

DEPARTMENT OF HEALTH SERVICES

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March 8, 2002

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons
All County Health Executives
All County Mental Health Directors

Letter No.: 02-14

QUESTIONS AND ANSWERS REGARDING CONTINUOUS ELIGIBILITY FOR CHILDREN

Ref: All County Welfare Directors Letter (ACWDL) Nos. 01-40 and 01-01

The purpose of this ACWDL is to provide further clarification regarding the Continuous Eligibility for Children Program. The enclosed chart is a compilation of answers to questions resulting from its implementation.

Based on many questions received from the counties and further clarifications of the law, we have received from the Centers for Medicare and Medicaid Services (CMS), this ACWDL expands definitions and policies from what was provided in ACWDL Nos. 01-01 and 01-40.

If you have questions regarding this letter, please contact Ms. Nancy Forrest of my staff at (916) 657-0619.

Sincerely,

ORIGINAL SIGNED BY

Richard Brantingham
Acting Chief
Medi-Cal Eligibility Branch

Enclosure

Continuous Eligibility for Children Questions & Answers by Topic

	Topic	Question	Response
1.	1931(b)	Does CEC provide linkage to parents for Section 1931(b)	Yes, for a parent to be linked to Section 1931b there must be at least one deprived child eligible for a Medi-Cal program with a zero SOC. CEC continues the zero SOC eligibility for the child.
2.	Aid Codes	What aid code should counties use for CEC?	7J (full scope) or 7K (restricted services).
3.	Asset Waiver	A parent reports a settlement in 1/01 and the case is over property. The child is reviewed for asset waiver and is found eligible. The parent later reports updated income information and the child is over the FPL. Can the child have CEC since asset waiver was approved?	Yes, CEC can begin at any time during the CEC period after the <u>first</u> zero SOC month.
4.	Break in aid	Family received Medi-Cal in another county, and they requested discontinuance 10/31/01. They re-applied in our county 11/15/01. They would now have a share of cost (SOC). Since there was no actual break in aid, we considered CEC. MEDS showed the children had received zero SOC in the other county; we obtained the last redetermination date from the other county. Child was placed in CEC. Was this correct?	Yes. Just want to note however, that voluntarily withdrawing from the Medi-Cal programs ends the CEC period. If in this situation there were a break in aid (of at least one-month) then CEC would not apply.
5.	Break in Aid	Same as above, except that family moved out of state and lost California residence for two months. Do we consider CEC that may have been established on the previous case?	No.
6.	Break in aid	Same situation as above, except benefits from the other county stopped 8/31/01. Family is re-applying in our county 11/01, and will have SOC. Should we consider CEC?	No - Question as to why the benefits were discontinued - should the child have been placed in CEC prior to the discontinuance. If the child should not have been discontinued with the rest of the family then he/she would be entitled to the remainder of CEC benefits from the prior CEC period.
7.	CEC Period	Are there any programs, which result in a child being determined eligible for zero SOC Medi-Cal, which does not <u>trigger</u> a CEC period?	Yes. TMC and CE do not trigger the 12-month CEC period. However, if a child loses eligibility for these programs and the CEC period is not up, he/she can receive CEC benefits for the remainder of their CEC period.
8.	CEC period	How does the CEC period differ from the CEC guaranteed period?	The CEC period is the 12-month period that begins with the later of the initial eligibility determination or first month impacted by the annual redetermination. The CEC guaranteed period is the period of time in which the child is entitled to receive CEC benefits within the 12 month CEC period.
9.	CEC Period	How would the CEC period be determined in the following situation? A family applies for Medi-Cal in January and is determined eligible with zero SOC, on the 1931(b) program, for example. In May, they go on to the 4-month Continuing Eligibility program. That continues for June, July, and August. In September when the case is re-evaluated, the family is determined to have a SOC. Does a CEC guaranteed period begin at that point, based on the fact that they are still within the CEC 12-	The 12-month CEC period begins with the first month that the annual applies, in this example, say January 2001 and it would end in December 2001. Presuming, that you used the term CEC guaranteed period to mean the months following a no share of cost determination (in this example, May, 2001) and ending in the last month covered by that annual determination (in this example, December, 2001). So therefore, you are correct – the child is entitled to CEC until 12/01 (the rest of the CEC period).

