DEPARTMENT OF HEALTH SERVICES 714/744 P STREET SACRAMENTO, CA 95814

(916) 445-1912



November 18, 1980

To: All County Welfare Directors

Letter No. 80-44

QUESTIONS FROM MFBU REGULATION REVISION TRAINING SESSIONS

This letter transmits the answers to the unresolved questions from the MFBU training sessions held in October. Also included are some policy changes which occurred after some of the sessions were held. For ease of reference the information below appears by subject headings which correspond to the headings which appear on the training outline. The few policy changes have been asterisked.

Verification of Identification and Income In Kind

- In family situations, must the ID of both parents and/or spouses be verified?
 - The proposed language in Section 50167 will be modified before filing so that verification will only be required of one spouse and/or parent.
- 2. Q. If an applicant has no acceptable identification must the application be denied?
 - A. No. Current regulation Section 50172 provides for verification by signature when it has been determined that the information required for establishing eligibility is not available. We will consider modifying the provisions of proposed Section 50167 if public hearing testimony is received concerning this item.
- 3. Q. Does an acute care hospital fall under "institutions" so that verification of the identity of inpatients is not required?
 - A. Yes. However, if the face-to-face interview is being conducted with the patient it would appear prudent to ask if ID is readily available.
- 4. Q. If the provider of income in kind refuses to provide written documentation should the application be denied?
 - Section 50172 provides for verification by signature.
- 5. Q. When an individual claims income in kind, must the verification include not only the fact that an item of need is being provided, but also the cost to the provider?

A. No. Verification that an item of need is being provided is sufficient unless the individual claims that the actual amount being provided is less than the income in kind amounts in Section 50511. The proposed language in Section 50168 will be amended before filing to clarify this.

Linkage to AFDC

- 1. Q. Under what circumstances can pregnancy link a family to AFDC on the basis of incapacity?
 - When the conditions of Sections 50167 (a) (2) and 50211 exist. That is when a physican, etc., documents that incapacity exists and gives the expected duration of the condition. Incapacity is a physical or mental condition which substantially reduces or eliminates the parents' ability to support or care for the child, or the parent is prevented from working full time at a job in which customarily engaged, etc. The receipt of State Disability Insurance for the automatic six week period following delivery does not establish incapacity.
- 2. Q. Is a family linked to AFDC if the unemployed parent is over age 65 and not incapacitated? EDD will not register such persons for employment.
 - A. EDD registration is not a requirement for linkage under the Medi-Cal program. In these situations the family would be linked to AFDC if the unemployed parent has a connection with the labor force, states that he/she is currently available for and seeking employment and meets the other conditions in 50215.
- Are there any circumstances under which a family can be linked to AFDC due to unemployed parent deprivation if the parent quit a job within the last 30 days?
 - A. Yes. The proposed wording of Section 50167 (b) (3) specifies the parent must not have, without good cause, quit a job, refused employment, etc. Current regulation Section 50216 defines good cause for quitting or refusing.
- 4. Q. If there are two types of linkage in a family (e.g. absence/unemployment) can you use both to link all family members?
 - A. Adults are linked to the AFDC program through the deprived children in the home. Current Section 50205 specifies that a child who is linked under more than one deprivation shall have eligibility determined on the basis of the section which appears first. The order is as follows:

- a. Relinquishment for adoption
- b. Deceased parent
- c. Incapacitated parent
- d. Absent parent
- e. Unemployed parent.

In situations where <u>all</u> of the children in the home have an absent parent as well as have a parent in the home who meets the conditions of unemployed parent, the children are linked to AFDC on the basis of absent parent and the provisions of current Section 50213 (f) apply. (Normally only one adult is linked).

In situations where some children in the home have the same absent/ unemployed parent dual linkage and some children in the home are linked only on the basis of unemployed parent, then both current Section 50213 (f) and proposed Section 50215 (c) apply and both adults (parents) are linked.

Definition Changes: Adult/Child and Persons Living in the Home

- 1. Q. Blind or disabled persons between the ages of 18 and 21 will be considered children when they are living with their parent(s) and are enrolled in school. What is the definition of school?
 - A. School is defined in a similar manner to current Section 50543 (b) (1). That is the individual is enrolled in a secondary (high) school, college or university; or the individual is enrolled in a course of vocational or technical training designed to prepare the individual for gainful employment. A school is not an institution in which the individual is enrolled to learn to generally function with his/her specific disability.
- 2. Q. A person between the ages of 18 and 21 who has never been married will be considered a child if living in the home of a caretaker relative. Does this mean the caretaker relative must complete the Statement of Facts?
 - A. Yes. Pursuant to 50373 the child would be in his/her own MFBU unless the caretaker relative does not a have a spouse and/or children in the home and wishes to be included in the same MFBU as the child.
- 3. Q. All persons under the age of 18 and never married will be considered children regardless of living situation. Does this mean that the parents or a public agency must first be contacted to complete the Statement of Facts even if the person is formally emancipated or an unmarried minor parent is living with his/her child away from the parents home, even though only the income and resources which the parents state are actually available are used to determine the person's eligibility?

- A. Based upon comments received during all of the trainins sessions we will make the following changes to proposed Sections 50014 and 50030:
 - a. Persons under 18 but over age 14 who are not living with a parent or caretaker relative and for whom a public agency is not currently assuming responsibility will be considered adults and can therefore complete the Statement of Facts.
 - b. Persons 14 years of age or younger will be considered children and the parents or a public agency must be contacted to complete the Statement of Facts.
- 4. Q. Does "living in the home" include living on the same piece of property but in different buildings or quarters -- e.g. a 19 year old lives in a guest house or over the garage on the property used as a home by the parents?
 - A. Such situations meet the definition of "living in the home" unless both of the following conditions are met:
 - a. The individual is financially independent of the remaining family as evidenced by the fact that the individual is not considered as part of the family for income tax reporting purposes or the individual is paying a sufficient amount for the shelter to equal the six percent utilization requirement; and
 - b. The individual and the remaining family do not share use of any room in either shelter for living purposes so that the portion of the property lived in by the individual is considered as other real property in accordance with current Sections 50435 and 50437. This will be added to proposed Section 50071.
- 5. Q. An individual who is away at school will be considered to be "living in the home" providing he/she will resume living in the home as evidenced by retruining home for vacations, weekends, and other times. Isn't there a conflict between proposed Section 50071 and current Section 50253 in the case of a college student attending school and working out of state but who will resume living in the home, since 50253 (b) states California residence is terminated when an individual becomes employed in another state?
 - A. No. Since current Section 50253 begins by stating "unless there is evidence to the contrary." Students attending school and working out of state who meet the conditions of "living in the home" would qualify as California residents under current Section 50253 (a).

- 6. Q. In the case of an individual who will be considered as a child when living with his/her parents, how is the MFBU determined if during part of the month of application the individual was maintaining a separate residence but was living with the parents during the other part of the month?
 - A. The individual may have eligibility for that month determined as an MFBU of one or may have eligibility determined in an MFBU which includes the parents, whichever is most advantageous to the family. This is based upon current regulation Section 50701 (d) -- eligible one day in the month, eligible for the entire month.

LTC/Board and Care

- 1. Q. If an ABD person who has been in LTC for less than six months applies for Medi-Cal and the ABD spouse at home applies for SSI/SSP at the same time, are both spouses in the same MFBU?
 - A. If the ABD spouse at home wants Medi-Cal-only while SSA is processing the application, the couple would be in the same MFBU until the LTC person has been in LTC for six full calendar months. If the spouse at home does not want Medi-Cal while the SSI/SSP application is being processed then the LTC person is in a separate MFBU the month following the month of entry to LTC. Proposed regulation Section 50377 (c) (3) states the six month rule applies when both ABD spouses apply and both are eligible. In the second situation the spouse at home has not been determined eligible.
- 2. Q. When you have an ABD couple in the same MFBU because the spouse in LTC has not been in the facility six full months and the spouse in LTC will meet the entire share of cost, the spouse at home is entitled to a no cost Medi-Cal card in accordance with current Section 50659 (b). What aid code should be used for the spouse at home?
 - A. Medically Needy, no share of cost; aid code 14, 24 or 64.
- 3. Q. When a single ABD person is in LTC for the first part of the month and board and care for the remainder of he month, what maintenance need should be used and what is the appropriate SSI/SSP payment level?
 - A. The maintenance need is the full maintenance need for 1 person. The appropriate SSI/SSP payment level is the level for a single individual in an independent living arrangement. The board and care payment level applies only when the individual is in board and care on the first of the month.

- 4. Q. When an ABD spouse is in LTC and the spouse at home is applying as disabled, but needs Medi-Cal before completion of the disability evaluation, when are they in separate MFBUs?
 - A. The month following the month of entry into LTC since the spouse at home is not currently eligible as disabled. If the spouse at home is determined disabled during the "6 month" period the spouses should be combined into one MFBU until the spouse in LTC has been there six full months. In order to determine if there is a share of cost adjustment during any of the "6 month" period once disability has been determined retroactively the following steps should be taken:
 - a. Complete a property determination for the couple. If their combined property is \$2,250 or less they may be entitled to a share of cost adjustment. If their combined property is greater than \$2,250 you need not go further as they would not have been eligible as an ABD couple and are therefore not entitled to a share of cost determination.
 - b. Complete a share of cost determination for the couple, giving both the applicable ABD-MN deductions. If the resulting share of cost is less than the total of the shares of cost which was previously calculated for each spouse, follow Procedures Section 12C regarding processing cases when a share of cost has been reduced retroactively. The couple may choose to have the total reimbursement refunded from the amount paid by one spouse or may choose to split the reimbursement between them. They may also choose to have the total amount of the adjustment applied toward one spouse's current share of cost if the "6 month" period has ended.

