

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
 P.O. BOX 942732
 SACRAMENTO, CA 94234-7320



December 21, 1992

MEDI-CAL ELIGIBILITY MANUAL LETTER NO. 106

To: Holders of the Medi-Cal Eligibility Manual
 All County Welfare Directors
 All County Administrative Officers
 All County Medi-Cal Program Specialists/Liaisons

Enclosed are revision to the procedures portion of the Medi-Cal Eligibility Manual.

The description given below identifies the reason for each revision or addition to the procedure section. (ACWD) Letters 87-13 and 90-55 may be discarded.

Procedure Revision

1. Article 1B

Description

Persons Living in the Home -
 added to provide a detailed
 description of this definition.

Filing InstructionsRemove Pages

Procedural Table of Contents

PTG-1 - PTC 2

Article 1 Table of Contents

Insert Pages

Procedural Table of Contents

PTC-1 - PTC-2

Article 1 Table of Contents
 1B-1 - 1B-5

If you have any questions concerning a specific revision, please contact Marge Buzdas of my staff at (916) 657-0726.

Sincerely,

Original signed by

Frank S. Martucci, Chief
 Medi-Cal Eligibility Branch

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

PROCEDURAL MANUAL TABLE OF CONTENTS

CHAPTER 1 -- INTRODUCTION

- i -- MEDI-CAL
- ii -- DEPARTMENT OF HEALTH SERVICES RESPONSIBILITY
- iii -- COUNTY CODES
- iv -- MEANING OF TITLES UNDER THE SOCIAL SECURITY ACT

CHAPTER 2 -- PROCEDURES

Article 1 -- DEFINITIONS, ABBREVIATIONS, AND PROGRAM TERMS

- 1A -- COMMON-LAW MARRIAGE
- 1B -- PERSONS LIVING IN THE HOME

Article 2 -- ADMINISTRATION

- 2A -- MEDI-CAL QUALITY CONTROL (QC) PROCESS DESCRIPTION
- 2B -- FEDERALLY ELIGIBLE MEDI-CAL-ONLY CATEGORIES SUBJECT TO ELIGIBILITY QUALITY CONTROL REVIEW
- 2C -- MEDI-CAL ELIGIBILITY QUALITY CONTROL (QC) REPORT OF ERRORS
- 2D -- REQUIRED STATISTICAL REPORTING - MC 237
- 2E -- ETHNIC ORIGIN/PRIMARY LANGUAGE DATA COLLECTION
- 2F -- REFUGEE AND ENTRANT IDENTIFICATION AND REPORTING REQUIREMENTS
- 2G -- CASE RECORD RETENTION
- 2H -- CONFIDENTIALITY OF MEDI-CAL CASE RECORDS

Article 3 -- COUNTY OF RESPONSIBILITY

- 3A -- SUMMARY: COUNTY OF RESPONSIBILITY

Article 4 -- APPLICATION PROCESS

- 4A -- COUNTY PROCEDURES -- DISABILITY DETERMINATION REFERRALS
- 4B -- COUNTY PROCEDURES -- DED REFERRALS FOR DISABILITY FORMER SSI/SSP RECIPIENTS
- 4C -- COUNTY PROCEDURES -- PRESUMPTIVE DISABILITY

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- 4D -- GUIDELINES FOR DISABILITY INTERVIEWS AND ELIGIBILITY WORKER OBSERVATIONS
- 4E -- DISABILITY EVALUATION DIVISION PROCEDURES FOR TITLE XIX DISABILITY DETERMINATIONS
- 4F -- COUNTY PROCEDURES FOR DISABILITY REEXAMINATIONS, REEVALUATIONS, AND REDETERMINATIONS
- 4G -- DISABILITY VERIFICATION THROUGH THE RAILROAD RETIREMENT BOARD
- 4H -- PROCESSING OF STATUS REPORTS
- 4I -- DILIGENT SEARCH PROCEDURES
- 4J -- PROMPTNESS REQUIREMENT
- 4K -- PROCESSING OF MEDICALLY INDIGENT ADULTS(MIAs) APPLICANTS
- 4L -- RSDI/UI/DI REPORTS
- 4M -- VERIFICATION OF UNCONDITIONALLY AVAILABLE INCOME
- 4N -- TIMELY REPORTING BY PUBLIC GUARDIANS/CONSERVATORS OR BENEFICIARY REPRESENTATIVES
- 4O -- ONE MONTH EXTENDED ELIGIBILITY (EDWARDS V. MYERS)
- 4P -- CHILD HEALTH AND DISABILITY PREVENTION (CHDP) PROGRAM
- 4Q -- PROCEDURES FOR LONG-TERM CARE (LTC) ADMISSIONS AND DISCHARGES FOR SSI/SSP AND MEDI-CAL RECIPIENTS
- 4R -- PROCEDURES FOR MEDICAL SUPPORT ENFORCEMENT PROGRAM

Article 5 -- MEDI-CAL PROGRAMS

- 5A -- AID CODES
- 5B -- FOUR MONTH AND NINE MONTH CONTINUING ELIGIBILITY
- 5C -- DEPRIVATION -- LINKAGE TO AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)
- 5D -- MEDI-CAL ELIGIBILITY FOR NONFEDERAL AFDC CASH ASSISTANCE RECIPIENTS
- 5E -- RAMOS V. MYERS PROCEDURES

Article 6 -- INSTITUTIONAL STATUS

- 6A -- MEDI-CAL ELIGIBILITY FOR INSTITUTIONAL INMATES
- 6B -- QUESTIONS AND ANSWERS ON INSTITUTIONAL STATUS

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

CHAPTER 2 - PROCEDURES

Article 1 - DEFINITIONS, ABBREVIATIONS, AND PROGRAM TERMS

1A - COMMON-LAW MARRIAGE

1. Basic Requirements for a Common-Law Marriage
2. Chart -- Summary of State Laws on Common-Law Marriage

1B - PERSONS LIVING IN THE HOME

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

1B - - PERSONS LIVING IN THE HOME

A. BACKGROUND

Section 50071, Title 22, California Code of Regulations defines persons living in the home. A person who is temporarily absent from the home still is considered living in the home. Therefore, if a person is absent from the home, counties must determine whether the absence is temporary or permanent prior to establishing linkage, Medi-Cal family budget units (MFBU), property and share-of-cost.

DETERMINING FACTORS

In addition to the factors listed under Section 50071, the following are factors which may be used to determine whether a person is temporarily absent and therefore living in the home. Counties are not limited to only using these factors or the ones in Section 50071 in making the determination:

1. If the person is a child, the parent or caretaker relative continues to be involved in making the major and minor decisions regarding the child, (care and control).
2. If the person intends to return to the home.
3. If the person has the ability to return or the parent/caretaker relative has the ability to require the return of the child to the home.
4. If the person is contributing to the costs for the child's needs.
5. If the person does not maintain another permanent residence elsewhere.
6. If the absence does not meet the criteria listed in Section 50213 (Deprivation - Absent Parent), e.g., interruption or termination of parent's functioning as a provider of maintenance, physical care, or guidance for the child regardless of the reason for the absence or the length of time despite regular or frequent visits.

EXAMPLES OF TEMPORARY ABSENCE

In addition to those described in Section 50071, e.g., trips, hospitalization, attendance at school, vacations, etc., the following may also be included in examples of temporary absence but is not limited to:

1. A child attending Job Corps training if the parent/caretaker relative retains responsibility for care and control of the child.
2. A child goes to visit the father for the summer and the mother retains responsibility for care and control of the child such as being consulted for medical needs, schooling, discipline.
3. A newborn who is not deemed disabled but continues to be hospitalized after his/her birth if the parent(s) retain custody.
4. A child in a group home from Monday through Friday, who is not receiving AFDC foster care, and whose mother/caretaker relative retains care and control.
5. A person without a community spouse who was living in the home prior to hospitalization and is not aged, blind, or disabled regardless of his/her length of stay. (This person does not meet the definition of an institutionalized spouse).

QUESTIONS AND ANSWERS

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

Scenario #1:

A seventeen year old child has been living outside the home, not living on other real property of the parents, and handles all of his/her affairs. He/she becomes ill and must return to the home of his/her parents for several months. His/her clothing and other personal articles remain at his/her past residence and he/she plans to return to this residence in the near future. He/she is not claimed as a tax dependent and he/she does not receive any financial support from his/her parents.

