

ITEM 09-3-1: Paraphrased Regulations

This version of the paraphrased regulations provides 39 additions and 12 revisions to the paraphrased regulations. There are also 11 deleted paraphrased regulations and three renumbered paraphrased regulations.

There are new paraphrased regulations for Foster Care (186-10G through 186-10L) and Adoption Assistance Program benefits (928-2 through 928-2E) that discuss supplements to the rate paid on behalf of dual agency children (a child in a foster care home, a child in an adoptive placement, or adopted from the foster care system, who receives Aid to Families with Dependent Children-Foster Care (AFDC-FC) or Adoption Assistance Program (AAP) benefits and who is concurrently a consumer of California regional center services due to a developmental disability),

Paraphrased regulations 416-4 through 416-4L were added and paraphrased regulations 416-3A through 416-3J were deleted because rules regarding Medi-Cal midyear status reports (MSR) were modified. All County Welfare Director's Letter 08-56 instructed counties how to implement changes to the status reporting requirements. Section 14011.16 of the Welfare and Institutions (W&I) Code was amended to require children under age 19 to file a MSR and Section 14011.17 of the W&I Code was added to exempt certain groups from the reporting requirements. Coinciding with the MSR requirement for children, W&I Code Section 14005.25 was amended to reduce Continuous Eligibility for Children (CEC) from 12 months to 6 months, effective upon the first day of the month following 90 days of the operative date (January 1, 2009). The new MSR requirements are in effect for the same time period in which there is a reduction in CEC from 12 to 6 months, requiring a January 1, 2009 implementation.

As a result of the reduced CEC time period, non-exempt children will be terminated from Medi-Cal whenever a parent/caregiver fails to submit a MSR

Paraphrased regulation 004-1E citing All County Information Notice I-66-08 was added to address good cause exceptions for late filings of hearing and rehearing requests because W&IC sections 10951 and 10960 were modified effective January 1, 2008 to allow for a late filing of a hearing request if good cause is established.

RENUMBERED

004-1E to 004-1F
007-2 to 007-2A
622-6A to 622-6B

DELETED

416-3A; 416-3B; 416-3C; 416-3D; 416-3E; 416-3F; 416-3G; 416-3H; 416-3I; 416-3J; 439-5C

REVISED

010-13

Record retention requirements in PA cases (ACL 06-33; 23-353)

019-3

Failure or refusal to provide SSN results in ineligibility for individual, or if individual is only eligible child, for entire AU (40-107(a)(1) and (g)(1)(E))

186-10E

Supplement to dual agency rate (ACL 08-17, 08-54)

416-3

Midyear status report requirement and exemptions from that requirement; children under 19 now required to complete MSR (W&IC 14011.16; ACWDL 03-41; 08-56)

417-11

CEC program protects zero share of cost children under 19 from discontinuance or a share of cost until the next redetermination, or until they turn 19, whichever is earlier; CEC period reduced from 12 months to six months effective January 1, 2009 (ACWDL 01-01; AB 2900, ACWDL 08-55)

439-2

Allocations in the QMB, SLMB, QI, and 250% working disabled programs in last two years and current (ACWDL 06-35, 06-35 errata, 07-25, 08-57)

439-3

Current and prior year TB income standard, resource limit, standard allocation and federal benefit rate (ACWDL 07-31, 08-60)

439-4

Current and prior two years Medicare Part B premiums (ACWDL 06-35, 07-26, 08-57)

439-5

Effective A&D FPL limit for individual and couples in current and prior year (ACWDLs 08-06, 08-13,; 08-24, 08-40, 08-52 and 09-08)

439-7

FPL and SLMB levels effective April for current and prior year (ACWDL 08- 05; 09-06)

487-6A

Current and prior year Statewide APPR for Medi-Cal transfer of property period of ineligibility (ACWDLs 08-10 and 09-05)

628-4

SSI/SSP payment level current and prior year (ACWDL 07-21; 08-51E)

ADDED

004-1E

Statutory changes to W&IC sections 10951 and 10960 provide good cause exceptions to 90-day period for hearing request and 30-day period for rehearing request (I-66-08)

007-2

Good cause criteria for not attending a hearing (22-054.222(a))

.012-4

Applicants, recipients and their authorized representatives are entitled to have access to their case records (ACL 07-29)

012-4A

Information provided by applicant/recipient must be shown to him/her or to representative upon request; privilege exists only if information comes from third party (ACL 07-29)

012-4B

Documents necessary to determine whether to prepare for or request hearing must be provided at cost of production or no charge; in food stamps, documents must be provided at no charge; regulations do not prohibit charge for non hearing related documents (22-051.3, .31; ACL 07-29)

180-9

State law requires county to educate Foster Care children in out of home care of personal rights; personal rights listed in WIC 16009.9 (WIC 16009.9(a), 16501.1(f)(4); 31-401.5, 31-445.2; ACL 08-51)

181-10

Certain adults that are not required to be Live Scanned (Title 22 CCR 89219(b)(6), (b)(7); Health and Safety 1522(b))

181-10A

"Reasonable and prudent parent" may allow adult friends and family to provide short-term care to the child; reasonable and prudent person defined (WIC 362.04(b); 362(a)(2))

181-10B

Medical professionals are not required to be Live Scanned under certain conditions (Title 22 CCR 89219(b)(1))

186-10

Children who receive or request SDA rates have same due process rights as other children applying for Adoption Assistance Program or Foster Care (ACL 08-54)

186-10G

SDA rate not available to children under three years who are provided services by Regional Center through Early Start Intervention Services Act (ACL 08-54)

186-10H

SDA Rate may be requested either directly by a dual agency child's foster caregiver or adoptive parent, or through a referral from a Regional Center (ACL 08-54)

186-10I

SDA Rate is structured in four levels of \$250.00, \$500.00, \$750.00, and a maximum of \$1,000.00 (ACL 08-54)

186-10J

Counties must use objective criteria developed by state to determine SDA rate (ACL 08-54)

186-10K

Effective date of SDA rate for dual agency rate children either adoptively placed or placed in Foster Care in several situations (ACL 08-54)

416-4

Groups exempt from MSR requirements (ACWDL 08-56; W&C 14011.17)

416-4A

Groups exempt from MSR requirements in addition to the mandated group of exempt beneficiaries (ACWDL 08-56, W&IC 14011.16)

416-4B

Children under the age 19 must comply with MSR requirements (ACWDL 08- 56)

416-4C

Fact that a beneficiary is exempt from MSR does not affect any other reporting obligations (ACWDL 08-56)

416-4D

Qualifying for MSR exemption based on pregnancy includes reporting the pregnancy before or during MSR process (ACWDL08-56)

416-4E

Counties must Bridge children to the Healthy Families when the MSR documents increased income that would result in a child no longer being eligible for \$0 share of cost Medi-Cal (ACWDL 08-56)

416-4F

Counties must implement the new MSR requirements effective January 1, 2009 (ACWDL 08-56)

416-4G

CalWORKs beneficiary who is discontinued from CalWORKs for failure to submit a QR7 is subject to MSR reporting unless otherwise exempt (ACWDL 08-56)

416-4H

Counties shall continue the current policy to mail the MSR to the non-exempt beneficiary in the sixth month (ACWDL 08-56)

416-4I

When the beneficiary submits an incomplete MSR, the county must follow the SB 87 process before initiating any discontinuance action (ACWDL 08-56)

416-4J

MSRs received after discontinuance date (ACWDL 08-56)

416-4K

When the MSR, or other mail, is returned to the county as undeliverable, the county is required to follow the three-step SB 87 process (ACWDL 08-56)

416-4L

When sending county has sent beneficiary a MSR in the mail, beneficiary has responsibility to submit MSR. and sending county continues to be the county of responsibility (ACWDL 08-56)

417-13A

New State law reduced the CEC program period from 12 months to 6 months effective January 1, 2009 (ACWDL 08-55)

417-13B

CEC continues for up to six months from initial eligibility to MSR or from MSR to annual redetermination (ACWDL 08-55)

431-8C

If person in LTC status has and will contribute to the support of a disabled non-spouse, non-child relative, the LTC person may allocate income to that disabled relative (ACWDL 90-03 draft regulation 50605(d),(e))

487-7

Counties must send cases to DCHCS property analyst if they conclude a potentially disqualifying property transfer took place. The property analyst will notify the county whether or not to send a NOA to restrict services due to a disqualifying transfer. (ACWDL 97-05)

622-6A

SOC 294-A form used to calculate deemed income from ineligible spouse (ACL 85-110)

928-2

SDA rate not available to children under three years who are provided services by Regional Center through Early Start Intervention Services Act (ACL 08-54)

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