

ITEM 09-9-1 Paraphrased Regulations

This version of the paraphrased regulations provides 22 additions and 14 revisions to the paraphrased regulations. There are also three renumbered paraphrased regulations and five are deleted.

Effective July 1, 2009, new regulations address Foster Care overpayments. There are new paraphrased regulations regarding Foster Care overpayments in section 185. Foster Care providers including group home providers and foster family agencies disputing overpayments can be claimants for state hearing purposes. Additionally, there is an informal county hearing process for some Foster Care overpayment issues. If a claimant avails himself/herself of the informal process, the 90-day time period for requesting a state hearing does not begin until a decision has been issued in the informal hearing process or the claimant does not attend or withdraws from the informal hearing process.(see revised ParaReg 004-1).

All County Letter 09-30 clarifies or corrects answers to certain questions in ACL 08-18 regarding the IHSS program policies and/or interpretations. These paraphrased regulations can be found in sections 568, 614, 620 or 626 depending on the subject.

All County Information Notice I-54-09 provides food stamp questions and answers on a variety of issues. Four of the questions and answers are included in the paraphrased regulations. Also ACIN I-58-09 provides questions and answers regarding overissuances calculations regarding increased stimulus payments. This ACIN supersedes part of All County Letter 09-12 in that it instructs counties to use the food stamp issuance tables from ACL 09-12 for overissuances that occurred in or after April 2009. In ACL 09-12, counties were instructed to use the allotment tables from earlier ACINs instead of the allotment table from ACL 09-12 for overissuances that occurred in or after April 2009.

Also, paraphrased regulations 527-3, 527-4 and 527-5 that explain the *Conlan* process in more detail have been added.

RENUMBERED

215-4J to 215-4K; 215-4K to 215-4L; 215-4L to 215-4M

DELETED

S003-11A; 292-9; S296-11; S825-2; S825-3E)

CORRECTED

486-5 (50453)

REVISED

003-11

Definition of "claimant"; TCC program repealed 1/1/98 (22-001(c)(2))

004-1

Statute of limitations, general; includes language-compliant effective January 24, 2007 (22-009.1, 22-901)

185-3A

Under state regulations, APP FC overpayments are collectible (45-304.127)

185-3C

State regulations permit demand and collection of overpayments, but prohibit demand on specified overpayment not the fault of the provider (W&IC 11466.24(a); 45-304.122 through .124)

185-3D

County shall not collect overpayments if it is not cost effective to do so (W&IC 11466.24(a)(1); 45-304.125(a) and (a)(1))

185-6A

County shall not initiate overpayment recovery more than one year after overpayment discovery (§45-304.42 and .421; W&IC 11466.24(f))

185-6

Methods of collecting FC overpayments (45-305.1, .2, .3; W&IC 11466.24(e))

431-8A

Family member maximum base allocation for current and prior years (ACWDL 08-20; 09-37)

568-2F

Meal preparation and clean-up must be done in recipient's home; unusual circumstances may necessitate occasional meal preparation and clean-up outside the home (ACL 08-18; 09-30)

568-9F

Maintenance exercise of assistance walking may be provided outside recipient's home; no time can be authorized for travel or assistance into or out of a vehicle for this service (ACL 08-18; 09-30)

614-6A

Spouse defined for PCSP, IPW and IHSS-R; IHSS program has two parts to its definition for spouse (ACL 08-18; 09-30)

620-15A

Stand-by time not allowed. Assessed time for encouragement and reminding may be minimal (ACL 08-18; 09-30)

620-25

Provider may be authorized time to provide services while recipient is temporarily out of home if provider accompanies recipient; certain services necessarily provided outside the home (ACL 08-18; 09-30)

626-1D

A mental health diagnosis can only be made by a mental health professional; diagnosis of any medical professional acting within scope of license is acceptable (ACL 08-18; 09-30)

ADDED**003-18**

No hearing rights for foster care providers regarding voluntary payment agreements (22-003.15)

004-1G

If a provider requests an informal hearing, the 90-day period to request a formal hearing under MPP Section 22-009.11 shall be suspended pending informal hearing decision or withdrawal from, or failure to appear at informal hearing process (45-306.3)

129-9F

How county must act when two different changes are reported; circumstances may be two changes that are separate or two that are part of one change (ACIN I- 54-03).

185-1

Definition of overpayment (45-304.1, .11)

185-1A

No overpayment if county chooses to pay eligible facility for absent child for period not to exceed 14 days (45-304.113)

185-3E

Counties shall not demand repayment of overpayment from non-profit group homes or foster family agencies no longer in business (45-304.126)

185-3F

For group home and FFA overpayments, an offset to administrative portion of subsequent payments shall be used to recover overpayment (45-304.33)

185-10

When interest is proper in collecting foster care overpayments (45-304.413; 45- 305.33)

185-11

Unless otherwise provided for in §45-305, the county shall collect group home provider and foster family agency overpayments in accordance with §11-402.66 (45-305.34)

185-12

Foster Care overpayment informal hearing process; does not preclude state hearing rights (45-306 and .1)

185-12A

If a provider requests an informal hearing, the 90-day period to request a formal hearing under MPP Section 22-009.11 shall be suspended pending informal hearing decision or withdrawal from or failure to appear at informal hearing process (45-306.3)

215-3A

For expedited food stamps, county prospectively determines eligibility for application month based on actual income (ACIN I-54-09)

215-4J

When father moves from TFS family and is approved for CalWORKs in another family, father and his income removed from TFS family (ACIN I-54-09)

261-4A

165% FPL Gross Income Standard for Disabled Elderly FS recipients living with others but granted separate household status due to disability. (63-402.17)

292-9A

For overissuances that occur on or after April 1, 2009, counties should use allotment tables in ACL 09-12 effective April 2009 (ACIN I-58-09)

292-9B

Because stimulus payment is subtracted out of both amount household received and should have received, calculation of overissuance is same as always computed (ACIN I-58-09)

296-11

County may demand repayment from excluded household members (ACIN I- 54-09)

296-18A

County cannot request tax intercept simultaneously when an allotment reduction is currently being used to collect the overissuance (ACIN I-54-09)

506-13

Eligible and Ineligible MFBU members are eligible to have the cost of their health services used to meet the share of cost for the MFBU (§50657(a)(1)(A) and (B))

527-3

Required reimbursement process (*Conlan v Shewry*)

527-4

Criteria for processing *Conlan* claims (*Conlan v Shewry*)

527-5

Revised Plan for Beneficiary Reimbursement (*Conlan v Shewry*)

ITEM 09-7-1: Paraphrased Regulations

This version of the paraphrased regulations provides 21 additions and seven revisions to the paraphrased regulations.

There are new paraphrased regulations in the food stamp household composition section 245 and the resource section 252 as a result of the addition of the Modified Categorical Eligibility (MCE) program in food stamps. All County Letter 09-24 explains that non-assistance food stamp households with a child under 18 may now establish eligibility for food stamps without a resource evaluation as long as the county issues the household a PUB 275 family planning brochure.