

DEPARTMENT OF HEALTH SERVICES

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February 20, 1996

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

Letter No.: 96-10

QUESTIONS AND ANSWERS REGARDING CHILDREN IN AID CODE 45

Ref.: All County Welfare Directors Letter (ACWDL) No. 95-11

The purpose of this letter is to provide counties with: (1) a policy change regarding treatment of income of a foster care child and (2) updated information provided in ACWDL No. 95-11. ACWDL No. 95-11 dated February 10, 1995 is now obsolete. Specifically, this letter provides an example for Answer No. 2 (shown below) which reflects a policy change regarding the treatment of a foster child's income when the foster child meets his/her own needs without financial assistance from a public agency. Other information provided in ACWDL No. 95-11 has not been substantially changed.

This letter provides Questions and Answers regarding children receiving Medi-Cal benefits under aid code 45. These children are not living with a parent or relative and a public agency is assuming financial responsibility in whole or in part, as defined in Section 50251 (a) (3), Title 22, California Code of Regulations. These are children who are not eligible for federal or state only foster care under aid codes 4C, 40, and 42 or Emergency Assistance under aid codes 4K or 5K.

Question 1: If a person is between 18 and 21 years old and a public agency is assuming financial responsibility, may the agency apply for him/her by using the shorter MC 250 Statement of Facts form?

Answer 1: No. According to the Medi-Cal Eligibility Procedures Manual, Section 8C-2, a person 18 to 21 years old is considered an adult even though a public agency is assuming financial responsibility. Therefore, the person must apply using the regular MC 210 Statement of Facts form and any income and property of the person is considered when determining his/her eligibility.

The Department of Health Services (DHS) is considering changing this policy, as this person is probably not independently handling his/her own affairs. However, until this change is completed, counties should continue to follow current regulations and procedures.

Question 2: If a child has enough income or property to meet his/her needs (placement costs or personal needs, etc.) without any financial assistance from a public agency, but the child is under the care and control of the agency, should the county report him/her to the Medi-Cal Eligibility Data System (MEDS) under aid code 45?

Answer 2: No. If the public agency is only administering the child's income or property and does not support the child financially, the child should be reported to MEDS under aid code 82 or 83. The agency should fill out the MC 210 and the county will determine eligibility based on the child's income and property. The child's income must be applied to the cost of his/her care.

POLICY CHANGE:

The following example illustrates a policy change on how a child's income is computed when the child pays for his/her foster care payment. In computing the Medi-Cal budget, that portion of the child's income which represents the difference between the maintenance need and the foster care rate is considered unavailable income.

EXAMPLE: A 13-year-old child resides in a licensed foster care home which charges a monthly rate of \$702. The child's monthly income consists of Veteran's benefits of \$200 and Social Security benefits of \$503, for a total of \$703. Since the child is required to pay from his/her own funds for staying in the home, the Medi-Cal budget would be computed in the following manner:

\$702 Foster Care Rate
- <u>\$600</u> Maintenance Need
\$102 Unavailable Income
\$703 Total Income (no deductions, all unearned income)
- <u>\$102</u> Unavailable Income
\$601 Net Available Income
- <u>\$600</u> Maintenance Need
\$ 1 Share of Cost

Please refer to Title 22, Section 50515, on the treatment of unavailable income. DHS is in the process of revising Section 50515 to specifically address the foster care child as being analogous to a person in a board and care facility.

Question 3: If a child has no income or property and the public agency is not providing any financial assistance (e.g., the child is placed in a prospective adoptive home and the potential parents have waived financial support), should the child be reported to MEDS under aid code 45?

Answer 3: No. The reason is similar to Answer No. 2, where the county is not providing any financial assistance. In this situation, since the child has no income and therefore no share of cost, he/she should be reported to MEDS under aid code 82. The public agency should fill out the MC 210.

NOTE: The income and property of the prospective adoptive parents are not used in determining eligibility until the adoption is final.

Question 4: Is a child without satisfactory immigration status, who is under the care of a public agency, eligible for full benefits under aid code 45?

Answer 4: No. However, counties may seek permanently residing in the United States under color of law (PRUCOL) status for the child in accordance with ACWDL No. 92-48. If otherwise eligible, the county may place the child in aid code 45 pending the Immigration and Naturalization Service's response to the Systematic Alien Verification for Entitlements inquiry. If PRUCOL is granted, the child may remain in aid code 45. If PRUCOL is denied, the child must be placed in aid code 58.

Question 5: Is a child living with a relative other than a parent eligible for aid code 45, since he/she may receive Medi-Cal automatically under aid codes 4C, 40, or 42 while in this living situation?

Answer 5: No. Aid code 45 is only for a child who is not living with a parent or relative. However, the child could be aided through the Medically Needy Program (aid code 34 or 37) and the relative could be linked if he/she were otherwise eligible.

Question 6: Is a child in a board and care facility for the developmentally disabled entitled to Medi-Cal under aid code 45 while awaiting Supplemental Security Income benefits?

Answer 6: No. Although the regional center may be providing financial assistance, unless the court has appointed it as conservator, guardian, or executor to act on the child's behalf, the county should report the child to MEDS as Medically Needy (e.g., 24, 34, etc.) or Medically Indigent (e.g., 82). The parents should fill out the MC 210, if they are still financially responsible for the child; however, the regional center may also complete the application if the parent is not available.

Question 7: May providers bill for services rendered to a newborn child on the natural mother's Medi-Cal card prior to issuance of aid code 45 (or an Aid to Families with Dependent Children-Foster Care aid code) if it is presented by the public agency or foster parent?

Answer 7: Yes. Infants are eligible for shared mother/child card coverage during the month of birth and the following month, per Title 22, Section 50733.

Question 8: If a child is released from the public agency to his/her parent's or relative's home, does his/her eligibility continue under aid code 45 until the end of that month?

Answer 8: Yes. Similar to other Medi-Cal programs, eligibility will continue through that month.

Question 9: Is a child who needs medical attention eligible for aid code 45 if he/she has been arrested and is under a penal hold, including Section 602?

Answer 9: No, not unless a public agency already had financial responsibility for the child. If medical assistance is needed prior to booking, the child may be eligible for Medi-Cal under other appropriate aid codes. If the child is in jail awaiting disposition, the child is not eligible. If the disposition order dismisses the 602 charge and the child is awaiting placement in foster care, the child may be eligible for Medi-Cal under aid code 45.

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If you have further questions regarding aid code 45, please contact Pat Takahashi of my staff at (916) 657-1246. Questions pertaining to income should be directed to Dave Rappolee of my staff at (916) 657-0163.

Sincerely,

ORIGINAL SIGNED BY

FRANK S. MARTUCCI, CHIEF
Medi-Cal Eligibility Branch