



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



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July 3, 2002

GRAY DAVIS
Governor

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 268

TO: All Holders of the Medi-Cal Eligibility Procedures Manual

ARTICLE 8E - QUESTIONS AND ANSWERS REGARDING RESPONSIBLE
RELATIVES

Enclosed are updated pages and new questions and answers that counties have asked about responsible relatives. The changes and additions are marked with a black line in the right hand margin.

Filing Instructions:

Remove Pages:

Article 8
Entire Article 8E

Insert Pages:

Article 8
Pages 8E 1 through 3

If you have any questions, please contact Ms. Margie Buzdas of my staff at (916) 657-0726.

Sincerely,

Original signed by

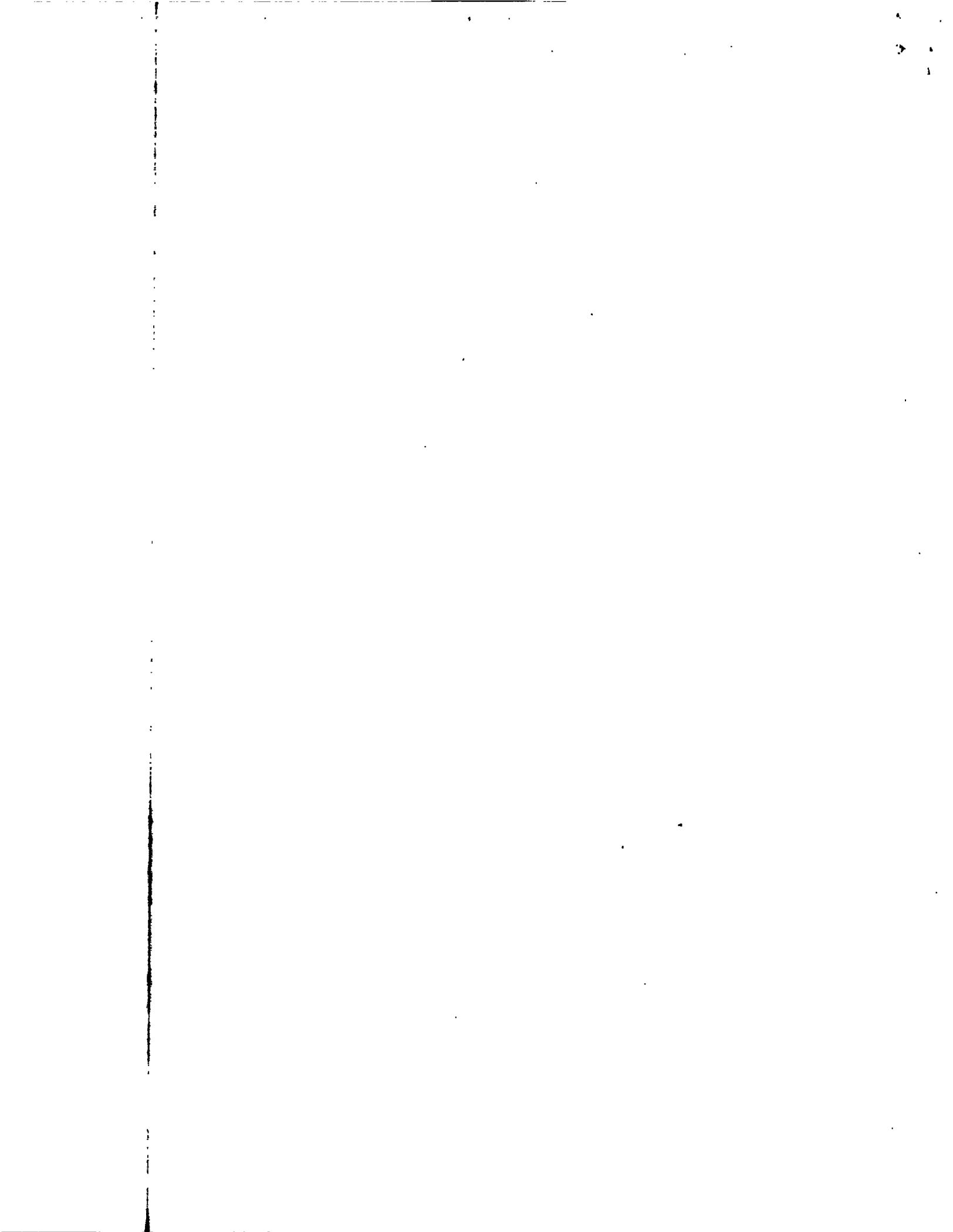
Richard Brantingham
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Enclosures



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MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

8E -- QUESTIONS AND ANSWERS REGARDING RESPONSIBLE RELATIVES

Question No. 1: Is a legally separated couple living in the same home in the same MFBU?

Answer No. 1: Yes. Couples who are legally separated continue to remain married under California law. If a legally separated couple is living together in the same home which contains common facilities (i.e., eating, bathing, etc.), the couple would be in the same MFBU per Section 50351 and 50373. If the couple is divorced and living together, they are treated as unmarried parents if they have any children in the home.

Question No. 2: If an emancipated 19-year-old child living with his/her parents is self-supporting and not claimed by his/her parents as a tax dependent, is he/she in the same MFBU with the parents?

Answer No. 2: Yes. The use of the term "emancipation" has no bearing on any Medi-Cal determination. Any unmarried or married 19 to 21 year old "child" living with his/her senior parents is in the MFBU with the senior parents and any siblings whether or not he/she is a tax dependent. He/she is an ineligible member of the Section 1931(b) program since he/she is over the age limit for that program. He/she may be eligible for the Medically Needy (MN) or Medically Indigent (MI) programs until age 21. If he/she has a deprived child of his/her own, he/she may be eligible for Section 1931(b) as an adult with his spouse or second parent if applicable, and the senior parents are not in the MFBU. See the Medi-Cal Procedures Manual, Article 8 G for more information.

Question No. 3: Can a grandmother of a child living in her home be linked to Medi-Cal if the parent of the child is also living in the home?

Answer No. 3: The Section 1931(b) program allows a caretaker relative or senior parent who has care and control of an adult parent's child to be aided regardless of whether or not the parent lives in the home. The MN, MI, and Percent programs do not allow the caretaker to be aided if the parent is in the home unless the parent is a minor. In this case, the caretaker may be linked to the minor parent, but is not responsible for the minor parent's child. See Article's 8D and 8G for more information. NOTE: A parent who is only temporarily visiting the home is not considered living in the home.

Question No. 4: Must an unmarried father of an unborn who lives in the home with the mother of his unborn be included in the MFBU if he does not wish to be aided?

Answer No. 4 : No. If the father has no other children living in the home who are requesting Medi-Cal, he does not have to be included in the MFBU with the mother and his unborn until the child is age one. Because the implementation of Sneede v. Kizer would require that the unmarried parents be in separate MBUs if there were a share of cost or excess property and because the father's income and property would not affect the child under age one (Continued Eligibility), the father may opt out. However, if the father is unemployed or incapacitated and the mother wishes to be aided past the 60 day postpartum period and has no other basis for deprivation, the father may be included in the MFBU.

Question No. 5: A pregnant mother receiving Supplemental Security Income (SSI) payments is living in the home with the unborn's father and their mutual two year old. The father and the two year old apply for Medi-Cal. What is the MFBU composition?

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Answer No. 5 : The father, the unborn, and the two year old are in the same MFBU. The mother is not included because she is receiving public assistance (Section 50373). Note: when the pregnant mother is receiving cash benefits, the unborn is in the same MFBU with the father.

Question No. 6: If an Aid to Families With Dependent Children Foster Care (AFDC-FC) or county foster care child is living with a caretaker relative, may that relative be linked for Medi-Cal benefits?

Answer No. 6 : Yes. The AFDC program as it existed on July 16, 1996, allowed caretaker relatives of children receiving foster care grants benefits to receive AFDC and automatic Medi-Cal; therefore, a caretaker relative of these children may also apply for Medi-Cal-only benefits, if otherwise eligible. This would be similar to parents or caretaker relatives that are linked to children who receive Public Assistance (PA), e.g., AFDC or SSI. NOTE: Children who are receiving PA are not in the MFBU with the caretaker relative.

Question No. 7: If the stepparent refuses to cooperate or does not wish to be aided, can the separate child of the spouse receive Medi-Cal?

Answer No. 7 : Yes. Sneede v. Kizer procedures changed Section 50375. The mother would be an ineligible member in the MFBU with her child regardless of whether the stepparent requests aid or fails to cooperate. If the mother, mutual children, or his separate children wish to be aided, the father is required to be in the MFBU.

Question No. 8: If a child is receiving SSI/SSP or CalWORKs, may the parents be linked? If so, what is the MFBU composition?

Answer No. 8: Yes. The parents are alone in the same MFBU.

Question No 9: What is the MFBU composition when a household contains both parents and a stepparent or married and unmarried parents with mutual and separate children? Example: Mother, her husband, her boyfriend, with mutual and separate children of both men living in the same home.

Answer No. 9: Combine the household in one MFBU. If the family is over the income/property limits or has a share of cost, Sneede rules apply.

Question No. 10: Can a senior mother living in the home with her daughter and the daughter's baby be linked to her 19 year old daughter if the daughter and her baby receive CalWORKs or Section 1931(b)?

Answer No. 10: Yes. The senior mother is eligible for the MN program if her 19 year old daughter is receiving CalWORKs or Section 1931(b) and is deprived because the MN program defines a child as a person under 21. The senior mother would be in her own MFBU. Care and control is not an issue for the MN program if the "children" are under age 21 and living with the senior parent.

Question No. 11: A mother living in the home with only one child who is disabled, age 18 and not enrolled in school requests Medi-Cal. May she use this child for linkage?

Answer No. 11: No. This child is defined in Section 50014 as an adult.

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Question No. 12: A couple has started adoption proceeding for an unrelated child with whom they are living. May this couple apply for Medi-Cal using the child for linkage?

Answer No. 12: No, not until the adoption is final.

Question No. 13: If two persons of the same sex who live together register as domestic partners, would they be financially responsible for each other if one or both apply for Medi-Cal?

Answer No. 13: No. Domestic partners are not financially responsible for each other except for any income that they may contribute to the household in excess of their share of the expenses.

Question No. 14: If a child between 18 and 21 who is away at college and claimed as a tax dependent is considered a child for the MN/MI programs and in the MFBU with his/her parents, may the parents use him/her for linkage if he is deprived?

Answer No. 14: Yes.

Question No. 15: If a deprived child age 19 who is claimed as a tax dependent by his/her parents is living out of state and does not plan to return, may the parents use him/her for linkage?

Answer No. 15: No. This child is not considered to be temporarily absent from the home. More information about absence can be reviewed in the Medi-Cal Eligibility Procedures Manual Article 1B entitled "Persons Living in the Home" and Article 5C "Deprivation."

Question No. 16: What are the consequences of excluding a child from the MFBU?

Answer No. 16: Although a parent may allocate some of his/her income to the excluded child, the family size is reduced which affects the income/property limits for the family. Since Sneed rules would apply if the child has income/property, it may be more beneficial to not exclude the child unless there are other issues involved such as not wanting to pursue medical support. NOTE: Counties must inform parents about the consequences of excluding a child.

Question No. 17: If a relative of a child had his/her marriage annulled, may the former spouse of the relative be considered a caretaker relative?

Answer No. 17: No. An annulment means that the marriage was invalid and did not exist.

Question No. 18: Is a stepparent with no deprived child of his/her own, potentially eligible for Medi-Cal?

Answer No. 18: A stepparent with no deprived children living in the home may be an essential person for the Section 1931(b) program; however, he may not be aided in the MN program unless his/her spouse is incapacitated. See the Medi-Cal Eligibility Procedures Manual 5C, 5S and 8G for more information.

