

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

(916) 445-1912



October 20, 1982

To: All County Welfare Directors

Letter No. 82-54

REGULATION CHANGES REQUIRED BY SB 2012

Attached are the final regulations which were filed and effective on October 1, 1982 for Increased Parental Responsibility and Retroactive Eligibility for Medically Indigent (MI) Pregnant Women, as discussed by telephone with all counties on October 5, 1982. Draft materials on these subjects were first presented in All County Welfare Directors Letter No. 82-49 (Dated August 31, 1982).

Should you have any questions, please contact your county program consultant.

Sincerely,

Original signed by

Carol Goodman for
Madalyn M. Martinez, Chief
Medi-Cal Eligibility Branch

Attachment

cc: Medi-Cal Liaisons
Medi-Cal Program Consultant

REGISTER 82#40

RECEIVED FOR FILING

OCT 1 2 32 PM '82

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT - 1 1982

Office of Administrative Law

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

DEPARTMENT OF HEALTH SERVICES

(Agency)

September 30, 1982

(Date)

By: Beverlee A. Myers
(Agency Officer with Rule-making
Authority)
Beverlee A. Myers, Director

ENDORSED - FILED

In the office of the Secretary of State
of the State of California
MARCH FONG EU, Secretary of State

OCT 1 - 1982

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Ron Wetherall, Chief, Office of Regulations

TELEPHONE NUMBER

(916) 322-4990

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title 22

Sections Amended: 50125, 50351, 50373, 50379

Sections Adopted: 50604

Sections Repealed: ---

3. Type of Order:

a. ☐ Regular

b. ☒ Emergency (attach Finding of Emergency)

c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
☐ Promotional and Organizational Changes
☐ Editorial Correction
☐ Authority and Reference Citation Changes

RECEIVED

OCT 13 1982

OFFICE OF REGULATIONS
DEPT. OF HEALTH SERVICES

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmission of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18601
of the Health and Safety Code.

g. ☐ These are conflict of interest regulations containing the FBO approval stamp, and:

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes: 10/1/82

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.

a. ☐ On _____ as required
by statute: _____

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code)

c. ☐ On _____ (Designated

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11350.1)

R-63-82

(1) Amend Section 50123 by adding (b) and (c) to read:

(b) The county of responsibility for determining Medi-Cal eligibility for a family which includes a person under age 21 or, through December 31, 1982, an MI person, living away from the home and who is claimed by his/her parent as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes shall be the county in which the claiming parent lives as determined in accordance with (a).

(c) The county of responsibility for determining Medi-Cal eligibility for a person who is claimed by his/her parent as a dependent or as a deduction for tax purposes and whose parent lives out of state shall be the county in which such person resides as determined in accordance with (a).

NOTE: Authority cited: Sections 10713 and 14124.5, Welfare and Institutions Code; Section 57(c), Chapter 328, Statutes of 1981 (AB 799); Section 87(c), Chapter 1394, Statutes of 1982 (SB 2013).

Reference: Sections 14008 and 14016.5, Welfare and Institutions Code.

(2) Amend Section 50351(a)(4), (c) and (d) to read:

(4) Relative responsibility shall be parent for child living in the parent's home and persons specified in (c), except that the parents shall neither be held financially responsible for, nor asked or required to, contribute to or provide other health coverage for, the cost of minor consent services which the child applies for in accordance with Section 50147.1(a).

(c) Notwithstanding Sections 50114 and 50030, any person whether living in the home or away from the home, shall be considered a child and his/her parent shall be considered a responsible relative when both of the following conditions exist:

DO NOT WRITE IN THIS SPACE

(1) The person is under age 21 or, through December 31, 1982, is applying as an MI.

(2) The parent claims the child as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes.

~~(a)~~ (3) A Medi-Cal applicant or beneficiary shall not be required, as a condition of eligibility, to cooperate with an referral to or attempt by an agency to collect support from a responsible relative.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 87(c), Chapter 1594, Statutes of 1982 (SB 2012).

Reference: Section 14008, Welfare and Institutions Code.

(3) Amend Section 50373(a)(4) and (5) to read:

(4) A person who is under age 21 or, through December 31, 1982, an MI person who is claimed as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes shall be included in his/her parent's MFBU.

~~(4)~~ (5) Once the potential members of the MFBU have been identified, the MFBU shall be determined in accordance with the following:

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11386.1)

R-65-82

(A) Family members living in
the home who are not PA or Other PA
recipients.

1. Individual adult.

2. Individual, spouse.

3. Parent, children.

4. Both unmarried parents,
mutual children.

5. Both unmarried parents,
mutual children, separate children
of either or both parents.

6. Parent, spouse, mutual
children.

(B) MIBU

1. Individual adult.

2. Individual, spouse.

3. Parent, children.

4. Both unmarried parents,
mutual children.

5. Both unmarried parents,
mutual children, separate children,
except that when all the actual
children are excluded in accordance
with Section 80381, each unmarried
parent and that parent's separate
children shall be in a separate MIBU.

6. Parent, spouse, mutual
children.

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

7. Parent, spouse mutual children and/or separate child of either or both parents.

8. Unmarried minor parent; children; the unmarried minor parent's parents and his/her spouse and/or children.

9. Unmarried minor parent; second unmarried parent; their mutual children; separate children of either or both; unmarried minor parent's parent(s) and his/her spouse and/or children.

7. Parent, spouse, mutual children, separate children or the parent and the separate children of that parent if the conditions of 50175 are met.

8. Two MFBUs:
a. Unmarried minor parent as an ineligible member, unmarried minor parent's children.
b. Unmarried minor parent, the unmarried minor parent's parents and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).

9. Two MFBUs:
a. Unmarried minor parent as an ineligible member, second unmarried parent, separate children of either unmarried parents, mutual children.
b. Unmarried minor parent, the unmarried minor parent's parent(s) and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11320.1)

R-63-82

DO NOT WRITE IN THIS SPACE

10. Child living with the
child's parents requesting Medi-Cal
for minor consent services, whose
application is being processed in
accordance with Section 50147 (a)
(3) (D), the child's children.

10. Child and the child's
children.

11. Sibling children if all
other family members PA or Other PA.

11. Sibling children.

12. Sibling children, care-
taker relative.

12. Sibling children and
caretaker relative, except that
the caretaker relative may choose
to be in his/her own MFBU.

13. Sibling children, care-
taker relative, caretaker relative's
spouse and/or children.

13. Two MFBUs:
a. Sibling children.
b. Caretaker relative and
his/her spouse and/or children
(MFBU is determined in accordance
with (3) through (7)).

14. Child in foster care.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

R-65-82

15. Sibling children in foster
care.

15. Each sibling child is in
his/her own MTBU even if placed in the
same foster home.

16. Child detained or placed by
a court or court designated agency
under Welfare and Institutions Code,
Sections 300 or 601.

16. Child.

17. Child not living with a
parent or relative for whom a public
agency is assuming financial
responsibility in whole or in part.

17. Child.

18. Child not living with a
parent or caretaker relative when
parents or public agencies have been
contacted to determine whether they
will accept legal responsibility
for the child.

18. Child.

NOTE: Authority Cited: Sections 10725 and 14124.5, Welfare and Institutions C
Section 87 (c), Chapter 1394, Statutes of 1982 (SB 201

Reference: Section 14008, Welfare and Institutions Code.

DO NOT WRITE IN THIS SPACE

(4) Amend Section 50379(a) by adding (5) and (6) to read:

(5) Inability to establish retroactive eligibility in accordance with Section 50710.

(6) Parents who reside outside the state and who claim their children residing in the state as dependents in order to receive a tax credit or deduction for state or federal income tax purposes.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 87(c), Chapter 1594, Statutes of 1982 (SB 2012).

Reference: Sections 14005.12 and 14008, Welfare and Institutions Code.

(5) Adopt new Section 50604 to read:

50604. Maintenance Need -- Family Members Maintaining Separate Residences with Eligibility Determined as a Single MFBU.

(a) An MFBU which includes a child who maintains a separate residence from his/her parent(s) in accordance with Section 51351(c) shall be assigned a combined maintenance need to be calculated according to (1) through (3).

(1) In accordance with Section 50603, determine the maintenance need for the separate household of the child as follows:

(A) For one child living alone or one child sharing a residence with other persons not financially responsible for the child, use the AFDC payment level for one.

(B) For two or more children who are living together and who are claimed as dependents by the parent(s) for tax purposes, use the AFDC payment level for the corresponding number of persons.

(C) For two or more children who live alone in separate residences, use the AFDC payment level for one for each child.

(2) Determine the maintenance need for the parent's household in accordance with Section 50603.

DO NOT WRITE IN THIS SPACE

(3) Combine the maintenance need determined in (1) and (2). This is the total maintenance need for the entire MFBU.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 57(c), Chapter 328, Statutes of 1982 (AB 799); Section 87(c) Chapter 1594, Statutes of 1982 (SB 2012).

Reference: Sections 14003.12 and 14008, Welfare and Institutions Code.

FINDING OF EMERGENCY

This agency certifies the attached orders are necessary for the immediate preservation of the public peace, health and safety, or general welfare. The specific facts constituting the need for immediate action are:

STATEMENT OF FACTS

These regulations implement, interpret and make specific Section 14016(c) of the Welfare and Institutions Code, as amended by AB 799, Chapter 328, Statutes of 1982 (effective July 1, 1982) and Section 14008 of the Welfare and Institutions Code, as amended by SB 2012, Chapter 1594, Statutes of 1982, (effective October 1, 1982).

Section 57(c) of Chapter 328, and Section 87(c) of Chapter 1594, Statutes of 1982, provide as follows:

(c) The State Director of Health Services shall adopt regulations implementing the provisions as emergency regulations in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted by the Department of Health Services in order to implement the provisions shall not be subject to the review and approval of the Office of Administrative Law. These regulations shall become effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

RECEIVED FOR FILING

OCT 1 3 14 PM

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

OCT - 1 1982

Office of Administrative Law
LEAVE BLANK

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

DEPARTMENT OF HEALTH SERVICES
(Agency)

September 30, 1982
(Date)

By: Beverlee A. Myers
(Agency Officer with Rule-making
Authority)
Beverlee A. Myers, Director

ENDORSED - FILED

In the office of the Secretary of State
of the State of California
MARCH FONG EU, Secretary of State

OCT 1 - 1982

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Ron Wetherall, Chief, Office of Regulations

TELEPHONE NUMBER

(916) 522-4990

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title 22

Sections Amended: 50710, 50167, 50379

Sections Adopted: _____

Sections Repealed: _____

3. Type of Order:

a. ☐ Regular

b. ☒ Emergency (except Election of Emergency)

c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
☐ Procedural and Organizational Changes
☐ Editorial Correction
☐ Authority and Reference Citation Changes

RECEIVED

OCT 1 8 1982

OFFICE OF REGULATIONS
DEPT. OF HEALTH SERVICES

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909 of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPMC approval stamp one.

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes: 10/1/82

Government Code Section 11346.2 provides that a regulation is effective on the 30th day after the date of filing with the Secretary of State. If an exception is desired, see the instructions on reverse. Check the appropriate box and fill in the appropriate information below.

a. ☐ On _____ as required by statute: _____

b. ☐ On _____ (Designated Effective Date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2)

c. ☐ On _____ (Designated Effective Date later than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

R-71-82

(1) Amend Section 50167(a) by adding (8) to read:

(8) Pregnancy of a medically indigent person, age 21 years or older, shall be verified by obtaining a letter of verification from either a physician or a person certified as a nurse practitioner, midwife or physician's assistant.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code, and Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Section 14019.1, Welfare and Institutions Code.

(2) Amend Section 50710(c) to read:

(c) A person 21 years of age or older shall not be retroactively eligible as a medically indigent person unless either of the following conditions exist.

(1) The person was residing in a skilled nursing or intermediate care facility during any part of both:

(1) (A) The month of application.

(2) (B) The month for which retroactive eligibility is requested.

(2) The person is a woman with a confirmed pregnancy.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code and Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Section 14019.1, Welfare and Institutions Code.

(3) Amend Section 50379(a) by adding (5) to read:

(5) Inability to establish retroactive eligibility in accordance with Section 50710.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

R-71-82

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code and Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Section 14019.1, Welfare and Institutions Code.

FINDING OF EMERGENCY

This agency certifies the attached orders are necessary for the immediate preservation of the public peace, health and safety, or general welfare. The specific facts constituting the need for immediate action are:

STATEMENT OF FACTS

These regulations implement and make specific Section 14019.1 of the Welfare and Institutions Code, as amended by SB 2012, Chapter 1594, Statutes of 1982 (effective October 1, 1982).

Section 87(c) of Chapter 1594, Statutes of 1982 provides as follows:

(c) The State Director of Health Services shall adopt regulations implementing the provisions as emergency regulations in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of the Administrative Procedure Act, the adoption of regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, Emergency regulations adopted by the Department of Health Services in order to implement the provisions shall not be subject to the review and approval of the Office of Administrative Law. The regulations shall become effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE