

DEPARTMENT OF HEALTH SERVICES

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(916) 657-2941

August 24, 1995

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

Letter No.: 95-48

EXEMPT PRINCIPAL RESIDENCE

The purpose of this All County Welfare Directors Letter (ACWDL) is to reiterate the policy previously disseminated in ACWDL No. 86-33, question numbers 7, 13, 15 and 16, dated June 9, 1986 (see enclosed) and currently contained in Title 22, California Code of Regulations, Section 50425, Welfare and Institutions Code, Section 14006, and the federal Social Security Act, Section 1613 (a).

- The principal residence is exempt based upon a person's SUBJECTIVE intent to return, even though he/she may never have the ability to return to that residence.
- The intent to return is indicated by the individual, or individual's relative on the Statement of Facts by marking the appropriate box.
- The county eligibility worker cannot restrict, in any way, the individual, or his/her representative, in the process of indicating that intent.
- The county must not require verification of the individual's ability to return to the principal residence, unless the individual, or his/her representative, requests the income deduction for upkeep and repair of the home pursuant to Title 22, Section 50605.
- If an individual, or his/her representative incorrectly states that there is no intent but later makes a correction, the county must accept that correction. In many cases, the individual, or his/her representative does not understand that the nature of the intent to return is subjective and is not related to the individual's ability to ever return.

A number of cases have been denied or discontinued due to a misunderstanding regarding the above policy. Therefore, counties must take steps to rescind any such denial or discontinuance as soon as they become aware of one. Eligibility must be granted for the months in which Medi-Cal was requested, if otherwise eligible, but no further back than the effective date of our regulations (December 2, 1985).

If you have any questions regarding this issue, please call Sharyl Shanen-Raya of my staff at (916) 657-2942.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure