STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY PETE WILSON, Governor

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October 3, 1997

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

Letter No.: 97-37

UNEMPLOYED PARENT DEPRIVATION CHANGES/QUESTIONS AND ANSWERS

Ref.: All County Welfare Directors Letter (ACWDL) No. 97-17

The purpose of this letter is to provide questions and answers to counties regarding Unemployed Parent (U-Parent) Deprivation. We have taken questions that were previously provided in ACWDL No. 97-26 and combined them with some recently asked questions. Therefore, ACWDL No. 97-26 is obsoleted with receipt of this letter.

Question 1: Some self-employed primary wage earner (PWE) persons may possibly control their hours by working under 100 hours. Should we aid these individuals?

Answer: Yes. There is nothing that precludes us from doing so.

Question 2: Are paid vacation and sick leave hours counted in determining hours?

Answer: Yes. Paid vacation and sick leave hours are counted in determining hours.

Question 3: Would we aid a working individual under U-Parent deprivation if a person worked less than 100 hours in the prior two months, nor was expected to work 100 or more hours in the following month?

Answer: Yes.

Question 4: Can the PWE participate in a strike and still be aided under U-Parent deprivation?

Answer: Yes.

Question 5: If both parents have never worked, will there be U-Parent deprivation?

Answer: Yes. When both parents qualify as the PWE and have earned an identical amount of income (or no income) in a 24-month period, the county in consultation with the

parents shall **designate** which parent is the PWE. Once the PWE has been determined, this parent continues to be the PWE for each consecutive month, even if the other parent has had earnings in the last two years as stated in Title 22, California Code of Regulations (CCR), Section 50215 (c).

Question 6: Does the requirement that the PWE has not refused to apply for and accept any unemployment insurance benefits to which he/she is entitled still apply to U-Parent deprivation?

Answer: No. This requirement no longer applies to U-Parent deprivation. **However, it is still a requirement that the person apply for unconditional available income under Medi-Cal income rules.**

Question 7: Assume the U-Parent has, without good cause, quit a job or employment training or refused a bona fide offer of employment or employment related training. Do these requirements still exist to determine U-Parent deprivation in the Medically Needy program?

Answer: No. Even though the issues of Temporary Assistance for Needy Families implementation and the eligibility determination in conjunction with Medi-Cal have not been decided or finalized, we have asked counties to implement these unemployment deprivation changes no later than July 1, 1997 for the Medically Needy program using only the criteria discussed above (the PWE did not work 100 hours or more in a month).

Question 8: What if a county cannot change its data processing system by July 1, 1997?

Answer: Even if a county is still collecting "connection to the labor force" information, the county must ensure that no cases are denied or discontinued for these reasons.

Question 9: ACWDL No. 93-58 informed counties of proposed regulation changes to Title 22, CCR, Section 50215 which defines how counties determine deprivation of a child based on unemployment of a parent. Is this letter still in effect?

Answer: No. ACWDL No. 93-58 is now obsoleted. The Medi-Cal Eligibility Branch will send out in the future a new ACWDL which reflects the new proposed regulation changes (deletion of references to "connection to the labor force") to Section 50215, including those changes proposed in ACWDL No. 93-58 that were never promulgated.

Question 10: Will the form MC 176 U be modified to reflect U-Parent changes?

Answer: Yes. The MEB will submit the modified version to the Forms Committee for review and approval. Counties will be notified of these changes.

Question 11: Has the Statewide Automated Welfare System (SAWS) been contacted for reprogramming changes due to this letter?

Answer: Yes. SAWS was sent a copy of this letter to assess any necessary changes.

Question 12: What if an individual comes in on the first day of the month, how would this case be treated?

Answer: The eligibility worker (EW) can look at the past history of the individual. If the person has no work history in the last month and indicates he/she does not plan on working the rest of the month, grant Medi-Cal if otherwise eligible. If the person has a sporadic work history where it is apparent that this individual has worked over 100 hours in past months and may do so in the current month, the EW can request that this individual verify (written verification from his employer) that he will not exceed the 100-hour requirement.

Question 13: Will there be two sets of requirements for assessing U-Parent deprivation under the Medically Needy program such as the group composed of those who meet July 16, 1996 Aid to Families with Dependent Children rules prescribed by the Personal Responsibility and Work Opportunity Act of 1996 and those individuals who apply after July 16, 1996?

Answer: No. All Medically Needy cases where deprivation is to be based on unemployment will be evaluated using the same criteria which is that the PWE parent did not work 100 hours or more in a month. There is no distinction between those who apply on or before July 16, 1996 and those who apply after.

Questions regarding this letter can be directed to Ms. Sharon Garcia of my staff at (916) 657-5327.

Sincerely,

ORIGINAL SIGNED BY

FRANK S. MARTUCCI, CHIEF
Medi-Cal Eligibility Branch