STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

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January 3, 1997

Letter No.: 97-01

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

POLICY CLARIFICATION REGARDING FORM MC 306, APPOINTMENT OF REPRESENTATIVE

Ref.: All County Welfare Directors Letter (ACWDL) Nos. 95-43, 95-60, and 96-41

This is in response to a request for policy guidance on whether Disability Evaluation Division State Programs (DED-SP) should accept form MC 306 (Appointment of Representative) in Medically Needy Only (MNO) cases directly from the party claiming to be the authorized representative (AR). This response is two-fold because it brings up a recent lawsuit ruling in which the issue is whether the actual form (MC 306) must be used. The August 5, 1996 ACWDL 95-41, states that the Los Angeles Superior Court ruled against the requirement of the MC 306 form "Authorization of Representation." In other words, the *counties* are to accept *"any form of written authorization that an applicant or beneficiary signs and dates,"* as a legal authorization of representation document.

It has been noted that the DED-SP branches receive medical (or nonmedical) information from ARs stating that they are acting on behalf of the applicant, and they also may request information from the DED. However, the form MC 306, or any other document chosen by the applicant, is often not in the case file nor is it usually sent at a later date by the AR or the county. State Programs *may not* release any information to an AR unless either an MC 306 or any other written authorization signed and dated by the applicant is in the case file.

In ACWDL 96-20 (Q & A Update on form MC 306) there are clarifications regarding the MC 306. One of the questions is regarding original signatures. The answer is that the AR's **original** signature must be on the written authorization used, also, substantiation of the completed authorization must be done by the county welfare department (CWD) before accepting the form on behalf of the applicant.

The authorization form is similar to the MC 220, release of information form, in that it is legally binding in nature and can bring about litigious activity if not properly completed. It would be well advised for SP-DED and the CWDs to practice the following procedure:

When the CWD becomes aware that an applicant/beneficiary is authorizing someone to act on his/her behalf, an MC 306 (or form chosen by applicant) shall be completed and signed by the AR, and verification shall be effectuated by the CWD. A copy of that form shall be sent with the SP-DED packet, or sent at a later time if received later at the CWD via the MC 222 LA or the MC 222 OAK "DED Pending Information Update" form.

Any other procedure would undermine the responsibilities of the agencies, and could compromise the integrity of the applicant's/beneficiary's case.

If you have any questions, please contact Helen Cahueque of my staff at (916) 255-0955 or (916) 657-1527. This ACWDL will be followed by a Medi-Cal Eligibility Procedures Manual section.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch