

METHOD OF INDICATING CHANGES

This Accessible PDF version of the proposed regulation text includes the phrase [begin underline] at the beginning of each addition, [end underline] at the end of each addition, [begin strikeout] at the beginning of each deletion, and [end strikeout] at the end of each deletion.

A standard PDF version of this proposed regulation text is also available on the Department's Office of Regulations Internet site.

California Code of Regulations
Title 22. Social Security
Division 3. Health Care Services
Subdivision 1. California Medical Assistance Program
Chapter 2. Determination of Medi-Cal Eligibility and Share of Cost

(1) Amend section 50179 to read as follows:

§ 50179. Notice of Action – Medi-Cal-Only Determinations or Redeterminations.

(a) County departments shall notify [begin underline]applicants and [end underline]beneficiaries in writing of their Medi-Cal-only eligibility or ineligibility, and of any changes made in their eligibility status or share of cost. This notification shall be called the "Notice of Action."

(b) [begin underline]Except for notices required pursuant to sections 14005.31 and 14005.32 of the Welfare and Institutions Code,[end underline] ~~[begin strikeout]The~~ ~~[end strikeout]~~[begin underline]a~~[end underline]~~ Notice of Action shall be on a form prescribed by the Department and shall include the name and telephone number of the ~~[begin strikeout]eligibility worker who completed the eligibility determination[end~~ ~~strikeout]~~ [begin underline]county department worker, county department call center, or other appropriate county department contact that is able to assist applicants and beneficiaries with questions about their Notice of Action~~[end underline]~~, and the date the form was completed. A copy of the Notice of Action shall be placed in the case file.

(c) The Notice of Action shall include the following:

(1) The approval, denial or discontinuance of eligibility, the rescission of a denial or discontinuance, or the change in the share of cost and the effective date of the action.

(2) The amount of the share of cost, if any, and the amount of the net nonexempt income used to determine the share of cost.

(3) The reason an action is being taken and the law or regulation that requires the action, if the action is a denial, discontinuance or increase in share of cost.

(4) The right to request a State hearing if dissatisfied with:

(A) Any action or inaction by the county department that affects the applicant's or beneficiary's Medi-Cal eligibility or share of cost, except as limited in Section 50951(a).

(B) Any action taken by, or on behalf of, the Department that affects the applicant's or beneficiary's Medi-Cal benefits.

(5) The procedures for requesting a State hearing and the time limits within which a ~~State~~ hearing must be requested.

(6) The circumstances under which aid will be continued if a ~~State~~ hearing is requested.

(7) A statement, when appropriate, regarding the information or action necessary to reestablish eligibility or determine a correct share of cost.

(d) The Notice of Action shall be mailed for:

(1) Adverse actions, at least 10 calendar days prior to the first of the month in which the action becomes effective, excluding the date of mailing.

(2) Discontinuances or increases in the share of cost which are not adverse actions, in sufficient time to reach the beneficiary by the effective date of the action.

(3) All other instances, no later than the date the county department takes the action.

(e) Duplicate Notices of Action shall be mailed to the administrator of the long-term care facility in which the applicant or beneficiary resides, if the applicant or beneficiary or person acting on their behalf has made such a request.

(f) Conditional notices, which advise applicants or beneficiaries that eligibility will be denied or discontinued unless specified actions are taken by the applicants or beneficiaries, shall not be considered to meet the Notice of Action requirements of (a).

Note: Authority cited: [begin underline]Section 20, Health and Safety Code;[end underline] Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 10950, 10951, 11002, 11004, 11052, 11055, 14000, 14005, 14016, 14016.2, 14023, 14023.7 and 14124.90[begin underline], [end underline]Welfare and Institutions Code.