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		month period that began in January and the zero SOC eligibility that they had prior to going on the 4-month Continuing Eligibility program?	
10.	CEC Period	If the CEC child is still eligible for no SOC at the annual redetermination, does this start a new CEC period?	Yes. However, if at the annual redetermination the child is eligible for SOC, then a new period does not start until the child is determined eligible for no SOC.
11.	CEC Period	Scenario: Family applied in 11/00. The only eligible child received zero SOC MC until 7/01 (200% from 11/00 to 12/00 and 133% from 3/01 to 7/01). An income change was reported in 7/01 and the child is over 133%. What triggers a CEC period?	The CEC period is from the month of application to RV (11/00 – 10/01). Therefore, the child would be eligible for CEC from 8/01 – 10/01 (the end of the 12 month period). The child becomes entitled to CEC when assessed a SOC, so instead of getting SOC MC the child would get CEC until the RV is due.
12.	CEC Period	What constitutes the CEC (guaranteed) period?	The CEC guaranteed period is the period of time in which the child receives CEC benefits under 7J or 7K within the 12 month CEC period
13.	CEC Period	What is the first month that is referred to as the CEC window?	The term "CEC window" is no longer used, and was inadvertently left in ACWDL 01-40 question 24. The sentence "The CEC window then begins with the first month impacted by the most recent positive eligibility determination and continues for 12 months" should be deleted. See Question Number 40 of this ACL for a revised answer to question 24 from ACWDL 01-40.
14.	CEC Period	When a child is granted CEC and subsequently becomes eligible to a percentage program, do we switch him to the percentage program or leave him on CEC. What about when he becomes eligible to 1931b? Do we switch him to 1931b or leave him on CEC? What about when he becomes eligible for an aid code 82? Switch or leave on CEC?	Children can switch to other no-cost Medi-Cal programs during the CEC period. Switch the child to the appropriate no-cost aid code.
15.	Confidentiality	We have had cases where a Medi-Cal child has left a home, and we do not know where the child is. We have, through telephone calls, located the child living with relatives, but find that we are put in the position of explaining our phone call to the relative. How can we tell the relative that the child is a Medi-Cal recipient? How much can we tell the relative?	The child is a minor and under the care of the person they are living with. There are no confidentiality issues here.
16.	Confidentiality	When a child moves out of the home - and into the home of another parent/caretaker -based on confidentiality regulations how is the child moved into another case as we are not allowed to contact the other parent or caretaker.	Confidentiality regulations do not apply to the parents or caretaker relatives of a child. The custodian of the child may be contacted.
17.	Continued Eligibility (CE)	A child is born in December and is added to the existing zero SOC case. In March, the family is determined to have a SOC. Do we put the child in CEC?	No. CE has priority over CEC; the child is eligible for CE for up to one year from the date of birth.
18.	Continued Eligibility (CE)	Can a period of CEC follow a period of CE if there are months remaining from the last positive determination of eligibility to the next R/V?	Yes
19.	Continued Eligibility (CE)	Scenario: The pregnant mother is approved effective February 1, 2001, and her child is born in October 2001. In February of 2002, the R/V confirms that the MFBU is still below the 200% FPL. In August 2002,	Yes. In this scenario, CE would end in Oct. The child would be eligible for CEC until the month prior to the redetermination month – in this case 1/03 not 2/03.

