

DATE: July 20, 2023

TO: ALL COUNTY WELFARE DIRECTORS Letter No.:23-15
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

SUBJECT: CLARIFICATION OF AUTHORIZED REPRESENTATIVE POLICY

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with clarification on existing Authorized Representative (AR) policies detailed in [ACWDL 18-26E](#) and [ACWDL 20-28](#).

Authorized Representative Request for Specific Correspondence

The Appointment of Authorized Representative form [MC 382](#) allows a competent applicant/ Medi-Cal member to designate an individual or an organization as an AR and specify the scope of the AR's authorized duties. The MC 382 also asks the applicant/Medi-Cal member, "Do you want your authorized representative to get a copy of Medi-Cal notices or other mail we send to you?" The purpose of this question is to allow the applicant/Medi-Cal member to authorize an AR to automatically receive copies of some or all notices and correspondences that the county **mails or sends** to the applicant/Medi-Cal member. Responding "no" to this question should not preclude an AR from requesting a copy of a specific notice or correspondence from the county. This ACWDL provides clarification that the county must share copies of specific notices or correspondence with the AR upon request, regardless of whether the check box on the MC 382 form allowing notices to be mailed or sent is checked, unless the applicant/Medi-Cal member has specifically limited the AR's ability to request copies of correspondence in Part C of the MC 382.

Power of Attorney Ability to Appoint a Separate Authorized Representative

[ACWDL 18-26E](#) informed counties that legal documentation of authority to act on behalf of the applicant/Medi-Cal member under state law substitutes for a completed MC 382. Additionally, ACWDL 18-26E provided that an AR appointed by a competent Medi-Cal member may not assign another AR to represent the applicant/Medi-Cal member's case.

Letter No.:23-15
Page 2
July 20, 2023

This ACWDL provides clarification that an individual with legal documentation, such as Power of Attorney, which includes the authority to act for a competent or incompetent applicant/Medi-Cal member for purposes of health care or government benefits, **does** have the authority to appoint an additional/separate AR to represent the applicant/Medi-Cal member's case. Counties shall not require a DHCS 7068 or MC 382 form for an appointment to act on behalf of the applicant/Medi-Cal member if acceptable legal documentation such as Power of Attorney has been received. However, if the Power of Attorney is appointing an additional/separate AR to represent the applicant/Medi-Cal member, the Power of Attorney must complete and sign an MC 382 form to appoint the separate AR.

This clarification does not replace the existing guidance that an individual who is appointed as an AR through the MC 382 and does not have legal documentation including an authority to act for the applicant/Medi-Cal member for purposes of health care or government benefits, does not have the authority to appoint additional/separate ARs.

If you have any questions, or if we can provide further information, please contact Chris White, by phone at (916) 345-8065 or by email at Chris.White@dhcs.ca.gov.

Sincerely,

Yingjia Huang
Assistant Deputy Director
Health Care and Benefits
Department of Health Care Services