Ineligible/Excluded Family Members

- 1. Q. Since current Section 50243 (d) requires that 4 Month Continuing Eligibles meet conditions of eligibility should they be ineligible members of the MFBU and have their income counted in the share of cost determination?
 - A. Yes, because the amount of their income is not considered in determining their eligibility for 4 Month Continuing, that income is available to the remaining family members.
- *2. Q. Since 4 Month Continuing eligibles receive a no cost Medi-Cal card, should their names appear on the record of health care cost form for the MFBU in which they are ineligible family members?
 - A. No. Not at this time, per proposed regulation 50657. This is to be consistent with current Section 50660 regarding the treatment of MFBUs which include a Title II Disregard person.

- *3. Q. If an MFBU with no share of cost requests that an excluded child with income be added to the MFBU and a share of cost results, whose names appear on the MC 177 for the month?
 - A. Per proposed regulation 50657, if the members of the MFBU have already received their Medi-Cal cards for the month, only the child's name should appear on the MC 177 for that month. This is to be consistent with treatment of 4 Month Continuing eligibles and Title II Disregard persons.

Unmarried Minor Parents

- *1. Q. When an unmarried minor parent living with his/her parents requests minor consent services he/she is entitled to those services through the share of cost determination for the MFBU which includes his/her child. If there is a share of cost should the minor parent still be listed as ineligible on the MC 177 which includes the child? If the share of cost is met in the month, and the county then issues a minor consent card to the minor parent, how will BRU know a card has been issued?
 - A. A minor parent living with his/her parents is normally an ineligible member of the MFBU which includes his/her child and would therefore be designated on the MC 177 as "I.E." or "00". However when the minor parent will receive minor consent services as part of the child's MFBU, he/she should appear on the MC 177 as an eligible person in that MFBU with a full case number including aid code and person's number. When the share of cost has been met the appropriate limited service status code should be added to the MC 177 after the minor parent's name. If the county issues the limited service card, the notation "CI" (card issued) must be placed to the left of the person's identification line on the MC 177S. If this done BRU staff will know that a card should not be generated for that person. Remember to also circle the minor parent's name if he/she is also a member of the parents' MFBU and that MFBU has a share of cost.
- 2. Q. When an unmarried minor parent is listed on two MC 177s and a provider will only list the obligated services on one form, what is the remedy?
 - A. Current Section 50658 (b) provides that in processing the MC 177 the county shall attempt to obtain the information necessary for the completion of the MC 177 when it is not completed correctly. This gives eligibility staff the authority to enter the appropriate information on the MC 177 that the provider would not complete. It is recommended that a photocopy of the MC 177 which was completed by the provider be attached to the MC 177 completed by county staff when the form is transmitted to BRU.

- 3. Q. When a child receives a minor consent card in a month and then the entire family either applies and is determined eligible, or meets its share of cost, should the full coverage card issued to the minor consent child have "Medi" labels on it?
 - A. Yes. Deletion of the Medi labels could possibly cause a breach of confidentiality.
- 4. Q. If unmarried minor parents and an unborn reside with the minor father's parents and all receive full items of need in kind from his parents, what amount of income in kind is used in the share of cost computation for the unmarried minor mother and the unborn?
 - A. Income in kind for two (unmarried minor mother and the unborn) for the items of need that are being provided free in accordance with proposed Section 50509 (f) (2) and (3). There would be no income in kind to the unmarried minor father. The maintenance need for the MFBU is the maintenance need for 3 persons.

Stepparent Cases

- 1. Q. Must the stepparent's income and deductions be reported on the status reports?
 - A. Yes. Since, pursuant to proposed Section 50559 (a), the amount of the stepparent's income has a direct affect on the share of cost for the MFBU which includes the stepchildren.
- 2. Q. When completing the MC 176W Part V must child support actually be paid to be considered a deduction.
 - A. Court ordered child support is a deduction whether or not it is actually paid because it is a court ordered obligation. This applies only to the stepparent determination. In determining the maximum stepparent contribution, voluntary child support must actually be paid to be deducted. For court ordered child support to be deducted from the income of an AFDC-MN or MI member of the MFBU (either an eligible or ineligible member) the child support must actually be paid in accordance with proposed Section 50554 (a).
- *3. Q. Is the information in the training packet from the AFDC program regarding separate/community income correct?
 - A. AFDC program staff is currently revising instructions regarding community/separate income. We will forward the revised information to you at the earliest possible moment.

Implementation

- 1. Q. In CWD Letter No. 80-16 you indicated you would be sending counties lists of 18-21 year old MIs. Are you still planning to do this?
 - A. No. In CWD Letter No. 80-36 counties were instructed to identify those cases at the same time the January 1981 maintenance needs are being implemented, therefore a list should not be necessary.
- *2. Q. When should the ABD/LTC MFBU provisions be implemented?
 - A. Keeping ABD spouses in the same MFBU until one spouse has been in LTC for six full months should only be implemented for applications signed on or after February 1, 1981 or for continuing cases where one spouse enters LTC on or after February 1, 1981.
 - 3. Q. When implementing the parental responsibility provisions for 18-21 year old MIs and unmarried minors currently on the program, who completes the Statement of Facts and with whom is the face-to-face interview conducted.
 - A. The parent(s) completes the Statement of Facts and the face-to-face interview is conducted with the parent(s). (Section 50157 and 50163).

Availability of Forms, Materials

- 1. MC 176W -- Some minor corrections have been made to the form since the training. A copy is enclosed. These forms will be available no later than December 15, 1980. An initial supply will be mailed to all counties.
- 2. MC 176M -- Enclosed is a copy of the revised MC 176M which was included in the training packet. Since the revisions are minor and since we have a large supply of existing 176Ms, eligibility staff will continue to use the existing MC 176M.
- 3. MC 214 -- A copy of the new form is enclosed. This form will be available no later than December 15, 1980. An initial supply will be forwarded to all counties.
- 4. Notice to providers and notices to unmarried minors, 18-21 year old MIs and stepparents -- These temporary forms are available through the Eligibility Branch upon request. As soon as a county advises us of the number needed we will have them printed and sent within two weeks of the request.
- 5. Copies of draft regulations -- We have approximately 300 copies of the draft regulations. They are available upon request.
- 6. Copies of training package -- Upon request we can send you two or three copies of the training package. Due to forms reproduction priorities we will not be able to furnish a large number of the packages.

7. Medi-Cal Manual Letters containing final version of regulations and procedures -- Due to the regulation filing process and the potential for minor wording changes after the hearing by the Office of Administrative Law before approving the filing of the regulations, the Medi-Cal Manual Letters will probably not reach you until late January or early February, 1981.

If you have any questions, contact your Medi-Cal field representative at (916) 445-1912.

Sincerely,

Original signed by

Barbara V. Carr, Acting Chief Medi-Cal Eligibility Branch

Enclosures

cc: Medi-Cal Liaisons

Medi-Cal Field Representatives

Expiration Date: May 31, 1981

SHARE OF COST DETERMINATION - MN AND MI PERSONS

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. _	SSI/SSP OR IHSS RECIPIENT(S) II ALLOCATED SSI/SSP appropriate payment level	IV. ALLOCATION FROM LTC OR BOARD AND CARE PERSON TO SPOUSE AND/OR CHILDREN AT HOME								
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· 	f line 10 is less than line 3, the diffe allocation to the SSI/SSP or IHSS re- f entered here and on MC 176M, col	\$	For share of cost determination of the ABD person or the spouse ABD person, enter above amount on MC 176M, Column III, line For share of cost determination of spouse and/or children at homenter above amount on MC 176M, Column II, line 4.							
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V,	STEPPARENT COMPOTATION								
۵.	ESTABLISHMENT OF THE STE	PPARENT UNIT		C. UNMET NEED OF STEPPARENT UNIT					
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5	Stepparent's total income 'line 4 plus line 5)	s		7.	Stepparent's gross co	mmunity	\$	<i>-{//////</i>	
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				12.	Stepparent's total net nity income (line 8 nine 11)	commu- ninus	\$		
					One-half stepparent's community income (line 12 ÷ 2)	net	\$		
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	STEPPARENT CONTRIBUTION	**************************************	•						
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1.	Maximum stepparent contribution	line 2 minus	111111111111111111111111111111111111111	4.					
	line 6) (if less than 0, enter 0)			E. STEPPARENT INCOME AVAILABLE TO STEP- CHILDREN (line 88 or D3, whichever is greater) \$					
	Stepparent contribution (the lesser of line 1 or line 7)			Enter the above amount on the MC 176M, Column I or II, line 3 or 4 as "from stepperent"					
¥ł b	Hity Worker Signature			Work	er Number	Date of Cor	poutation		
46.115							•		

STEPPARENT QUESTIONNAIRE

Case Name	Case Number	
Since you are only applying for Medi-Cal for your children from much income your spouse makes available to these children.	n a prior union, it is necessary	for us to determine h
 Is all of your spouse's income available to you to use for your s If no, complete Number 2. 	separate children? Yes	□ No
2. How much of your spouse's income is available to you each mo \$	onth to use for your separate c	hildren?
I hereby state by my signature that the answers on this form are tru	ue and correct to the best of m	v knowledge.
Signature of Natural or Adoptive Parent		Date
MC 214 (11/80)		