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Director

State of California—Health and Human Services Agency  
**Department of Health Services**



**ARNOLD SCHWARZENEGGER**  
Governor

July 10, 2006

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 06-22  
ALL COUNTY ADMINISTRATIVE OFFICERS  
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS  
ALL COUNTY HEALTH EXECUTIVES  
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: REEXAMINATION OF CASES WHERE HUMAN IMMUNODEFICIENCY  
VIRUS WAS INVOLVED IN THE FINAL DISABILITY DECISION

The purpose of this letter is to advise counties of a change in the reexamination disability case process for cases with Human Immunodeficiency Virus (HIV) involvement. Federal regulations released in 2002 exempt HIV cases from Social Security's Continuing Disability Review process. Based on this federal regulation, State-Programs Disability and Adult Programs Division (SP-DAPD) will also exempt these cases from their reexamination process. This change will affect all HIV disability determinations that have been allowed since January 1, 1991.

Effective immediately, if SP-DAPD allows an initial case that has HIV involvement, they will annotate on MC 221R (Disability Determination and Transmittal Form) that the case will be exempt from the reexamination process until further notice. SP-DAPD will set a seven year diary on all the cases in this category. When these cases are returned to the County Welfare Department, counties should flag the case indicating that no reexamination is required when the diary date becomes due. Should the Social Security Administration change the rules in the future and start reviewing HIV involvement cases again, counties will be notified as to how this will affect the county reexamination process for HIV cases and counties must be able to locate all flagged open cases.

SP-DAPD has identified all the reexamination HIV involvement cases that they discontinued during or after 2002 (the date Social Security released the regulation on

allowed HIV cases). These cases were discontinued because SP-DAPD determined that these individuals no longer met the federal criteria for disability. There were 17 cases identified statewide.

SP-DAPD sent the list to Medi-Cal Eligibility Branch (MEB). MEB sent a memorandum dated March 7, 2006, to all the Medi-Cal disability liaisons in the respective counties. The memo asked the counties to contact the individuals to let them know that their Medi-Cal benefits will be restored if they are still otherwise eligible to receive Medi-Cal. These individuals shall continue to be considered disabled based upon their initial disability determination without any further reexamination. In addition, SP-DAPD will send an MC 221R to the respective counties for each identified case, indicating that disability continues for each individual. No further county action is necessary involving the disability portion of the identified HIV reexamination cases.

If the county determines that the client is not otherwise eligible (e.g., has excess property or the client's whereabouts are unknown), the case should remain closed.

All questions regarding the reexamination of HIV disability cases should be directed to Mr. Terry Durham at (916) 552-9483.

**Original signed by**

Tameron Mitchell, R.D., M.P.H., Chief  
Medi-Cal Eligibility Branch