substitutes will be permitted.
- The ABCDM 229 must be retrievable in CalSAWS case images by counties.

For a CBO to access the ROI feature and view case information in BenefitsCal via an approved ABCDM 229 completed by the primary applicant they must first request a BenefitsCal CBO account. A CBO account in BenefitsCal must be approved by a county, according to the county approval process. CBOs do not need to be approved for an account by all counties. If a CBO is approved by any county, they may access BenefitsCal to assist customers in any county. Access to and approval for a CBO

account in BenefitsCal is overseen by individual counties and is not monitored by state Departments.

Once a CBO account is approved and an ROI is authorized, the ROI feature is managed by the primary applicant and is viewable by the CBO within their respective accounts in BenefitsCal. The primary applicant and CBO accounts will display active ROIs with the ability to view the data elements released for each ROI. If necessary, a CBO may contact the county of record to clarify the information authorized for release on an approved ABCDM 229. Counties may only answer questions that fall within the scope of the case information the primary applicant or their designated signer has released to the CBO in BenefitsCal and within the timeframe authorized by ABCDM 229.

If an ROI is provided outside of BenefitsCal (e.g., via [ABCDM 228](#) or [DHCS 6236](#)), the released information will not be accessible within the BenefitsCal ROI feature and the release will not be displayed in BenefitsCal. Please refer to the Additional ROI Forms for CalFresh, Medi-Cal, and/or CalWORKs section for more information.

Multiple ROIs and Intercounty Transfers

An ABCDM 229 applies to a specific county and designated CBO. A new or second ABCDM 229 is needed if the primary applicant or designated signer would like to release their information to more than one CBO or if the primary applicant moves to another county and would like to retain the CBO authority to access their information in the new county. There is no limit to the number of CBOs a primary applicant or designated signer may release information to, but a separate ABCDM 229 is required for each county and CBO combination.

Example: A primary applicant has a signed ABCDM 229 releasing case information from County X to CBO A and has a signed ABCDM 229 releasing information from County X to CBO B. If the primary applicant moves to County Y and wants to continue sharing case data elements in BenefitsCal with CBO A and B, two separately signed ABCDM 229 forms releasing information from County Y to CBO A and B are required.

Any customer who moves from one county to another county may have an ROI in both their originating and new counties with the same CBO until the original ROI expires or is revoked. This will ensure the customer will continue to receive assistance with their case during an inter-county transfer.

ABCDM 229 Form Details

For a primary applicant or designated signer to legally authorize the county to release their case information to a CBO via BenefitsCal, all required fields of the ABCDM 229 must be completed, and the form must be signed and dated. Primary applicants or designated signers completing the ABCDM 229 must indicate the county that

information is being requested from, the primary applicant's name, date of birth, and contact information, the authorized CBO's name, data elements to be released, case history, and the program(s) for which information is being released.

Customer Information

The primary applicant or designated signer must provide the following information:

- Name of the county the information is being requested from,
- Primary applicant's name,
- Mailing address (if available), and
- Phone number (if available).

CBO Information

The primary applicant or designated signer must provide the name of the CBO in which they are authorizing the county to disclose their specified case information from their county case record. For Medi-Cal, the primary applicant or designated signer can identify a specific CBO employee to receive their information. If they do not specify someone, any employee of the CBO may have access to their information.

Program Designation

The primary applicant or designated signer must specify the program(s) to release specific information for: CalFresh, Medi-Cal, and/or CalWORKs. For Medi-Cal, the primary applicant or designated signer is required to select the reason for sharing the information with the CBO.

Authorized Case Information/Data Elements available to view in BenefitsCal via ROI

Unlike traditional ROI processes, the case information authorized via ABCDM 229 and viewable in BenefitsCal is limited to specific case information/data elements. The ABCDM 229 requires the primary applicant or designated signer to select the specific case information/data elements authorized to be released to the CBO. The CBOs may only view information the primary applicant or designated signer specifies for release on an ABCDM 229 and cannot view any unauthorized information in BenefitsCal.

The specific case information/data elements that can be released to the CBO for CalFresh, Medi-Cal, and/or CalWORKs via the ABCDM 229 within BenefitsCal includes:

- Notice(s) of Action (NOAs),
- Verification Requests from Your County Worker,
- Benefit Award(s),
- Program Status – the most recent or current status and may include, but are not limited to, active, denied, discontinued, ineligible, and pending,
- Termination Reason(s), and/or

- Upcoming SAR 7 and Renewal/Redetermination Due Dates – may display recent, but not yet dispositioned SAR 7 and Renewal/Redetermination.

Note: Benefit Award(s) is not applicable to Medi-Cal.

ROI Timeframe

The ABCDM 229 requires the primary applicant or designated signer to specify how long a CBO may access their specific case information in BenefitsCal. An ROI via the ABCDM 229 is effective for a maximum of 365 days from the date of signature. However, the primary applicant or designated signer can choose to limit the release to less than 365 days, by providing a specific number of days (less than 365 days) on the ABCDM 229. The ROI period begins on the date of signature on the ABCDM 229.

Unless revoked earlier, CBO access to the information released via BenefitsCal will automatically terminate upon the date of expiration provided by the customer on the ABCDM 229 or on the 365th day, regardless of the ROI status or whether the customer's case is active.

Case History

As indicated on the form, the release of 60 days of case history applies only to the following data elements in BenefitsCal:

- Benefit Award,
- Program Status,
- Termination Reason(s),
- Upcoming SAR 7 and Renewal/Redetermination Due Dates.

Using the ABCDM 229, a primary applicant or designated signer can share 60 days of case history with the CBO, except for any previous NOAs and verification requests from the county. Historical NOAs and verification requests may not be released. Alternatively, the primary applicant or designated signer may choose not to share any case history with the CBO by checking the "no case history" box; the CBO would only be able to view present point in time data elements and not the historical data elements from the past 60 days.

NOAs and verification requests will only be available for an authorized CBO to view from the date the form is signed until its expiration, a maximum of 365 days. NOAs and verification requests for any period prior to date of signature on the form will not be available for an authorized CBO to view in BenefitsCal. These documents may contain information about customers who may no longer be part of the household and the primary applicant or designated signer no longer has the authority to release those customers' information.

There may be instances where a primary applicant or designated signer will sign an ABCDM 229 for a CBO to assist with a recently denied application or discontinued program. The CBO may be authorized to have the recent termination reasons up to 60 days prior to the date of the ABCDM 229 signature.

Date

The date the form is signed will become the effective date once the ROI is approved. For more information, refer to the Processing and Approval of ABCDM 229 Forms section below for ROI approval process.

Signature

The form must be signed by the primary applicant or designated signer. For more information, refer to the Signature Requirements for ABCDM 229 section of this letter.

SIGNATURE REQUIREMENTS FOR ABCDM 229

A valid ABCDM 229 must contain all required information and be signed by the primary applicant or designated signer appointed to act on behalf of the customer following existing policies and procedures. The signature requirements in this section apply to the ABCDM 229.

In households with more than one customer, the different signature requirements are listed below:

- In one-parent households, the primary applicant or designated signer would sign the ROI form.
- In two-parent households in which one parent is the primary applicant for all programs, that primary applicant or designated signer would sign the ROI form.
- In two-parent households in which both parents are primary applicants on different programs, each parent or their designated signer would need to complete and sign an ROI for each identified program specifying information to be released to a third-party.

Additional information on signature requirements is provided in Enclosure #2 *ROI in BenefitsCal: Access and Signature Requirements*.

Designated Signers Other than Primary Applicant/Customer

Individuals with legal documentation of authority to act on behalf of the customer or primary applicant under state law include power of attorney, guardian, and conservator. These and other individuals with legal authority may be authorized to sign an ROI form (ABCDM 229 or other ROI forms) on behalf of the customer. Appropriate legal documentation must be submitted to the county reflecting that these individuals have the authority to act on behalf of the customer under state law. At the time this letter was published, BenefitsCal does not have functionality to allow ARs or other designated

signers to complete and sign the ABCDM 229 within BenefitsCal. Instead, ARs or other designated signers should complete and submit the paper version of the ABCDM 229.

Designated Signers for Medi-Cal

Individuals with power of attorney, guardian, conservator, or other individuals with legal authority may be authorized to sign an ROI form (ABCDM 229 or other ROI forms) on behalf of the Medi-Cal customer, as noted in ACWDL 20-28.

Individuals acting as a customer's AR for the Medi-Cal program, will need to be properly appointed **before** signing any forms as outlined in ACWDL 18-26E. Properly appointed means at the point that the customer signs the AR designation. ACWDL 18-26E includes the necessary forms, notices, and policies for the designation of a Medi-Cal AR and instructions for their use.

CBOs may be authorized as a customer's AR, but without an AR designation, CBOs cannot sign an ROI form for the customer.

Designated Signers for CalFresh and/or CalWORKs

For CalFresh, an AR may be authorized to sign an ABCDM 229 if the AR designation includes the authority to release information on the household's behalf. Refer to ACL 19-55 for additional guidance regarding CalFresh ARs. For CalWORKs, ARs have limited scope of authority. They are not authorized to sign an ROI form.

For both CalFresh and CalWORKs, individuals with power of attorney, guardians, conservators, and other individuals with legal authority to do so may sign an ROI form (ABCDM 229 or other ROI forms) on behalf of the CalFresh and/or CalWORKs customer. Verification that the third party has been granted authority to apply for and/or obtain public benefits on behalf of the customer is required in accordance with ACL No. 19-55.

Signature Requirements for ABCDM 229 Completed Electronically via BenefitsCal

ABCDM 229 forms that are completed electronically in BenefitsCal through the primary applicant's account must be signed electronically in BenefitsCal. When the ABCDM 229 is submitted at the time of initial application in the BenefitsCal application flow, the ABCDM 229 must be signed separately and apart from the application itself. The ABCDM 229 will be signed and submitted after the application has been signed and submitted. Following initial application, primary applicants or designated signers must have the option to request an ROI at any time with the authorized CBO of their choice.

Currently, BenefitsCal does not support the ability for ARs or other designated signers to sign the ABCDM 229 via the primary applicant's account. Only the primary applicant can complete and sign the ABCDM 229 using their own BenefitsCal account. CBOs are prohibited from logging into a primary applicant's account directly, even with the

applicant's permission, to initiate and electronically sign the ABCDM 229 on behalf of the primary applicant, or for any other purpose.

A CBO may assist the primary applicant or designated signer with transmitting a paper ABCDM 229 signed by the primary applicant to the county electronically via the document upload functionality. The county may confirm the primary applicant's consent if clarification is needed.

Only the primary applicant may electronically sign the ABCDM 229 in BenefitsCal via the primary applicant's account. If the primary applicant is an unemancipated CalWORKs or Medi-Cal minor, their parent/guardian must sign the ABCDM 229 for it to be valid. If the primary applicant is a CalFresh minor head of household with no parent in the home, they may sign the ABCDM 229.

Signature Requirements for ABCDM 229 Completed via Paper Form

A primary applicant or their designated signer may complete and sign the paper version of the ABCDM 229. It can be submitted to the county electronically via the BenefitsCal document upload feature or via alternative means (person, by mail, fax, or other accepted methods). The county can also assist primary applicants with completing the paper ABCDM 229 by phone and utilize telephonic signatures as needed.

Medi-Cal Signature Requirements for the Paper ABCDM 229

Only the primary applicant or a designated signer to act on behalf of the customer may sign the paper ABCDM 229. When the form ABCDM 229 is completed, signed, and submitted to the county through a method other than electronically via BenefitsCal, the county must accept the signatures through any available means, including wet, telephonic, or electronic, as described in and in accordance with [ACWDL 19-17E](#) and Medi-Cal Eligibility Division Informational Letter [\(MEDIL\) I 21-38](#).

CalFresh and CalWORKs Signature Requirements for the Paper ABCDM 229

For CalFresh and CalWORKs, when the ABCDM 229 is submitted to the county outside of the BenefitsCal account, the county may accept electronic signature methods, including telephonic signature, in accordance with applicable program requirements.

SUBMISSION METHODS FOR SIGNED ABCDM 229 FORMS

The submission method of the ABCDM 229 will depend on whether it is being completed and signed electronically via BenefitsCal or on the paper form.

Electronic ABCDM 229 via BenefitsCal ROI Dashboard/Workflow

A primary applicant can complete, sign, and submit the electronic ABCDM 229 through the ROI feature at the end of the BenefitsCal application workflow. Additionally, the

primary applicant may complete the ABCDM 229 in their online BenefitsCal account at any time from their BenefitsCal dashboard.

Paper ABCDM 229 via BenefitsCal Document Upload

Both CBOs and primary applicants may submit a completed and signed paper ABCDM 229 via a document upload through BenefitsCal. A CBO may assist the primary applicant or designated signer in submitting a paper ABCDM 229 through the document upload functionality.

Paper ABCDM 229 via County

A completed and signed paper ABCDM 229 may be submitted to the county in person, by mail, fax, or other accepted methods.