Question #1:

Should the county consider him/her to be living in the home of the parents and therefore in the same MFBU which may cause ineligibility or a share of cost depending on the property and income of the parent?

Answer #1:

No. Since the child normally does not live with the parents and is continuing to maintain a separate residence, he/she is not temporarily absent from his parent's home according to Title 22, CCR, Section 50071. Therefore, he/she should not be considered as living with his/her parents. The issue of tax dependency only applies to those persons 18 years of age or older but under 21 [22 CCR, Section 50351 (c)]. Had this child been 18 years of age or older but under 21 and been claimed as a tax dependent, he/she would be in the same MFBU with the parents unless he/she were an excluded child.

Scenario #2:

A disabled husband and his wife have separate residences and do not consider themselves as man and wife although they are not divorced. The husband is hospitalized for a week and upon discharge moves into the home of the wife until his health condition improves. He no longer retains his separate residence which he shared with friends. His personal articles, clothing, and furniture are now at the home of his wife.

Question #2:

Is the husband in the same MFBU with his wife?

Answer #2:

Yes. Since he no longer maintains a separate residence and will be living with the wife for an indefinite period, he and his wife are in the same MFBU.

Scenario #3:

A mother, unemployed father, and one child reside in the United States, however, there are two other children living with relatives in Mexico. Those children have never lived in California, do not spend time during vacations, weekends, or at other times in the home, are not legal residents of California, and the parents do not have responsibility for the care and control of the children who live in Mexico.

Question #3:

Are the children who reside in Mexico included in the MFBU with the parents and the sibling who reside

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

in California?

Answer #3:

No. Since these children do not meet the criteria for temporary absence, they would not be included in the MFBU with the parents and the sibling residing here.

Scenario #4:

An unmarried pregnant 19 year old student permanently resides with the father of her unborn in their apartment. Her parents claim her as a tax dependent because they provide her with some financial assistance. She is ineligible for regular Medi-Cal due to excess resources because she must be included in her parent's MFBU [Title 22 CCR, Section 50351(c) and Section 50373(a)(4)].

Questions #4:

May she apply for minor consent services even though she is not living in the home of the parents?

Answer #4:

Yes. Although Title 22, CCR, Section 50351(c) requires her to be included in her parents' MFBU because she is claimed as a tax dependent, she may apply for minor consent services so that her parents are not informed of her need for sensitive services. Therefore, the parents' income and resources are not counted.

Scenario #5:

A mother and her three children were receiving Medi-Cal due to the absence of the father of her children. She became ill and was unable to care for the children for several months. The children were sent to stay with friends until she recovered.

Question #5:

Could the mother receive Medi-Cal during the time that her children were living with friends?

Answer #5:

Yes. The children were only temporarily absent from the home, (i.e., their usual place of residence was still maintained); therefore, the mother may continue to be linked.

Scenario #6:

A father who is a convicted offender is permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday.

Question #6:

Is the father considered living in the home?

Answer #6:

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

No. This person meets the Aid To Families With Dependent Children (AFDC) program's definition of continued absence (e.g., the parent cannot support and child for the child).

Scenario #7:

A 25 year old incapacitated unmarried mother is in an acute care hospital for several months and then is transferred to a skilled nursing facility.

Question #7:

Is this mother considered absent from the home?

Answer #7:

No. She is not considered absent and in her own MFBU until she is determined disabled and has been in the hospital/nursing facility for more than the month of admission.

Scenario #8:

A 20 year old student lives in an apartment in another city. He is claimed by his parents as a tax dependent.

Question #8:

Is he considered living in the home of his parents?

Answer #8:

Yes, he is considered as living in the home of his parents for MFBU purposes.

Scenario #9:

A 19 year old lives on his parent's principal residence in a trailer which he purchased. He receives no support from his parents and is not their tax dependent.

Question #9:

Is he considered living in the home of his parents?

Answer #9:

No. He is considered to be living in his own home since he purchased the trailer and can move it elsewhere.

Scenario #11:

A married couple lives on their property in separate mobile homes. They are separated but not divorced.

Question #11:

Is the couple living together or apart?

MEDI-CAL ELIGIBILITY MANUAL PROCEDURE SECTION

Answer #11:

The couple is considered living apart because they state that they are separated and do not live in the same house, e.g., have separate entries and do not share common kitchen and bathroom facilities.

