

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
(916) 445-1912



April 26, 1982

To: All County Welfare Directors

Letter No. 82-21

REGULATION AND AID CODE CHANGES AFFECTING CHILDREN RELINQUISHED FOR ADOPTION
OR IN FOSTER CARE

Attached is a copy of regulations which were filed and became effective March 24, 1982. A brief description of the changes along with instructions for implementation appears below.

These regulations implement AB 2749 (Chapter 1166, Statutes of 1980) which changes the basic criteria for AFDC eligibility based on placement in foster care or relinquishment for adoption. The new criteria for AFDC eligibility based on placement in foster care or relinquishment for adoption established in AB 2749 are much more extensive than the former requirements. It is not necessary for the Medi-Cal program to use the same eligibility criteria for children in foster care or relinquished for adoption.

Federal Medicaid regulations specify that the State may provide Medicaid benefits to children who are not living with a relative under a special categorically needy group. The regulations identifying this group do not require that these children meet all the AFDC criteria. Under this category, we currently cover all children living in out-of-home care or with non-relatives who did not meet all of the current AFDC linkage criteria. Eliminating the requirement that children in foster care or relinquished for adoption meet all the AFDC linkage criteria will make our treatment of these children consistent with our treatment of other children living away from their parent's home. It will also eliminate unneeded administrative time and cost and make the eligibility determination for these children much easier and cleaner. These children will therefore, now be provided Medi-Cal coverage as Medically Indigent children rather than as AFDC linked Medically Needy persons. The new regulations thus specify that:

1. Children in foster care, and children who have been relinquished for adoption who do not want a cash grant or are not eligible for one, do not have to meet all the AFDC cash grant eligibility criteria before they can get Medi-Cal coverage to which they are entitled.
2. Linkage to AFDC based on relinquishment for adoption or placement in foster care is eliminated.
3. The definition of Medically Indigent includes all children not eligible as AFDC-MN because they are not living with a relative.

With this change in regulations, the children will be eligible for Medi-Cal as Medically Indigent children, rather than as AFDC-MN. The appropriate aid code is 82 or 83, instead of 44 or 47. Impact on county costs should be

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negligible. Conversion of the cases using the new aid code should be done at the annual redetermination.

If you have any questions, please contact your Medi-Cal program consultant.

Sincerely,

Original signed by

Madalyn M. Martinez, Chief
Medi-Cal Eligibility Branch

Attachment

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: May 31, 1983

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

(1) Amend Section 50205 to read:

50205. Linkage to AFDC.

(a) Linkage to AFDC exists if a child is living with a relative and deprived of parental support or care, ~~providing the conditions of (b) are met.~~ Deprivation shall be established if all conditions of any one of the following sections are met at any time during the month:

~~(1) Deprivation - Relinquishment for Adoption, Section 50207.~~

(2) (1) Deprivation - Deceased Parent, Section 50209.

(3) (2) Deprivation - Physical or Mental Incapacity of a Parent, Section 50211.

(4) (3) Deprivation - Absent Parent, Section 50213.

(5) (4) Deprivation - Unemployed Parent, Section 50215.

~~(b) A child deprived under (a) (2) through (5) shall be either of the following:~~

~~(1) Living with a relative.~~

~~(2) Placed in foster care in accordance with Section 50216.5~~

(a)

(b) A child who is linked under more than one of the sections listed in (a) shall have eligibility determined on the basis of the section listed first except that (a) (3) (2) shall not be used if there is absent parent deprivation and the parent in the home does not have a spouse in the home.

(c) All family members living in the home, except those children excluded from the MFBU in accordance with Section 50381, shall be considered in determining whether linkage to AFDC exists.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11385.1)

NOTE: Authority cited: Sections 10725 & 14124.5, Welfare and Institutions Code.
Reference: Sections 14005.4, 14005.7, 14051 & 14052, Welfare and Institutions Code.

(2) Repeal Section 50207.

NOTE: Authority cited: Sections 10725, 14124.5, Welfare and Institutions Code.
Reference: Sections 14005.4, 14005.7, 14051, 14052, Welfare and Institutions Code.

(3) Repeal Section 50216.5.

NOTE: Authority cited: Sections 10725 & 14124.5, Welfare and Institutions Code.
Reference: Sections 14005.4, 14005.7, 14051 & 14052, Welfare and Institutions Code.

(4) Amend Section 50251 (a),(b) and (c) to read:

(a) A person's eligibility shall be determined under the Medically Indigent program if that person is under 65 years of age and any of the following:

(1) A person who cannot meet the eligibility requirements as a PA or Other PA recipient, an MN person, or an MN family member.

(2) A person who is not an MN family member because of the exclusion of a child from the MFBU.

(3) A child who is not living with a parent or relative and for whom a public agency is assuming financial responsibility in whole or in part.

(4) A child receiving assistance under Aid for Adoption of Children.

(5) A child who is not eligible as an AFDC MN person because the child is not living with a relative.

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 (Pursuant to Government Code Section 11350.1)

~~(5)~~(6) A person under 21 years of age who can qualify as an MN blind or disabled person but chooses to apply as an MI person. The choice may be made by a person acting on behalf of the person under 21 years of age.

~~(6)~~(7) Not yet determined eligible for Medi-Cal as a PA or Other PA recipient or as an MN person because of a pending application based on blindness or disability and blindness or disability has not yet been determined.

(b) In order to be eligible under this program, the persons listed in (a)(1), (2), (5), (6) and ~~(6)~~(7) shall meet the property, citizenship, residence, institutional status and cooperation requirements specified in these regulations.

(c) In order to be certified and receive a Medi-Cal card under this program, the persons listed in (a)(1), (2), (5), (6) and ~~(6)~~(7) shall be determined eligible and meet the income and share of cost requirements specified in these regulations.

NOTE: Authority cited: Sections 10725 & 14124.5, Welfare and Institutions Code.
 Reference: Sections 14005.4 & 14052, Welfare and Institutions Code.

COST STATEMENT:

There are no added costs or savings to local, state, or Federal governments or to small businesses.

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