

DEPARTMENT OF HEALTH SERVICES

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October 10, 1991

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

Letter No.: 91-88

SUBJECT: CARETAKER RELATIVE WITH A SPOUSE AND/OR CHILDREN

REFERENCE: ACWDLS 86-80, 88-25

The purpose of this letter is to inform counties of a policy change to allow a nonparent caretaker relative with a spouse and/or children to be linked to a related child or children. Previously, a nonparent caretaker with a spouse and/or own children was required to be in a different Medi-Cal Family Budget Unit (MFBU) from the related child in his/her care and could not be linked to that child. As used in this letter, the term "related children" means children who are siblings or half siblings, but are not the caretaker relative's own children. The term "nonparent caretaker" relative refers to a caretaker relative as defined in Section 50085, Title 22, California Code of Regulations. However, because the Aid to Families with Dependent Children (AFDC) program includes a parent in its definition of caretaker relative, we frequently use the term "nonparent caretaker" in this letter to clarify that this new policy does not apply to a parent.

Effective immediately, but no later than January 1, 1992, the nonparent caretaker relative with a spouse and/or own children may now be linked to related children when:

- 1) the caretaker's spouse and own child(ren) do not want Medi-Cal or,
- 2) the caretaker's spouse and/or own child(ren) are eligible and receive Medi-Cal but the caretaker relative has no linkage in their MFBU.

MFBU Composition

The following examples show the MFBU composition for nonparent caretaker relative cases. Although some of the examples are currently in Section 50373, Title 22, California Code of Regulations or have been implemented in All County Welfare Directors Letters, we have included them for consistency. Please note that a caretaker relative who is a parent or spouse may now be in two MFBUs.

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**Family Members Living in the Home
Who are not PA or Other PA**

MFBU Composition

EXAMPLE 1 (No Change)

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). There is no spouse or children of her own in the home.

Household

MFBU(s)

Caretaker; related children.

1 MFBU:
Caretaker; related children.

She may be linked to grandchildren and is included in the same MFBU unless she requests otherwise and has her own linkage, i.e., aged, blind, or disabled. If she does not request Medi-Cal for herself, she is not included in the MFBU.

EXAMPLE 2 (No Change)

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather and their children also live in the home. All wish to be aided. The grandfather is unemployed.

Household

MFBU(s)

Caretaker; related children;
caretaker's spouse; their own children.

2 MFBUs:
a) Related children
b) Caretaker; caretaker's
spouse; their own children.

EXAMPLE 3 (New)

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather and their children also live in the home. The grandfather has no linkage and does not wish Medi-Cal nor do their own children.

Household

MFBU(s)

Caretaker; related children;
caretaker's spouse; their own children.

1 MFBU:
a) Caretaker; related children.

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EXAMPLE 4 (New)

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), her spouse, and her own children. The grandfather and their children live in the home. The grandfather has no linkage. The grandmother has no basis for linkage except as a nonparent caretaker relative to her grandchildren.

Household

Caretaker; related children;
caretaker's spouse; their own children.

MFBUs(s)

- 2 MFBUs:
- a) Caretaker; related children
 - b) Caretaker and caretaker's spouse as ineligible members; their own eligible children.

EXAMPLE 5 (New)

Aunt requests Medi-Cal for herself, her sister's children (siblings or half siblings) and her spouse who is aged. They have no children of their own living in the home. The aunt has no basis for linkage except as a nonparent caretaker relative to her nieces and nephews.

Household

Caretaker; related children;
caretaker's spouse.

MFBUs(s)

- 2 MFBUs:
- a) Caretaker; related children.
 - b) Caretaker as ineligible member. Caretaker's spouse (aged).

EXAMPLE 6 (No Change)

Grandmother requests Medi-Cal for herself, her grandchild, and her sister's children. She has no spouse or children of her own living in the home.

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Household

Caretaker; related children
(some who are not siblings or half
siblings)

MFBUs(s)

2 MFBUs:

- a) Related child
(grandchild)
- b) Related children
(niece, nephew);
caretaker.

or

- a) Related child
(grandchild);
caretaker.
- b) Related children
(niece, nephew).

Caretaker may choose either/any MFBUs. Children who are not siblings or half
siblings must be in their own MFBUs.

*Family Members Living in the Home
Who are PA or Other PA*

MFBUs Composition

EXAMPLE 7 (No Change)

Grandmother requests Medi-Cal for herself as a caretaker relative of her
grandchildren (siblings or half siblings) who are Supplemental Security
Income (SSI) recipients. She has no spouse or children of her own in the
home. She may be linked to grandchildren.

Household

Caretaker; related children
on PA.

MFBUs(s)

1 MFBUs:

Caretaker.

EXAMPLE 8 (No Change)

Uncle, his brother's children (siblings or half siblings), his wife and their own children request Medi-Cal. His wife is incapacitated. Nieces are SSI recipients.

Household

Caretaker; related children
on PA; caretaker's spouse; their own
children.

MFBUs(s)

1 MFBUs:

Caretaker; spouse;
their own children.

EXAMPLE 9 (No Change)

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather receives SSI because he is aged and lives in the home.

Household

Caretaker; related children;
caretaker's spouse on PA.

MFBUs(s)

1 MFBUs:

Caretaker; related
children.

EXAMPLE 10 (New)

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), and her own children. The grandfather receives SSI because he is aged. The grandparent's children are medically indigent; the grandmother's only linkage would be as the nonparent caretaker relative of her grandchildren.

Household

Caretaker; related children;
caretaker's spouse on PA; their own
children.

MFBUs(s)

2 MFBUs:

a) Caretaker; related
children
b) Caretaker as ineligible
member; her own children.

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Treatment of Income and Property

In households where there is an MFBU which contains a caretaker relative and related children and the spouse or children of the caretaker either do not wish Medi-Cal or receive public assistance (PA) or other PA and do not appear in any MFBU, no income or property of the caretaker's spouse or own children is counted other than income which is actually contributed to the MFBU. No income or property allocation is made to either the spouse or the caretaker's own children by the caretaker or vice versa.

If the caretaker relative is in two MFBUs, consider the caretaker relative's full income in both and allow his/her medical expenses to be used to meet the share of cost in both MFBUs as specified in Section 50379.

If an MFBU which contains a caretaker relative and related children has excess property or a share of cost, follow existing Sneede v. Kizer procedures.

We will send a draft of the proposed regulation changes as soon as they are available; however, counties should implement these changes no later than January 1, 1992.

We have enclosed the new changes to existing regulation Section 50373, Title 22, California Code of Regulations in procedures format for your convenience.

If you have any further questions, please contact Marge Buzdas at (916) 657-0726, ATSS 437-0726.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

MEDI-CAL ELIGIBILITY MANUAL

Family Members Living in the Home
Who are not PA or Other PA

MFBU Composition

EXAMPLE 1

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather and their children also live in the home. The grandfather has no linkage and does not wish Medi-Cal nor do their own children.

Household

Caretaker; related children;
caretaker's spouse; their own children.

MFBU(s)

1 MFBU:
a) Caretaker; related children.

EXAMPLE 2

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), her spouse, and her own children. The grandfather and their children live in the home. The grandfather has no linkage. The grandmother has no basis for linkage except as a nonparent caretaker relative to her grandchildren.

Household

Caretaker; related children;
caretaker's spouse; their own children.

MFBU(s)

2 MFBUs:
a) Caretaker; related children
b) Caretaker and caretaker's spouse as ineligible members; their own eligible children.

EXAMPLE 3

Aunt requests Medi-Cal for herself, her sister's children (siblings or half siblings) and her spouse who is aged. They have no children of their own living in the home. The aunt has no basis for linkage except as a nonparent caretaker relative to her nieces and nephews.

MEDI-CAL ELIGIBILITY MANUAL

Household

Caretaker; related children;
caretaker's spouse.

MFBUs(s)

2 MFBUs:

- a) Caretaker; related children.
- b) Caretaker as ineligible member. Caretaker's spouse (aged).

EXAMPLE 4

Grandmother requests Medi-Cal for herself, her grandchild, and her sister's children. She has no spouse or children of her own living in the home.

Household

Caretaker; related children
(some who are not siblings or half
siblings)

MFBUs(s)

2 MFBUs:

- a) Related child
(grandchild)
- b) Related children
(niece, nephew);
caretaker.

or

- a) Related child
(grandchild);
caretaker.
- b) Related children
(niece, nephew).

Caretaker may choose either/any MFBUs. Children who are not siblings or half siblings must be in their own MFBUs.

Family Members Living in the Home Who are PA or Other PA

MFBUs Composition

EXAMPLE 5

Uncle, his brother's children (siblings or half siblings), his wife and their own children request Medi-Cal. His wife is incapacitated. Nieces are SSI recipients.

MEDI-CAL ELIGIBILITY MANUAL

Household

Caretaker; related children
on PA; caretaker's spouse; their own
children.

MFBU(s)

1 MFBU:

Caretaker; spouse;
their own children.

EXAMPLE 6

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather receives SSI because he is aged and lives in the home.

Household

Caretaker; related children;
caretaker's spouse on PA.

MFBU(s)

1 MFBU:

Caretaker; related
children.

EXAMPLE 7

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), and her own children. The grandfather receives SSI because he is aged. The grandparent's children are medically indigent; the grandmother's only linkage would be as the nonparent caretaker relative of her grandchildren.

Household

Caretaker; related children;
caretaker's spouse on PA; their own
children.

MFBU(s)

2 MFBUs:

a) Caretaker; related
children
b) Caretaker as ineligible
member; her own children.

Treatment of Income and Property

In households where there is an MFBU which contains a caretaker relative and related children and the spouse or children of the caretaker either do not wish Medi-Cal or receive public assistance (PA) or other PA and do not appear in any MFBU, no income or property of the caretaker's spouse or own

MEDI-CAL ELIGIBILITY MANUAL

children is counted other than income which is actually contributed to the MFBU. No income or property allocation is made to either the spouse or the caretaker's own children by the caretaker or vice versa.

If the caretaker relative is in two MFBUs, consider the caretaker relative's full income in both and allow his/her medical expenses to be used to meet the share of cost in both MFBUs as specified in Section 50379.

If an MFBU which contains a caretaker relative and related children has excess property or a share of cost, follow existing Sneede v. Kizer procedures.