PROCESSING AND APPROVALS OF ABCDM 229 FORMS

Once a completed and signed electronic or paper ABCDM 229 is submitted via BenefitsCal or directly to the county, the ABCDM 229 will be processed and its status will be reflected in BenefitsCal.

ABCDM 229 ROI Status within BenefitsCal and CalSAWS

The ROI status field within BenefitsCal and CalSAWS is used to communicate the processing status of the ABCDM 229. It will reflect whether the ROI is pending, reviewed, approved, revoked, or expired in both BenefitsCal and CalSAWS. An ROI must be approved before a CBO is granted access to view specific case-level information through the CBO BenefitsCal account.

The ROI status categories are defined as follows:

- Pending: The ROI could not be automatically approved in BenefitsCal. ROIs with a “pending” status require manual review by the county to determine if the conditions for approval are met and the review is pending.
- Reviewed: The ROI was manually reviewed by the county but does not yet meet conditions for approval or revocation.
- Approved: The ROI met the conditions for approval.
- Revoked: The primary applicant or designated signer terminated the ROI.
- Expired: The ROI has reached the expiration date. ROIs with a “Pending”, “Reviewed”, or “Approved” status will automatically update to “Expired” once the expiration date is reached.

CalSAWS Data Fields on the ROI Detail Page

Data fields entered in BenefitsCal from the ABCDM 229 will automatically populate on the ROI Detail page within CalSAWS when the ABCDM 229 is submitted through the ROI feature in BenefitsCal. ROIs submitted in paper format or by document upload in

the primary applicant or CBO BenefitsCal account must be manually entered in CalSAWS by the county on the ROI Detail page to reflect the information entered on the ABCDM 229.

Data fields include:

- County of record,
- Applicant/Recipient Name,
- Applicant/Recipient Mailing Address,
- Applicant/Recipient Phone Number,
- Program(s) for release (CalFresh, Medi-Cal, and/or CalWORKs),
- Name of CBO,
- Select the reason for sharing this information, if applicable,
- Data elements to be released,
- Length of information access,
- Length of Case history, and
- Applicant/Recipient Name, date of birth, signature, and signature date.

If manually entering information from the paper ABCDM 229, the county must enter the information from the form.

Automatic Approval of Customer Initiated ROI via BenefitsCal

ROIs submitted from the primary applicants' BenefitsCal account can be automatically approved. If the ROI form meets the conditions necessary for automatic approval, it is effective immediately, and the ROI status will be reflected in BenefitsCal as "Approved." If the ROI is submitted at the time of application or the paper ABCDM 229 is used, it will require manual processing.

The three following conditions are required for automatic approval:

1. The ROI was completed, signed, and submitted by the primary applicant from their BenefitsCal account for an existing CalSAWS case in the county of record;
2. The name and date of birth (DOB) from the ABCDM 229 matches the name and DOB in the county case; and
3. The CBO has an active account in BenefitsCal.

Once the ABCDM 229 is approved the CBO will see the customer listed on their BenefitsCal ROI Dashboard, allowing the CBO to view information designated on the ABCDM 229. As a best practice, counties are encouraged to review and confirm ROIs that were automatically approved with the primary applicant at every case contact.

Manual Processing, Review, and Approval of the ABCDM 229

Manual processing and approval of the ROI is necessary in circumstances where the ABCDM 229 was submitted electronically during the BenefitsCal application process, or a paper version was filled out and either uploaded to BenefitsCal or submitted directly to the county. Additionally, this step is necessary when the ROI is submitted electronically through the primary applicant's BenefitsCal dashboard and there is a data mismatch between the address, DOB, and/or name reported by the primary applicant on the ABCDM 229 and what is on file with the county case. If the ABCDM 229 was completed by a designated signer, the authority of the designated signer must also be validated. This process is completed by the county of record.

Any ABCDM 229 submitted electronically during the BenefitsCal application process subject to this process will automatically reflect a status of "Pending" until the county completes its review.

Manual Processing of ABCDM 229

The county is required to manually add any paper ABCDM 229 that was submitted by customers, CBOs, or designated signers using the BenefitsCal document upload or to the county. As the county is adding the ABCDM 229 information to the ROI Details page of CalSAWS, the county must proceed with its manual review of the information for completeness and accuracy before approving the ROI. The county should update the ROI status to "Pending" until the county has completed the required manual review of the form information.

If the paper ABCDM 229 was submitted for a CBO that does not have a BenefitsCal account, the county should contact the primary applicant or designated signer and inform them that the CBO listed on the ABCDM 229 is not an approved CBO. If the primary applicant or designated signer does not want to change the CBO designation, the county must update the status field on the ROI Detail page to "Reviewed". If the CBO name is unclear, such as when it could be a match to multiple CBOs, is missing, illegible, or other situations where the name cannot be identified to a single CBO, the county should contact the primary applicant to clarify and confirm the name of the CBO.

If the CBO listed does not have a BenefitsCal account, the county can inform the customer and/or the CBO of the necessary steps to obtain one. The county should also provide instructions to complete a different ROI form for the applicable program(s) to allow for a release of information outside of BenefitsCal.

If the paper ABCDM 229 was completed and signed by someone who is not the primary applicant or designated signer, the county should inform the primary applicant, and if necessary, obtain the signature through any available means, including electronic and telephonic methods. If a valid signature cannot be obtained, the county should update the status field of the ROI Detail page to "Reviewed". If the county and the customer identify that an ROI was falsified or signed fraudulently, it could be considered fraud and should be reported to any appropriate authority, including local police department or

sheriff. The primary applicant or designated signer may submit a new ROI with an approved CBO at any time.

Manual Review of Pending ABCDM 229

All ROIs with a “Pending” status must be reviewed for manual approval at the initial application or annual redetermination, whichever comes first. When a manual review is required for an electronic ABCDM 229 submitted via BenefitsCal, the county listed on the ABCDM 229 will receive a task created by CalSAWS. For Medi-Cal, when redetermination occurs through an automatic process, ROI information should be reviewed at the next case contact.

For CalFresh and CalWORKs cases, ROIs with a status of “Pending” or “Reviewed” must be reviewed no later than the SAR 7 or recertification, whichever comes first. Because Elderly Simplified Application Project (ESAP) eligible households no longer have periodic reporting requirements and are assigned to a 36-month certification period, ESAP households with an ROI in “Pending” or “Reviewed” status must be reviewed for manual approval at least every six months.

The county must review the information on the CalSAWS ROI Detail Page to ensure the following:

1. The individual who signed the ABCDM 229 is the primary applicant or designated signer of a CalFresh, Medi-Cal, and/or CalWORKs household, as appropriate and reflected on the form.
2. The data elements released by the primary applicant or designated signer to be viewed by the CBO in BenefitsCal, must match the most recently signed ABCDM 229.
3. Any data mismatches or discrepancies have been reviewed and resolved with the primary applicant or designated signer.

If there is a data mismatch in which the mailing address on the ABCDM 229 does not match the address on file, it should not prevent the ROI from being approved.

Resolving Discrepancies

If the three conditions for approval were not met, the county must contact the primary applicant and/or designated signer, confirm authorization to release the data elements listed on the form and try to resolve the discrepancies.

Any data mismatches between the address, DOB, and/or name reported by the primary applicant or designated signer on the ABCDM 229 and what is on file in the county case when the ROI is submitted will need to be reviewed by the county of record. The county should document all efforts to clarify information including the reason for delaying approval of an ROI and any action or inaction that was taken.

Data mismatch between the name or DOB on the ABCDM 229 and the county case may include scenarios in which there are transposed numbers in the DOB or shortened names such as “Jim” instead of “James.” In scenarios in which the county can reasonably determine upon review that the customer signing the ABCDM 229 is the primary applicant or designated signer of the program, the ROI may be approved without contacting the primary applicant or designated signer.

Below are other common discrepancies and the required action by counties to address them.

Mismatch	Required Action by County
Mailing address listed on the ABCDM 229 does not match what is listed in CalSAWS.	The county must review and determine if a change of address is being reported by the primary applicant and take appropriate action, if necessary.
The data elements listed in CalSAWS do not match the most recently signed ABCDM 229.	The county worker must confirm the information with the primary applicant or designated signer. If applicable, counties are required to correct ROI authorizations to reflect the consent granted by primary applicants or designated signers. Corrections may include administrative errors (e.g., typo, wrong entry, etc.) and the reason for the edits to the authorization must be documented in the CalSAWS case. A new ABCDM 229 will not be required of the primary applicant for these administrative corrections.
A data mismatch between the date of birth and/or name listed on the ABCDM 229 and the county case.	See response for “The data elements listed in CalSAWS do not match the most recently signed ABCDM 229.”

However, if the information on the ABCDM 229 is not accurate, the county will need to obtain a corrected ABCDM 229 signed by the primary applicant or designated signer, using normal county business practice. Any newly executed ABCDM 229 will automatically revoke and replace the previous ROI for the same CBO.

Updating ROI Status for the ABCDM 229 after Review

Once the county has manually reviewed the ABCDM 229, and all necessary action has been taken, the status field on the ROI Detail Page in CalSAWS can be updated

appropriately. Counties do not have the ability to reject or deny an ROI if conditions are not met.

“Approved” Status

If the three conditions required for manual approval have been met and there are no discrepancies that would prevent the approval of the ROI, the county must update the status field on the ROI Detail page to “Approved.”

“Reviewed” Status

If the county is unable to approve an ROI because one of the three conditions are not met, the county must update the status field on the ROI Detail page to “Reviewed”. Counties will change the status field on the ROI Detail page from “Pending” to “Reviewed” to identify that an ROI has been reviewed by the county but has not met the conditions to approve.

The ROI will remain in “Reviewed” or “Pending” status for up to 365 days, or earlier if the primary applicant indicated a shorter period on the ABCDM 229. At the end of the ROI period, ROIs in “Pending” or “Reviewed” status will automatically update to “Expired” status. ROIs with a “Pending/Reviewed” status must be reviewed within the timeframes described above.

In the instance where an ROI is in “Reviewed” status for a discontinued case, and the primary applicant reapplies, the county must review the ROI when processing the application.

REVOKING A RELEASE OF INFORMATION

Once an ROI is approved, it will remain in effect until it expires or is revoked. The primary applicant or their designated signer may revoke an ROI for any reason regardless of the form or system used to release the information to the third party. In BenefitsCal, CBOs do not have the ability to revoke an ROI and only primary applicants can revoke CBO access to information.

An ABCDM 229 may only be revoked by:

- The primary applicant, at any time, through their own BenefitsCal account. The revocation will be immediately reflected with a status of “Revoked” in the primary applicant’s and CBO’s account; or
- The primary applicant, or their designated signer, by contacting the county.

CBOs do not have the ability to revoke an ROI. If there is a reason an ROI should be revoked, the CBO may notify the county or the primary applicant or designated signer. Counties who receive notification from a CBO that an ROI should be revoked must confirm with the primary applicant or designated signer.

When requested by the primary applicant or their designated signer, counties must revoke an ROI in CalSAWS. Such requests must be communicated to the county in writing, include a signature, and be submitted through any acceptable submission method. Additionally, counties may use electronic signature methods, including telephonic signature, when such requests are made over the phone in accordance with applicable program requirements.

For Medi-Cal only, the county must accept the signatures through any available means, including wet, telephonic, or electronic, as described in and in accordance with ACWDL 19-17E and MEDIL I 21-38.

The revocation of the ROI will be reflected in CalSAWS and in the customer and CBO BenefitsCal accounts once the county updates the status field on the ROI Detail page to "Revoked".

If a primary applicant or designated signer would like to revoke multiple ROIs, they must specify which ROIs they would like to revoke. The primary applicant may do this by revoking those ROIs in their BenefitsCal account or by providing a revocation request to each county specifying which ROIs they would like to revoke. For example, if a primary applicant would like to revoke ROIs that exist with the same CBO in multiple counties, they would have to revoke those ROIs that exist for each county individually. This guidance is specific to the ABCDM 229 and does not apply to any other release, document, or authorization.

STATE AND/OR COUNTY CONTRACTED CBOS

Some CBOs may be contracted by DHCS, CDSS, and/or counties with a formal agreement (contract) to perform work on behalf of CDSS, DHCS, or any county to assist with the administration of CalFresh, Medi-Cal, and/or CalWORKs. However, as detailed in the Legal Authority section of this letter, a formal agreement is not required for a customer to authorize the release of information to a third-party.

The contracts, in most circumstances, must impose, at a minimum, the same restrictions and conditions that apply to the state and/or counties regarding PII, including responsibilities as it relates to security incidents and breaches. DHCS, CDSS, and counties would individually be responsible for monitoring compliance and any subsequent enforcement of any agreements individually held with any CBOs, based on current organization contracting processes.

DHCS and CDSS refer counties to their County Counsels to ensure contracts are compliant with the county's Privacy and Security Agreements executed with DHCS and CDSS and structured to limit the county's responsibilities and liabilities in these situations.

Invalid Contract or Contract Expired

In instances where the CBO no longer has a valid contract with the state or county, but a signed ABCDM 229 is on file and has not expired, the CBO is working on behalf of the customer and not the state or county. The ROI remains valid until it expires or is revoked, whichever comes first, and the CBO will continue to have access to the information until then. However, the PII is no longer protected by state and federal requirements or may no longer be subject to breach reporting responsibilities under state and federal regulations.

Disclosures Without Consent

If an ROI form is completed by the primary applicant or designated signer under a misrepresentation from a third party to obtain access to their personal information or if the ROI form was falsified, it could be considered fraud and should be reported to the applicable authority such as local police department or sheriff. There are criminal penalties for the wrongful disclosure of PII under false pretenses.

In the circumstance the third party involved in this activity was contracted by DHCS, CDSS, or a county, the situation would be handled according to the terms of the respective contract. If no contract is in place, there are no breach procedures to follow as the information is no longer subject to breach reporting responsibilities.

Refer to Enclosure #3 *Breach and Security Incident Responsibilities Chart for Release of Information (ROI) in BenefitsCal* that lists different scenarios and provides additional guidance on the responsibilities for associated cost, notification, investigation and mitigation of breaches and security incidents that may occur when a CBO is working with program PII.

ADDITIONAL ROI FORMS FOR CALFRESH, MEDI-CAL, AND/OR CALWORKS

The ABCDM 229 is exclusively used by customers to grant CBOs access to specified case information in BenefitsCal. It does not allow access to the customer's full case record and does not constitute general access to inspect a case record by a person authorized by the customer. Additionally, it does not replace the existing ROI process for authorizing the release of information outside of the BenefitsCal via other ROI forms noted below. This section outlines methods for which customers can authorize the release of their case information outside of BenefitsCal.

Applicable ROI forms for Medi-Cal

Effective May 12, 2023, counties must no longer accept an [ABCDM 228- Applicant's Authorization for Release of Information](#) for Medi-Cal customers due to non-compliance with Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements.

Until additional guidance is issued by DHCS, counties should utilize the *DHCS 6236 Authorization for Release of Protected Health Information* as an approved ROI form for Medi-Cal customers to use to consent for counties (or DHCS) to release their PII, case

record, or specific case information to third-party. The English and Spanish versions of DHCS 6236 are available on [DHCS' Privacy Forms](#) website. The use of the DHCS 6236 will replace the counties use of the ABCDM 228 for the release of Medi-Cal information outside of BenefitsCal. If ABCDM 228 for Medi-Cal is received, the county must assist the Medi-Cal customer with completing, signing, and submitting DHCS 6236 instead. The county can assist the customer with completing the DHCS 6236 by phone and utilize telephonic signatures or the customer may submit the DHCS 6236 to the county in person, by mail, fax, or other accepted methods.

The ROI authorized through the submission of the DHCS 6236 does not authorize an ROI to a CBO in BenefitsCal.

While the DHCS 6236 was not developed (or intended) for county use, if submitted counties must accept and authorize the ROI for Medi-Cal if the customer completes the fields, signs, and dates it. Any adult on the Medi-Cal case, or their designated signer, may sign the DHCS 6236 or other approved ROI form, following existing Medi-Cal signature policies. If counties receive a DHCS 6236 requesting information not included in the customer case file (claim detail reports, managed care records, etc.), counties should instruct members to submit a copy to DHCS following the instructions on the DHCS 6236 form.

Once a completed ROI form is received by the county, the county has the authority to release the case record or specific case-level information to the third party, as outlined on the ROI form. The county must document the ROI within the customer's case record and keep a copy of the approved ROI form in the customer's case file. If an incomplete DHCS 6236 or other approved ROI form is received, the county must assist the customer with completing the DHCS 6236 or other approved ROI form.

The customer may also sign and date their consent on an alternative written document which clearly identifies the customer releasing information and the agency, institution, or individual provider to whom information is released, and the reason for sharing this information. If all the required details are included, counties should accept this as a valid ROI form.

Applicable ROI Forms for CalFresh and/or CalWORKs

The Applicant's Authorization for Release of Information (ABCDM 228) form will continue to be used for the purpose of executing an ROI for CalFresh and CalWORKs. The ABCDM 228 differs from the ABCDM 229 in that the ABCDM 229 limits the information which may be released to the fields available on the form and limits the format of the released information to the BenefitsCal feature. The customer must sign and date their consent on the ABCDM 228 or an alternative written document which clearly identifies the customer releasing the information and the agency, institution, or individual provider to whom information is released. Once consent is given, the

customer has released their case record or case-level information, as specified in their ABCDM 228. The ROI authorized through the submission of the ABCDM 228 does not authorize an ROI to a CBO in BenefitsCal. For guidance pertaining to maintaining customer confidentiality and privilege, please refer to ACL No. 16-02.

COPIES AND TRANSLATIONS OF FORMS

Forms referenced in this letter are available on the [CDSS Forms/Brochures webpage](#). When CDSS completes translations of a form, they are posted on the [Translated Forms and Publications webpage](#). When made available by CDSS, forms translated into an individual's preferred language must be provided to the individual pursuant to [Manual of Policies and Procedures \(MPP\) Section 21-115.2](#). For questions on translated materials, please contact the Translation Services Section at its@dss.ca.gov. If translations are not available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the [GEN 1365-Notice of Language Services](#) and a local contact number. See [All County Letter \(ACL\) 22-56](#).

Per [MPP Section 21-115](#), the County Welfare Departments (CWDs) must ensure effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services must be provided, free of charge, to the applicant/recipient. If CDSS does not provide translations of a form, it is the county's responsibility to read and interpret the form if an applicant or recipient requests it. See [ACL 22-56](#).

Additionally, the CWDs must provide auxiliary aids and services to persons with vision, hearing, or speech disabilities, where applicable. More information regarding provisions for services to applicants and recipients who have limited English proficiency or who have disabilities can be found in [MPP Section 21-115](#) and [ACL 19-45](#).

DHCS Medi-Cal Forms

The English and Spanish versions of DHCS 6236 are available on [DHCS' Privacy Forms](#) website. As a reminder, the [GEN 1365-Notice of Language Services](#) must be provided with all Medi-Cal correspondence per [ACWDL 17-23](#). As noted in [MEDIL I 19-18](#) and [MEDIL I 21-31](#), appropriate forms must comply with the Americans with Disabilities Act (42 U.S.C 126, §§12010 et seq) and provide visually impaired Medi-Cal customers with communications in the customer's requested alternate format.

For questions related to ROI for Medi-Cal, or if we can provide further information, please email us at CountyPSA@dhcs.ca.gov.

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For questions related to ROI for CalFresh please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

For questions related to the CalWORKs program please contact CWEligibilityPolicy@dss.ca.gov.

Sincerely,

Sarah Crow
Division Chief, Medi-Cal Eligibility

Enclosure

Enclosure 1

The English and Spanish versions of this enclosure may be found at the [DHCS' Privacy Forms](#) website as form:

[Authorization for Release of Protected Health Information \(DHCS 6236\)](#)

ROI in BenefitsCal Access and Signature Requirements									
	Sign into Customer's BenefitsCal Account as Customer	Authorize ROI by Signing ABCDM 229 Digitally via BenefitsCal	Authorize ROI by Signing Paper ABCDM 229	Access ROI Feature in BenefitsCal (ability to view ROI)	Access to View Case File (Outside of BenefitsCal)	Update Case Information (Outside of BenefitsCal)	Update Case Information (In BenefitsCal)	Paper Request for ROI by Signing DHCS 6236 (MC) or ABCDM 228 (CW/CF)	* Considerations to Note
Customer	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	*Customers should only sign into their own BenefitsCal Account. *The ROI feature is only available for the primary applicant account.
Power of Attorney (POA)/ Conservator/ Guardian	Medi-Cal - No CalFresh - No CalWORKs - No*	Medi-Cal - No* CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs: May have this authority, but this functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs- Yes*	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal - No (BenefitsCal does not have this functionality for POA.) CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs - May have this authority, but this functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal: At the time this letter was published, BenefitsCal does not have functionality to allow POA, conservators, and guardians or other designated signers to complete and sign the ABCDM 229 within BenefitsCal. Instead, POA, conservators, and guardians or other designated signers should complete and submit the paper version of the ABCDM 229. Verification will need to be provided reflecting the individual has been appointed POA, conservator, or guardian ex Legal Document (ACWDL 20-28). CalFresh: Verification is needed that the third party has been granted authority to apply for and/or obtain public benefits on behalf of the customer per ACL 19-55. CalWORKs: If a POA has been specifically authorized as part of the POA agreement to have the role of the person's agent for public benefit applications, then they should have access. If they haven't been granted that authority, then they should not.
Authorized Representative (AR)	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - No* CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs: No*	Medi-Cal - Yes* CalFresh - No CalWORKs - No	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - No*	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - No*	Medi-Cal - No (BenefitsCal does not have this functionality for AR.) CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs - No, see considerations.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - No	Medi-Cal: At the time this letter was published, BenefitsCal does not have functionality to allow ARs or other designated signers to complete and sign the ABCDM 229 within BenefitsCal. Instead, ARs or other designated signers should complete and submit the paper version of the ABCDM 229. Individuals acting as a customer's AR for the Medi-Cal program, will need to be properly appointed before signing any forms as outlined in ACWDL 18-26E. Properly appointed means at the point that the customer signs the AR designation. CalFresh: If the AR designation includes these specific roles and responsibilities. CalWORKs: Not at this time. However, as previously noted, ARs in CalWORKs have a limited scope of authority. Additionally, ARs also have access to inspect the client's records if the client provides written authorization per ACL 16-02.
Authorized Community Based Organization (CBO) *Authorized per policy	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - No* CalFresh - No* CalWORKs - No	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes* CalFresh - Yes CalWORKs - Yes*	Medi-Cal - Yes* CalFresh - Yes CalWORKs - Yes*	Medi-Cal - No (Current policy does not allow for CBOs to update case information independently.) CalFresh - No CalWORKs - No	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal: CBOs cannot sign the ROI digitally in BenefitsCal. However, CBOs may submit an ROI signed by the primary applicant or their designated signer by uploading the form via BenefitsCal on behalf of the customer. CBOs can also submit a DHCS 6236 signed by the customer or their designated signer to view the case file outside of BenefitsCal. Once the signed DHCS 6236 is received, the CWD has the authority to release the case record or specific case-level information to the third-party, as outlined on the form (ACWDL 23-10). CalFresh: CBOs cannot sign the ROI digitally in BenefitsCal using the ROI flow. CBOs may submit an ROI signed by the customer or their designated signer by uploading the form via BenefitsCal. The ABCDM 228 can be signed by the customer or their designated signer to view the case file outside of BenefitsCal. CalWORKs: CBOs cannot sign the ROI digitally in BenefitsCal using the ROI flow. CBOs may submit an ROI signed by the customer or their designated signer by uploading the form via BenefitsCal. The ABCDM 228 can be signed by the customer or their designated signer to view the case file outside of BenefitsCal.
Authorized CBO who is also designated as AR (1 Individual is Both)	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - No* CalFresh - ARs may have this authority, but this functionality does not currently exist. CalWORKs: see comment*	Medi-Cal - Yes* (Only as an AR) CalFresh - Yes* (Only as an AR) CalWORKs - No	Medi-Cal - Yes CalFresh - Yes CalWORKs - Yes	Medi-Cal - Yes CalFresh - See considerations* CalWORKs - See comments*	Medi-Cal - Yes* CalFresh - See considerations* CalWORKs - see previous comments	Medi-Cal - No (BenefitsCal does not have this functionality for ARs or CBOs.) CalFresh - See considerations* This functionality does not currently exist. CalWORKs - See considerations* This functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - No	Medi-Cal: CBOs and ARs cannot sign the ROI digitally in BenefitsCal. However, CBOs may submit an ROI signed by the primary applicant or their designated signer by uploading the form via BenefitsCal on behalf of the customer. Individuals acting as a customer's AR for the Medi-Cal program, will need to be properly appointed before signing any forms as outlined in ACWDL 18-26E. Properly appointed means at the point that the customer signs the AR designation. Without an AR designation, CBOs cannot sign the ABCDM 229 for the customer. CalFresh: Only individuals may be appointed AR under 7 CFR § 273.2(n)(4). An individual who is an employee of or otherwise associated with a CBO, may be an AR. They may take action if their AR designation includes these specific roles and responsibilities. CalWORKs: CBOs may also provide AR services to CW customers. For CW, an individual may appoint their AR who is also part of a CBO to be their chosen CBO but that person would be acting as their appointed CBO, NOT their AR (see previous comments about AR roles in CalWORKs).
POA/AR (1 Individual is Both)	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - No* CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs - May have this authority, but this functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes, for POAs we align with CalFresh response. No for ARs.	Medi-Cal-No CalFresh - No CalWORKs - No	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal - Yes* CalFresh - Yes CalWORKs - Yes but only as a POA holder (see AR caveats)	Medi-Cal - No (BenefitsCal does not have this functionality for ARs or CBOs.) CalFresh - See considerations* This functionality does not currently exist. CalWORKs - See considerations* This functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes (only as a POA holder)*	Medi-Cal: At the time this letter was published, BenefitsCal does not have functionality to allow POA or AR's to complete and sign the ABCDM 229 within BenefitsCal. Instead, POA or AR's should complete and submit the paper version of the ABCDM 229. Verification will need to be provided reflecting the individual has been appointed POA ex Legal Document (ACWDL 20-28). Or, documentation needed reflecting the individual has been appointed as AR. Individuals acting as a customer's AR for the Medi-Cal program, will need to be properly appointed before signing any forms as outlined in ACWDL 18-26E. Properly appointed means at the point that the customer signs the AR designation. CalFresh: For POA - verification is needed that the third party has been granted authority to apply for and/or obtain public benefits on behalf of the customer per ACL 19-55. For AR - if the AR designation includes these specific roles and responsibilities. CalWORKs: If a POA has been specifically authorized as part of the POA agreement to have the role of the person's agent for public benefit applications, then they should have access. If they haven't been granted that authority, then they should not. ARs do not have this authority unless they have a POA authorizing this role. In that case they should be treated as a POA not an AR.
POA and Separate AR	Medi-Cal - No CalFresh - No CalWORKs - No	Medi-Cal - No* CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs - May have this authority, but this functionality does not currently exist.	Medi-Cal - Yes* (Both can sign) CalFresh - Yes* CalWORKs - No*	Medi-Cal No (access is limited to authorized CBO accounts only) CalFresh - No CalWORKs - No	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes*	Medi-Cal - Yes* CalFresh - Yes CalWORKs - Yes*	Medi-Cal - No (BenefitsCal does not have this functionality for POA or ARs.) CalFresh - May have this authority, but this functionality does not currently exist. CalWORKs - May have this authority, but this functionality does not currently exist.	Medi-Cal - Yes* CalFresh - Yes* CalWORKs - Yes (only the POA, NOT the AR)*	Medi-Cal: At the time this letter was published, BenefitsCal does not have functionality to allow POA, conservators, and guardians or other designated signers to complete and sign the ABCDM 229 within BenefitsCal. Instead, ARs or other designated signers should complete and submit the paper version of the ABCDM 229. Verification will need to be provided reflecting the individual has been appointed POA ex Legal Document (ACWDL 20-28). Or, documentation needed reflecting the individual has been appointed as AR. Individuals acting as a customer's AR for the Medi-Cal program, will need to be properly appointed before signing any forms as outlined in ACWDL 18-26E. Properly appointed means at the point that the customer signs the AR designation. CalFresh: For POA, verification is needed that the third party has been granted authority to apply for and/or obtain public benefits on behalf of the customer per ACL 19-55. For AR, if the AR designation includes these specific roles and responsibilities. CalWORKs: If a POA has been specifically authorized as part of the POA type or agreement to have the role of the person's agent for public benefit applications, then they should have access and the ability to inspect records. If they haven't been granted that authority, then they should not. ARs do not have this authority unless they have a POA authorizing this role. In that case they should be treated as a POA not an AR.

Breach and Security Incident Responsibilities Chart for Release of Information (ROI) in BenefitsCal

Considerations:

- An agreement/contract is not legally required for counties/ DHCS/CDSS to operationalize a release of information once the customer has signed a ROI form (in this case the ABCDM 229) to grant permission to release their information to a CBOs/third party.
- By having a signed ABCDM 229 on file, the customer authorizes a regular third party to have access to their PII/PHI via BenefitsCal. The PII/PHI in possession by the third party is not protected by state/federal requirements and is not subject to breach reporting responsibilities under state/federal regulations.
- ABCDM 229 is county/CBO specific and a new form is needed if the customer moves to another county and would like to retain the CBOs authority to access their information.
- Any CBO who is contracted with the State and/or county would adhere to the requirements of their agreements/contracts for reporting and subsequent activities associated with an incident/breach. If there is no contract in place with the CBO and the State or counties, there are no breach procedures to follow or comply with.
- Counties could only be responsible for notification and investigation responsibilities and the cost of such for breaches and security incidents involving their agents, subcontractors, and vendors. If these responsibilities are appropriately passed down to the CBO via the contract, the CBO can be held responsible solely, or in part, instead. DHCS/CDSS defers counties to their County Counsels to ensure their contracts are compliant with the PSA/applicable regulations and are structured in a manner that limits their responsibilities in these instances.
- "State:" implies the same response for Medi-Cal, CalFresh, and CalWORKs.

Acronym List:

- PII – Personally Identifiable Information
- PHI – Protected Health Information
- PSA – Privacy and Security Agreement
- CBO – Community Based Organization
- CSIR – Confidentiality and Information Security Requirements
- ROI – Release of Information

	Responsible for notification and investigation of breaches and security incidents that occur via the CBO/third party:	Responsible for all costs of such notifications as well as any costs associated with the breach that occur via the CBO/third party:	Note:
Community-Based Organization (CBO) or other third party with no contract with State or County	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: Not applicable, as the information would not be subject to breach reporting responsibilities, including any costs associated with the breach.	State: <u>The county would not be responsible for any breach responsibilities that occur via the CBO/third party.</u> • By having a signed ABCDM 229 on file, the customer authorizes a regular third party to have access to their PII/PHI via BenefitsCal, that PII/PHI is <u>no</u> longer protected by state/federal requirements and is <u>not</u> subject to breach reporting responsibilities under state/federal regulations. <u>Regardless of a contract being executed, once the information is released through an ROI, it is the CBOs responsibility to safeguard the information.</u>
CBO in contract with State-doing work <u>on behalf of</u> DHCS or CDSS per terms of contract	DHCS/Medi-Cal: The terms of DHCS' contract outlines the applicable state/federal regulations for PII/PHI, action to be taken by the CBO/DHCS in instances of a PII/PHI breach/incident. Contract language typically provides: <u>if the breach is solely attributable to the CBO, its agents, subcontractors, or vendors, the CBO will be held responsible for notification and investigation of breaches and security incidents.</u> CDSS/CalFresh: Exhibit E of the Confidentiality and Information Security Requirements in the contract with the CBO governs the responsibilities of the CBO for PII/PHI: Contractor shall notify the CDSS Program Contract Manager and the CDSS Information Security and Privacy Officer of an Information Security Incident and/or Breach as expeditiously as practicable and without unreasonable delay, taking into account the time necessary to allow Contractor to determine the scope of the Information Security Incident and/or Breach, but no later than three (3) calendar days after the discovery of an Information Security Incident and/or Breach. Notification is to be made by telephone call and email. CDSS/CalWORKs: [Same response from CalFresh]	DHCS/Medi-Cal: The terms of DHCS' contract outlines the responsibility for all costs of notifications and any costs associated with the breach. Contract language typically provides: <u>if the breach is solely attributable to the CBO, its agents, subcontractors, or vendors, the CBO will be held responsible for all costs of required notifications as well as any costs associated with the breach.</u> Similar language puts the responsibility on DHCS if the breach is attributable to DHCS and not the CBO. CDSS/CalFresh: Exhibit E of the Confidentiality and Information Security Requirements in the contract with the CBO governs the responsibilities of the CBO for PII/PHI: Per SAM Section 5305.8, Contractor shall be responsible for all direct and reasonable costs incurred by CDSS due to Information Security Incidents and/or Breaches of CDSS confidential, sensitive and private information as defined in the CISR, resulting from Contractor's failure to perform or from negligent acts of its personnel, and resulting in the unauthorized disclosure, release, access, review, or destruction; or loss, theft or misuse of an information asset. These costs include, but are not limited to, notice and credit monitoring for twelve (12) months for impacted individuals, CDSS staff time, material costs, postage, media announcements, and other identifiable costs associated with the Information Security Incident, Breach and/or loss of data. CDSS/CalWORKs: [Same response from CalFresh]	State: <u>The county would not be responsible for any breach responsibilities that occur via the CBO/third party.</u>

