

DEPARTMENT OF HEALTH SERVICES

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MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO: 161

TO: All Holders of the Medi-Cal Eligibility Procedures Manual

QUESTIONS AND ANSWERS REGARDING RESPONSIBLE RELATIVES -- ARTICLE 8E

Enclosed is Article 8E of the Medi-Cal Eligibility Procedures Manual. These procedures were originally contained in All County Welfare Letter No. 95-07.

Procedure RevisionDescription

Article 8E

Questions and Answers

Filing Instructions:Remove PagesInsert Pages

Procedures Table of Contents
 Page PTC-9

Procedures Table of Contents
 Page PTC-9

Article 8, Table of Contents

Article 8, Table of Contents
 Page TC-1

Nothing to Remove

Article 8
 Pages 8E-1 through 8E-3

If you have any questions concerning a specific revision, please contact Margie Buzdas of my staff at (916) 657-0726.

Sincerely,

Original signed by

Frank S. Martucci, Chief
 Medi-Cal Eligibility Branch

Enclosures

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

- Article 8 -- RESPONSIBLE RELATIVES AND UNIT DETERMINATION
 - 8A -- MFBU DETERMINATIONS
 - 8B -- MFBU DETERMINATION, FAMILY MEMBER IN LONG-TERM CARE (LTC) OR BOARD AND CARE (B&C)
 - 8C -- PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT'S HOME
 - 8D -- MFBU DETERMINATION - CARETAKER RELATIVE
 - 8E -- QUESTIONS AND ANSWERS

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

- Article 8 – RESPONSIBLE RELATIVES AND UNIT DETERMINATION
 - 8A – MFBU DETERMINATIONS
 - 1. MFBU CHART
 - 8B – MFBU DETERMINATION, FAMILY MEMBER IN LONG-TERM CARE (LTC) OR BOARD AND CARE (B&C)
 - 8C – PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT'S HOME
 - 8D – MFBU DETERMINATION - CARETAKER RELATIVE
 - 8E – QUESTIONS AND ANSWERS

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

8E -- QUESTIONS AND ANSWERS REGARDING RESPONSIBLE RELATIVES

Question No. 1: Is a legally separated couple living in the same home in the same MFBU?

Answer No. 1 : Yes. Couples who are legally separated continue to remain married under California law. If a legally separated couple is living together in the same home which contains common facilities (i.e., eating, bathing, etc.), the couple would be in the same MFBU per Section 50351 and 50373. This answer does not apply to cases where one spouse is institutionalized.

Question No. 2: If an emancipated 19-year-old child living with his/her parents is self-supporting and not claimed by his/her parents as a tax dependent, is he/she in the same MFBU with the parents?

Answer No. 2 : Yes. The use of the term "emancipation" has no bearing on any Medi-Cal determination. Any unmarried 19 year old living with his/her parents is in the MFBU with them whether or not he/she is a tax dependent. A married 19 year old living with his/her parents is treated as an adult under Section 50014 as long as the 19 year old is not the parents' tax dependent. He/she is in his/her own MFBU. If the married 19 year is a tax dependent, he/she is defined as a child under Section 50030 and in the parent's MFBU regardless whether he/she is living in the home or not.

Question No. 3: Can a grandmother who is the legal guardian of a child living in her home be linked to Medi-Cal if the parent of the child is also living in the home?

Answer No. 3 : No. There are two items to be addressed. First, legal guardianship does not constitute status as a caretaker relative. Therefore, legal guardianship has no bearing on MFBU composition or linkage. Secondly, even though the grandmother has the correct relationship to be a caretaker relative, Section 50085 provides that a relative may be the caretaker relative only if the child's parent is not living in the home. Even if the grandmother were both the legal guardian and a caretaker relative, the grandmother may not be linked to the deprived child if the child's parent is also living in the home. NOTE: A parent who is only temporarily visiting the home is not considered living in the home.

Question No. 4: Must an unmarried father of an unborn who lives in the home with the mother of his unborn be included in the MFBU if he does not wish to be aided?

Answer No. 4 : No. If the father has no other mutual children living in the home who are requesting Medi-Cal, he does not have to be included in the MFBU with the mother and his unborn until the child is age one. Since the implementation of Sneede v. Kizer would require that the unmarried parents be in separate MFBU's if there were a share of cost or excess property and the father's income and property would not affect the child under age one (continued eligibility), counties are not required to include the father in the MFBU.

Question No. 5: A pregnant mother receiving Supplemental Security Income (SSI) payments is living in the home with the unborn's father and their mutual two year old. The father and the two year old apply for Medi-Cal. What is the MFBU composition?

Answer No. 5 : The father, the unborn, and the two year old are living in the same MFBU. The mother is not included because she is receiving public assistance (Section 50373).

Question No. 6: If an Aid to Families With Dependent Children Foster Care (AFDC-FC) or county foster care child is living with a caretaker relative, may that relative be linked for Medi-Cal benefits?

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

Answer No. 6 : Yes. The AFDC program allows caretaker relatives of children receiving foster care grants to receive AFDC thus automatic Medi-Cal; therefore, a caretaker relative of these children may also apply for Medi-Cal-only benefits, if otherwise eligible. This would be similar to parents or caretaker relatives that are linked to children who receive Public Assistance (PA), e.g., AFDC or SSI. NOTE: Children who are receiving PA are not in the MFBU with the caretaker relative.

Question No. 7: If the stepparent refuses to cooperate, can the separate child of the spouse receive Medi-Cal?

Answer No. 7 : Yes. Sneede v. Kizer procedures changed Section 50375. The mother would be an ineligible member in the MFBU with her child regardless of whether the stepparent has sufficient income to meet the needs of the stepparent unit.

Counties with other questions regarding responsible relatives may also review the questions and answers in the Medi-Cal Eligibility Procedures Manual Article 1B entitled "Persons Living in the Home."