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		the MFBU reports an increase that moves the child to CE. In October 2002 (when CE ends), it is determined that the MFBU income is too high for the 133% FPL Program. There are still four months remaining from the last positive determination of eligibility (02/02) until the next R/V (02/03.) Is CEC appropriate for the months of November 2002 through February 2003?	In 9/02 the child would have been assessed a SOC. At the redetermination in 2/02 child was entitled to zero SOC Medi-Cal that began the CEC period and therefore child could only receive CEC from 11/02 – 1/03.
20.	Failure to Comply	<p>Can CEC end when the child becomes ineligible for Medi-Cal for non-cooperation reasons (other than those related to income and resources)?</p> <ul style="list-style-type: none"> • Failure to provide a social security number • Failure to apply for potentially available income • Failure to provide other health coverage information • Failure to cooperate with IEVS etc..... • Not returning verification (other than that related to income or resources) • Failing to provide residency information 	<p>Yes. Non-cooperation would only occur during an eligibility determination. In order to receive CEC you need to already be determined eligible. If an individual did not cooperate with the eligibility determination for one of these reasons they would not have completed the eligibility determination process and would not be eligible for CEC.</p> <p>The CEC period could therefore end earlier than the annual redetermination date.</p>
21.	Failure to Comply	Is CEC intended to protect children only from financial ineligibility? Or does it also cover other reasons for discontinuance, like failure to comply with the annual redetermination?	CEC means that the child is guaranteed eligibility regardless of changes in income and resources. Other things could affect eligibility (whereabouts unknown, client's request, no SSN and loss of residency.). There is no requirement to do a redetermination prior to the annual redetermination date. Therefore, once the year is up normal redetermination rules apply and the child could be cut off if the family did not comply with the redetermination process.
22.	Family Support	<p>When a CEC child remains in a case - where they no longer live: active DA/Family support stated that they cannot pursue support – because the responsible caretaker is no long responsible to provide support information or cooperate as the child is no longer with him/her.</p> <p>What do we do about MED Support requirements when a child leaves the home? The child may no longer be in the control of the original caretaker relative. He/she may have returned to another parent, but we may not know it. Or moves in with a caretaker other than a parent. This is causing problems with DA Family Support, whose cases are driven by who the absent parent is and who is the custodial parent.</p>	<p>Regardless of whom the child is living with, as long as the child remains a resident of California, he/she will continue to be eligible for benefits.</p> <p>Changes in custody should be reported to DA Family Support. Follow the procedures as outlined in the Medi-Cal Eligibility Manual Procedures Article 23. In certain circumstances, the child may now meet the definition under "Adult Children" - Section 23D and therefore, a referral to FSD would no longer be required.</p>
23.	Foster Care	Child is receiving foster care for several years. RVs are every six months. RV was completed 12/00. Next RV is 6/01. Child is returned home March 16, 2001. Parents apply for MC March 21, 2001 and they have a SOC. Is this child eligible for CEC until 6/01 or until 2/02?	The child would be eligible for 12 months from the last Foster Care redetermination date. In this case 11/01.
24.	Foster Care	Does CEC apply to children under 19 who are discontinued from Foster Care?	Yes. Whenever a child under 19 loses Foster Care Eligibility and does not qualify under the Extended Medi-Cal Eligibility for Former Foster Care Child (FFCC), (refer to ACWDL 00-41 and 00-61), CEC is applicable. The county must transition the foster care youth to the

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			CEC program after being terminated from foster care without requiring a new application (follow the exparte process as outlined in ACWDL 01-36). The child is entitled to CEC until the next annual redetermination, which shall be 12 months from the last Foster Care re-determination.
25.	Foster Care	Does CEC apply if a child leaves Foster Care and their whereabouts are unknown?	<p>No. If a child's whereabouts are unknown, the county should keep or place the child into aid code 38 (formerly Edwards) and follow the SB 87 process to determine whether there is a loss of contact. If there were a loss of contact, CEC would not apply.</p> <p>However, if the child's whereabouts become known then CEC would apply.</p>
26.	Foster Care	If the parents of any of these children do not apply, can the social worker complete an application on the child's behalf in order to receive CEC?	Yes, if the parents want Medi-Cal to continue for the child. If the parents' request that the child's Medi-Cal discontinue then CEC would not apply.
27.	Foster Care	Scenario: Child is receiving foster care for 13 months. RVs are every six-months for foster care. The RV was completed in February. Do the parents have to apply for Medi-Cal in order for the child to be CEC qualified? If not, how do we process this case? New case number? How do we secure the application if it has to be a new case number?	No, however the parents have the option of whether or not they want Medi-Cal for their child. If the parents want Medi-Cal to continue: Set up a new case for the Foster Care Child, CEC aid code following the SB 87 exparte process to gather information. A new application is not required. Since the RV was completed in February, the 12-month period would end in January.
28.	Intercounty Transfers	How should the counties handle intercounty transfers of cases when children are in a 12 month CEC period	If the case contains only a CEC child, no other information can affect the child's eligibility in the receiving county except for situations listed in Eligibility Procedures Manual 5T for CEC. The former county must ensure the CEC child's no share-of-cost continues during the ICT period and not discontinue the child's no share-of-cost benefits until the receiving county has placed the child in CEC or another no SOC Medi-Cal aid code in the new county. The CEC child should continue to receive no SOC Medi-Cal in the new county for the remainder of the CEC period.
29.	MFBU	According to Medi-Cal regulations regarding the MFBU - when a child moves out of the home - he/she is no longer continued on aid - he/she is discontinued. Should CEC continue for this individual?	Yes - CEC should continue without regard to changes in circumstances; therefore, the child should continue to be eligible even if the child moves out of the home. Unless there has been a request for withdrawal or whereabouts are unknown.
30.	MFBU	Are CEC children considered ineligible on other cases?	No. The child should remain as an eligible member of the MFBU.
31.	MFBU	Would it be appropriate to ask that when a child moves out of the home - if the parent/caretaker wishes Medi-Cal to continue for that child?	Yes, the Medicaid agency may ask the caretaker relative if they wish Medi-Cal to continue for the child.
32.	Minor Consent Services	Are State-Only Minor Consent Services eligible for CEC?	No.
33.	Minors	Are "independent minors" (living on their own, away from parents and under age 19), entitled to CEC	Yes.

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34.	Minors	<p>protection?</p> <p>If a CEC guaranteed period were established on a parent's case and the minor moves out and establishes his/her own case would CEC apply?</p> <p>For example: Family applied in 11/00. The only eligible child received zero SOC MC until 7/01. Mom reported child moved out of the home in 7/01. The child who moved out would be discontinued from the family's case 7/31 and would continue receiving CEC in his or her own case effective 8/01 until the end of the period 10/01. CEC period on family's case 11/00 – 10/01.</p>	Yes.
35.	NOA's	Is there any special NOA language?	<p>NOA's are in the process of being written, until such time that they are approved the following language applies:</p> <p>Approvals: Your child is eligible to receive benefits under the Continuing Eligibility for Children Program for the month(s) of ____.</p> <p>Discontinuance: "Your child is not eligible for benefits under the Continuing Eligibility for Children Program because _____.</p>
36.	Redetermination	<p>A 4/01 RV was not processed (overdue). In 6/01, the family called to state that the mother returned to the home. A new Statement of Facts was completed, the mother was added to the case, and the child was determined to have a SOC.</p> <p>Is this child entitled to CEC, as the RV date was past due and if done timely would have had no SOC, until the mother was added to the case?</p>	<p>Yes. The CEC period for the child 4/01 – 3/02 regardless of when the RV was done.</p> <p>As the RV was not completed timely, CWD will be responsible for reviewing the information in the RV month, and for each month until the RV was actually completed to determine if CEC is applicable. The CEC period and the RV period should be aligned regardless of when the RV was actually completed.</p> <p>CWD must review each month of eligibility for the months from the time the RV should have been done to when it was actually done.</p> <p>For example: RV due in 4/01, completed in 7/01. Child would have been eligible to zero SOC Medi-Cal until 6/01 when there was an increase in family income. This is because had the family's RV been completed timely then the child would have had the CEC period from 4/01-3/02. The addition of a person in 6/01 resulted in a SOC, and therefore made the child entitled to CEC until 3/02. The new information and SOC would not effect the child until the CEC period ends 3/02.</p> <p>Per 50189, the RV is completed within 12 months of the most recent of the following: Approval of eligibility on any application, reapplication or restoration which required a Statement of Facts form or the last redetermination (in this case 4/00) Example: RV was completed timely,</p>