Breach and Security Incident Responsibilities Chart for Release of Information (ROI) in BenefitsCal

	Responsible for notification and investigation of breaches and security incidents that occur via the CBO/third party:	Responsible for all costs of such notifications as well as any costs associated with the breach that occur via the CBO/third party:	Note:
CBO in contract with State- doing work <i>outside</i> of terms of contract with DHCS or CDSS	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: Not applicable, as the information would not be subject to breach reporting responsibilities or any costs associated with the breach.	State: <u>The county would not be responsible for any breach responsibilities that occur via the CBO/third party.</u> By having a signed ABCDM 229 on file, the customer authorizes a regular third party to have access to their PII/PHI via BenefitsCal, that PII/PHI is <u>no</u> longer protected by state/federal requirements and is <u>not</u> subject to breach reporting responsibilities under state/federal regulations. <u>Regardless of a contract being executed, once the information is released through an ROI, it is the CBOs responsibility to safeguard the information.</u>
CBO in contract with the County- Doing work <i>on behalf</i> of the county per terms of contract with the county	DHCS/Medi-Cal: The county would be required to fulfill their own breach reporting responsibilities under the Medi-Cal Privacy and Security (PSA) if applicable. The CBOs responsibility for breach reporting and associated costs would be dependent on the terms of the agreement between the county and CBO. CDSS/CalFresh: [Same response from DHCS/Medi-Cal, above, with modification to the CDSS version of the PSA.] The county would be required to fulfill their own breach reporting responsibilities under the CDSS Privacy and Security (PSA) if applicable. The CBOs responsibility for breach reporting and associated costs would be dependent on the terms of the agreement between the county and CBO. CDSS/CalWORKs: [Same response as CalFresh]	State: The county would be required to fulfill their own breach reporting responsibilities under the PSA if applicable. The CBOs responsibility for breach reporting and associated costs would be dependent on the terms of the agreement between the county and CBO.	DHCS/Medi-Cal: The PSA requires counties to enter into written agreements with contractor/vendor/agent accessing Medi-Cal personally Identifiable Information (PII) and impose, at a minimum, the same restrictions and conditions that apply to the counties regarding Medi-Cal PII, including those for security incidents and breaches. In other words, counties shall pass down the PSA requirements to any contractors/vendor/agent they share Medi-Cal PII with and to ensure the data privacy and security provisions are in place to protect the Medi-Cal PII, including responsibilities for notification and investigation of breaches and security incidents (ACWDL 19-16). <u>If these responsibilities are appropriately passed down to the CBO via the contract, the CBO can be held responsible solely, or in part.</u> DHCS defers counties to their County Counsels to ensure their contracts are compliant with the PSA/applicable regulations and are structured in a manner that limits their responsibilities in these instances. CDSS/CalFresh: [Same response from DHCS/Medi-Cal, above with modifications to refer to the CDSS version of the PSA] The CDSS PSA requires counties to enter into written agreements with contractor/vendor/agent accessing Personally Identifiable Information (PII) and impose, at a minimum, the same restrictions and conditions that apply to the counties regarding PII, including those for security incidents and breaches. In other words, counties shall pass down the PSA requirements to any contractors/vendor/agent they share PII with and to ensure the data privacy and security provisions are in place to protect the PII, including responsibilities for notification and investigation of breaches and security incidents (ACL 19-56 and ACL 19-56E). <u>If these responsibilities are appropriately passed down to the CBO via the contract, the CBO can be held responsible solely, or in part.</u> CDSS defers counties to their County Counsels to ensure their contracts are compliant with the PSA/applicable regulations and are structured in a manner that limits their responsibilities in these instances. CDSS/CalWORKs: [Same response as CalFresh]
CBO with Contract with the county- doing work <i>outside</i> of terms of contract with the county	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: If the county is contracted with the CBO, their liability would be based on the terms of the contract. <u>If the CBO is doing work outside of the terms of the contract but has a signed ABCDM 229 then the CBO is working on behalf of the applicant(s)/Individual(s) and not the County.</u> By having a signed ABCDM 229 on file, the customer authorizes a regular third party to have access to their PII/PHI via BenefitsCal, that PII/PHI is <u>no</u> longer protected by state/federal requirements and is <u>not</u> subject to breach reporting responsibilities under state/federal regulations. DHCS/CDSS defers counties to their County Counsels to ensure their contracts are compliant with the PSA/applicable regulations and are structured in a manner that limits their responsibilities in these instances.
CBO with Contract with county A- doing work outside of terms of contract with customer now residing in county B	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: Not applicable, as the information would not be subject to breach reporting responsibilities.	State: If the customer moves to another county and would like to retain the CBOs authority to access their information the customer will need to submit a new ABCDM 229. Neither county A or B would be responsible for any breach responsibilities that occur via the CBO/third party. <u>If the CBO is doing work outside of the terms of the contract but has a signed ABCDM 229 then the CBO is working on behalf of the applicant(s)/Individual(s) and not the County.</u> By having a signed ABCDM 229 on file, the customer authorizes a regular third party to have access to their PII/PHI via BenefitsCal, that PII/PHI is no longer protected by state/federal requirements and is not subject to breach reporting responsibilities under state/federal regulations. Regardless of a contract being executed, once the information is released through an ROI, it is the CBOs responsibility to safeguard the information.