

§ 50351. Responsible Relatives.

(a) The responsibility of a relative to contribute to the cost of health care services of a Medi-Cal applicant or beneficiary shall be limited to spouse for spouse and parent for child.

(b) In determining Medi-Cal eligibility and share of cost, relative responsibility shall be determined in accordance with the following:

(1) Relative responsibility shall be spouse for spouse when the spouses are living together in the home.

(2) If one or both of the spouses is in LTC or board and care, the spouses income and property shall be considered available in determining each other's eligibility and share of cost in accordance with the MFBU composition provision of Section 50377.

(3) If neither of the spouses is in LTC or board and care but the spouses are living apart, the spouses shall have their eligibility and share of cost determined as single persons the day following the separation, if it is known that the separation will not be temporary in accordance with Section 50071(b).

(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 care coverage for, the cost of minor consent services which the child applies for in accordance with Section 50147.1(a).

(c) Notwithstanding Sections 50014 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:

(1) The person is 18 years of age or older but under 21.

(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.

(d) Where, under Section 50373(a)(5), deeming occurs that is not spouse for spouse or parent for child as required under subsection (a), and the family has excess property or a share of cost, or both, the county shall redetermine the budget unit to ensure that each person's available income is deemed only to that person's child or spouse. For the purposes of this subsection, "deeming" is the process by which the income of one person is treated as available to another person.

§ 50371. Medi-Cal Family Budget Unit.

(a) The Medi-Cal Family Budget Unit (MFBU) shall be the basic unit of persons considered in determining a person's or family's eligibility and share of cost. The MFBU shall be established in accordance with Sections 50373 through 50379. Members of the MFBU may be excluded from an established MFBU in accordance with Section 50381.

(b) Changes in the MFBU shall be reflected in the share of costdetermination within the time frames specified in Section 50565, except that the changes may be reflected in the month the changes are reported if it is to the beneficiary's advantage. Any advantage shall be explained to the beneficiary. The beneficiary shall determine whether the change shall be reflected in the month it is reported.

§ 50373. Medi-Cal Family Budget Unit Determination, No Family Member in LTC or B

(a) The MFBU for a family with no family member in LTC or board and care shall be determined in accordance with the following:

(1) Family members who are PA or Other PA recipients, except for persons eligible for four month or nine month continuing eligibility, shall not be included in the MFBU.

(2) All family members living in the home, other than those specified in (1), shall be included in the MFBU in accordance with (5) whether or not they are eligible for, or wish to receive, Medi-Cal. Potential members of the MFBU may be excluded in accordance with Section 50381.

(3) All family members living in the home, except those children excluded from the MFBU in accordance with 50381 and children who are ineligible for Medi-Cal, shall be considered in determining whether linkage to AFDC exists. Family members also include persons who are PA or other PA recipients.

(4) A person who is 18 years of age or older, but under age 21, 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.

(5) Once the potential members of the MFBU have been identified, the MFBU shall be determined in accordance with the following as modified by Section 50374:

(A) Family members living in the home.

(B) MFBU

1. Individual adult.

2. Individual, spouse.

1. Individual adult.

3. Parent, children.

2. Individual, spouse.

4. Both unmarried parents, mutual children.

3. Parent, children.

4. Both unmarried parents, mutual children.

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

5. Both unmarried parents, mutual children, separate children, except that when all the mutual children are excluded in accordance with Section 50381, each unmarried parent and that parent's separate children shall be in a separate MFBU.

6. Parent, spouse, mutual children.

6. Parent, spouse, mutual children.

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

7. Parent, spouse, mutual children, separate children or the parent and the separate children of that parent if the conditions of 50375 are met.

8. Minor parent, minor parent's children, the minor parent's parent and that person's spouse and/or children.
8. Two MFBU's:
 - a. Minor parent as an ineligible member, minor parent's children.
 - b. Minor parent, the minor parent's parent and that person's spouse and/or children (MFBU is determined in accordance with (3) through (7)).
9. Unmarried minor parent, second unmarried parent, their mutual children, separate children of either or both, unmarried minor parent's parent and that person's spouse and/or children.
9. Two MFBU's:
 - 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)).
10. Married minor parent, minor parent's spouse, their mutual children, separate children of either or both, minor parent's parent and that person's spouse and/or children.
10. Three MFBU's:
 - a. Married minor parent; married minor parent's spouse and children as ineligible members, and married minor parent's parent and that person's spouse as ineligible member(s).
 - b. Married minor parent as an ineligible member, married child's spouse and children.
 - c. Married minor parent as an ineligible member, married minor's parent and that person's spouse and/or children.
11. Child living with the child's parents requesting Medi-Cal for minor consent services, whose application is being processed in accordance with Section 50147.1(d) (3) (D), the child's children.
11. Child and the child's children.
12. Sibling children if all other family members are PA or Other PA.
12. Sibling children.
13. Parent, spouse if all children are PA or other PA.
13. Parent, spouse.
14. Sibling children, caretaker relative.
14. Sibling children and caretaker relative, when the caretaker relative chooses to be included.
15. Caretaker relative if all children are PA or other PA.
15. Caretaker relative.
16. Sibling children, caretaker relative, caretaker relative's spouse and/or children.
16. Two MFBU's:
 - a. Sibling children.
 - b. Caretaker relative and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).
17. Caretaker; sibling children; caretaker's spouse. (Spouse does not want Medi-Cal or is not eligible).
17. Caretaker; sibling children.
18. Caretaker; sibling children; caretaker's spouse; their own children. (Spouse has no linkage. Caretaker has linkage only as a caretaker relative.
18. Two MFBU's:
 - a. Caretaker; sibling children.
 - b. Caretaker and caretaker's spouse as ineligible; their own children.
19. Caretaker; sibling children; other related sibling children.
19. Two MFBU's:

- a. Sibling children. (Caretaker has linkage only as a caretaker relative).
 - b. Other sibling children; Caretaker or
 - c. Sibling children; caretaker.
 - d. Other sibling children.
20. Caretaker; sibling children; caretaker's spouse is PA. (Caretaker has linkage only as a caretaker relative.)
20. Caretaker; sibling children.
21. Caretaker; sibling children are PA; caretaker's spouse; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own).
21. Two MFBUs:
- a. Caretaker.
 - b. Caretaker as ineligible; spouse; his/her own children.
22. Caretaker; sibling children; caretaker's spouse is PA; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own).
22. Two MFBUs:
- a. Caretaker; sibling children.
 - b. Caretaker as ineligible member; his/her own children.
- (C) Family members, not living in the home.
- (D) MFBU
1. Person 18 to 21 when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation.
 1. Person and parents in accordance with (A).
 2. Person 18 to 21, person's spouse and children, and person's parent(s) when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation.
 2. Three MFBUs
 - a. Person claimed as a tax dependent; person's spouse and children as ineligible members, and person's parent(s) as ineligible members(s).
 - b. Person claimed as a tax dependent as an ineligible member, person's spouse and children.
 - c. Person claimed as a tax dependent as an ineligible member, person's parent(s).
 3. Child in foster care.
 3. Child.
 4. Sibling children in foster care.
 4. Each sibling child is in his/her own MFBU even if placed in the same foster home.
 5. Child detained or placed by a court or court designated agency under Welfare and Institutions Code Sections 300 or 601.
 5. Child.
 6. Child not living with a parent or relative for whom a public agency is assuming financial responsibility in whole or in part.
 6. Child.
 7. 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.
 7. Child.

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§ 50374. MFBU Determination -Child Stays Alternately with Each Parent.

(a) A child, who stays alternately for periods of one month or less with each of his/her parents and the parents are separated or divorced, shall be included in the MFBU of the parent specified in this section. The child shall be included in the MFBU of the parent:

(1) With whom the child stays for the majority of time unless the other parent can establish that he/she has majority responsibility, as defined in (c), or care and control of the child.

(2) Who has majority responsibility, as defined in (c), when the child spends an equal amount of time with each parent.

(3) Who applies for Medi-Cal on behalf of the child, when the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities. When both parents apply for Medi-Cal for such a child, the child's MFBU shall be determined in accordance with (b).

(b) A child described in (a) (3) shall be included in the MFBU of the parent who solely meets one of the following conditions in the order specified. The parent who:

(1) Is designated in a current court order as the primary parent for purposes of public assistance, under Civil Code, Section 4600.5(h).

(2) Is eligible for Medi-Cal.

(3) Is designated, through mutual agreement of both parents, as the primary parent for purposes of public assistance.

(4) First applied for Medi-Cal on behalf of the child.

(c) For purposes of this section, when determining which parent has majority responsibility for care of a child, the following factors shall be considered. In addition, other similar factors shall also be considered as a single factor may not be determinative. The determination shall include, the extent to which the parent:

(1) Decides where the child attends school.

(2) Deals with the school on educational decisions and problems.

(3) Controls participation in extracurricular and recreational activities.

(4) Arranges medical and dental care services.

(5) Claims the child as a tax dependent.

(6) Purchases and maintains the child's clothing.

(d) Once the MFBU has been determined with (a), (b) and (c), the child shall remain in that MFBU while staying with the other parent for alternating periods of one month or less. If the child stays with the other parent consecutively for more than one month, then the child shall be included in the MFBU of that parent.

§ 50375. Medi-Cal Family Budget Unit Determination, Stepparent Cases.

(a) Family members in a family which includes a stepparent shall be in the same MFBU unless only the separate children of one parent wish to receive Medi-Cal.

(b) If the applicant requests that only the separate children of one parent receive Medi-Cal, the right to make this choice and its effects shall be explained to the applicant at the time of the face-to-face interview.

(c) The stepparent unit shall consist of the following:

(1) Stepparent.

(2) Parent.

(3) Mutual children.

(4) Stepparent's separate children.

(d) When only the separate children of one parent will receive Medi-Cal:

(1) The parent of the separate children shall be an ineligible member of the separate children's MFBU in accordance with Section 50379(e).

(2) The members of the stepparent unit, other than the parent of the separate children shall be excluded from the MFBU in accordance with Section 50381(b).

§ 50377. Medi-Cal Family Budget Unit (MFBU) Determination, Family Member in Long-T

(a) An aged, blind or disabled person who is in LTC or board and care shall be in his/her own MFBU, except as provided in (c).

(b) An aged, blind or disabled person's spouse who is in LTC or board and care shall be in his/her own MFBU, except as provided in (c).

(c) Spouses and their children shall be in the same MFB for property evaluations until the end of the sixth full month of LTC or board and care status when all of the following conditions are met:

(1) Both spouses are aged, blind or disabled.

(2) One or both spouses is in LTC or board and care.

(3) Both spouses apply for and are eligible for Medi-Cal.

(d) A person who is in LTC or board and care who is not aged, blind or disabled and whose spouse is not aged, blind or disabled shall be included in the MFBU with the person's spouse, and/or children or, where the person is a child, with the child's parents.

(e) A child who is a ward of the court or the responsibility of a public agency due to a voluntary placement by a parent or guardian and who is a patient in a medical facility shall be in the child's own MFBU.

(f) A child who is not blind or disabled, who is in LTC and who was not living with the child's parents immediately prior to entering LTC shall be in the child's own MFBU.

(g) Income and property available to the MFBUs established in accordance with this section shall be determined in accordance with Sections 50557 and 50403.

§ 50379. Ineligible Members of the Medi-Cal Family Budget Unit.

(a) Persons who are ineligible for Medi-Cal for any of the following reasons shall be ineligible members of the MFBU, as limited by (b).

(1) Refusal to apply for a Social Security number except as specified in Section 50302(c).

(2) Refusal to apply for a Medicare health insurance claim number.

(3) Refusal to apply for and accept unconditionally available income.

(4) Inability to meet the basic eligibility criteria for any of the Medi-Cal programs.

(5) 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.

(6) Refusal by a parent or caretaker relative to assign to the state all rights to medical support and payments for medical care from any third party.

(7) Refusal by a parent or caretaker relative, without good cause as specified in Section 50771.5, to cooperate in establishing paternity for a child under eighteen years of age born out of wedlock for whom Medi-Cal is requested and in obtaining medical support and payments, and in identifying and providing information concerning any third party who is or may be liable to pay for medical care or support.

(b) A child ineligible for Medi-Cal for any of the reasons listed in (a) who has separate income or property may be treated as an ineligible member of the MFBU or be excluded from the MFBU in accordance with Section 50381. This choice is the option of the person who has legal responsibility for the child.

(c) Persons who are eligible for four month continuing eligibility or Transitional Medi-Cal shall be ineligible members of the MFBU.

(d) Minor parents living with their parents shall be ineligible members of the MFBU that includes the minor parent's children except when the minor parent wishes to receive only

minor consent services. Minor parents who wish to receive Medi-Cal, other than minor consent services, shall be included in the MFBU with their parents.

(e) The parent of the separate children in a stepparent case who are the only family members who wish to receive Medi-Cal in accordance with Section 50375 shall be an ineligible member of the separate children's MFBU.

(f) The following persons shall be ineligible members of the MFBU when a person 18 to 21 is claimed by his/her parent as a dependent in order to receive a tax credit or deduction for state or federal income taxation:

(1) The spouse, children, and parent(s) of the person 18 to 21 claimed as a tax dependent shall be ineligible members of the MFBU which includes the tax dependent.

(2) The person 18 to 21 claimed as a tax dependent shall be an ineligible member of the MFBUs which include either:

(A) His/her parent(s).

(B) His/her spouse and children.

(g) Ineligible members of a MFBU shall:

(1) Be included in the MFBU for the purpose of determining eligibility based on property and share of cost.

(2) Have their health care costs used to meet the share of cost.

(3) Not be issued a Medi-Cal card.

§ 50381. Persons Excluded from the Medi-Cal Family Budget Unit.

(a) Any child, other than an unborn or an infant during the first two months of life, may be excluded from the MFBU. This choice shall be the option of the person who has legal responsibility for the child. Excluded children shall not:

(1) Apply separately unless they apply for minor consent services.

(2) Be included in the MFBU for the purpose of determining eligibility and share of cost.

(3) Be considered in determining the program for which the persons included in the MFBU are eligible.

(4) Have their health care costs used to meet the MFBU's share of cost.

(b) All the members of the stepparent unit established in accordance with Section 50375, other than the parent of the separate children receiving Medi-Cal, shall be considered excluded from the MFBU. The excluded members shall not:

(1) Apply separately unless they apply for minor consent services.

(2) Be included in the MFBU for the purpose of determining eligibility and share of cost.

(3) Have their health care costs used to meet the MFBU's share of cost.

(c) The county department shall explain to the applicant who has a choice of being included or excluded from the MFBU the advantages and disadvantages of such an action before the choice is made.