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			beneficiary assessed a SOC. In 10/01 beneficiary assessed zero SOC – child would be entitled to CEC 10/01 – 3/02 the end of the 12 month.
37.	Redetermination	A family applies in January 2001 and is approved. A 12-month CEC period runs from January 2001 through December 2001. The annual redetermination is completed early in October 2001. The original CEC period still runs through December 2001, but a new 12-month CEC period begins in November 2001 and runs through the following October (2002). Therefore, the two periods overlap during the months of November and December 2001. Is that correct?	No. The CEC period for the child is 1/01 – 12/01 regardless of when the RV was done. In your example, the CEC period would end in 12/01, A new CEC period would not begin until the child was assessed no SOC. The periods do not overlap. In this scenario the new annual redetermination date would be 10/02.
38.	Redetermination	Based on the last annual redetermination conducted in January 2001, a family is in the Medically Needy program with a SOC as of February (RV month). The family became eligible for Section 1931(b) in June 2001. In September 2001 the family reports an income increase and moves back to MN SOC for October 2001. At this point, is the child eligible for CEC?	Yes. The child will receive CEC for the remaining months of October through January.
39.	Redetermination	Does the redetermination for CEC only mean the annual redetermination, or does any budget/property change that affects the case during the year count as a redetermination?	It means only annual redetermination, the 12-month CEC period is not reset, even if there is a reevaluation. To illustrate – an application was filed 4/01 – the CEC period would begin 4/01 and end 3/02. The next CEC period would be from 4/02 – 3/03 and so on.
40.	Redetermination	How do we handle families, when parents are discontinued and the children go on CEC, then months later before the redetermination is due, the parents call and request to be put back on. Is it permissible to pull up the redetermination earlier?	No. When the parents request to be added back to the case, get updated information. The RV date does not change, for example: Mom, Dad, and a child are on MC with a zero SOC and the RV is due 11/01. Mom and Dad report a change and they are discontinued from Medi-Cal in 4/01; the child is placed in CEC. In 8/01, Mom and Dad request to be added back into the case. When adding the parents back into the case a SOC is assessed – the child remains in CEC for the remainder of the period.
41.	Redetermination	Is it correct to assume that if a SOC increase is determined at the annual redetermination that CEC does not apply?	Yes. CEC does not apply.
42.	Redetermination	What is the definition of redetermination for CEC?	The definition of redetermination is found in 50189 which addresses the Annual Redetermination
43.	Residency	If a family moves out of CA, will the whole family lose Medi-Cal including the CEC eligible child?	Yes.
44.	Residency	Residency becomes an issue - especially when the child moves out and the whereabouts are unknown - or when the parent/caretaker reports that the child moves out and then does not provide information of where the child is.	If the child's whereabouts are unknown, the county may send a notice discontinuing benefits but, if the individual's whereabouts become known, eligibility must be reinstated for that individual.
45.	Retroactive Medi-Cal	Does a CEC period begin in the month of application if CEC requirements are met in that month?	CEC begins in the month of application unless the individual was determined eligible for Medi-Cal in one of the three preceding retroactive

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46.	Retroactive Medi-Cal	<p>Scenario: A single mother with a 5 year-old child applies for Medi-Cal in January and is only eligible for Medically Needy share of cost (income is too high for either Section 1931(b) or the 133 Percent FPL program). In April, the mother realizes the child had a medical service in December and applies for retroactive coverage for December. The county determines that the mother's income in December is under 133 percent of the FPL and the child is put in that Percent program which is one of the programs covered by CEC.</p> <p>a) Does CEC begin for the child in December?</p> <p>b) If yes, does it run for 12 months and end before the annual redetermination is due?</p> <p>c) If yes, assume there is a similarly situated child (child 2) who has a share of cost in the month of application but does not have a medical expense in a retroactive month. Isn't there an inequity between the child who is eligible for CEC based on retroactive eligibility and this child 2 who also has a share of cost in the month of application but who didn't have a medical expense in a retroactive month and is precluded from CEC beginning in a retroactive month?</p>	<p>months. If the individual was determined eligible in one of the three retroactive months, then CEC begins on the first day of the month that the individual was determined eligible.</p> <p>a) Yes</p> <p>b) Yes it runs 12 months from the December determination and would end in November.</p> <p>c) Maybe an inequity, but according to CMS, this scenario would not violate comparability because all children who meet the criteria for retroactive eligibility would receive comparable treatment.</p>
47.	Retroactive Medi-Cal	<p>Since the client has up to a year to apply for retroactive Medi-Cal are we required to go back and adjust all prior months of eligibility when the client did not request retroactive Medi-Cal at the time of application?</p> <p>Assume that a single mother with a 5 year-old child applies for Medi-Cal in January and is only eligible for Medically Needy share of cost (Income is too high for either Section 1931(b) or the 133 Percent FPL program.). In Aug., the mother realizes the child had a medical service in December and applies for retroactive coverage for December. The county determines that the mother's income in December is under 133 percent of the FPL and the child is put in that Percent program, so the CEC period would begin in December and end in November.</p> <p>At this point, since the client has had a SOC since January - do we have to go back and give the child CEC from January through November?</p>	<p>Yes. The county would have to make the child continuously eligible from December and would have to follow normal procedures to adjust the SOC to zero. In addition, the county would have to follow the procedures outlined in Article 12 C of the Medi-Cal Procedures Manual for processing cases when a SOC has been reduced retroactively.</p>
48.	SSI Children	<p>Are SSI Children entitled to CEC?</p>	<p>Yes. DHS is currently working with ITSD to have this process automated.</p>
49.	TMC	<p>How does CEC impact TMC and when does it start?</p>	<p>CEC does not impact TMC. CEC can only follow TMC if the 12-month CEC period is not up and TMC is no longer applicable. If the 12-</p>

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			<p>month CEC period is up then CEC is not applicable.</p> <p>For example, the family's annual redetermination is due 2/02. Family reports increased income 5/01 for clients receive the 1st 6 month of TMC (aid code 39). They turn in the TMC status report and are over the 185% income limit. They would not be entitled to the 2nd 6 months of TMC. At this point, since the annual redetermination has not been conducted then the child could get CEC for the remainder of the 12-month CEC period (12/01-1/02). Note: this is a correction for question 24 from ACWDL 01-40).</p>
50.	TMC	Scenario: A family is just ending their first year of TMC and an annual redetermination is conducted in the 12 th month of TMC. The prior annual redetermination occurred before TMC began. The parents are eligible for a 2 nd year of TMC. Would the children be eligible for CEC?	No. When a child is discontinued from TMC - CEC does not apply based on no SOC coverage under TMC.
51.	TMC	What happens when TMC ends at the end of the 1 st year?	<p>Once the child has gone through the first year of federal TMC under aid code 39 and 59, he/she must be evaluated for some regular Medi-Cal program.</p> <p>CEC follows TMC depending on whether or not the CEC period is up (RV is due). Otherwise the beneficiary would just go to another zero SOC aid code or possibly bridging if applicable.</p>
52.	Whereabouts unknown	Are we obligated to try to find these children if nobody reports their whereabouts? On the other hand, do we just follow exparte whereabouts procedures?	The county is not obligated to find the child. It is the caretaker relative's responsibility to report a change in the child's residency. However, the county must reinstate the child if his/her whereabouts become known.
53.	Whereabouts Unknown	Do we continue the children's CEC benefits if the whereabouts of the household/child is unknown?	No. However, follow SB 87 process for loss of contact.
54.	Withdrawals	Beneficiary request discontinuance of Medi-Cal, do we continue CEC for the child?	No.