



State of California—Health and Human Services Agency
Department of Health Care Services



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GOVERNOR

Date: October 28, 2021

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TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

SUBJECT: IMPLEMENTATION OF THE “SUPPORT ACT” - SUSPENSION OF
MEDI-CAL BENEFITS FOR “ELIGIBLE JUVENILES”, UNDER AGE 21 OR
FORMER FOSTER YOUTH UNDER AGE 26, AND OTHER
SUSPENSION REQUIREMENTS
(Reference: All County Welfare Directors Letters 07-34, 10-06, 10-22, 13-18,
14-24, 14-24E, 14-26, 14-26E, 14-41, 14-41E, 15-32, 16-20, 20-10, 21-07 and
Medi-Cal Eligibility Division Information Letters I 17-16, I 19-24 and I 20-05)

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with information and directives to implement the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act.

The requirements of the SUPPORT Act apply to the duration of the suspension of “eligible juvenile” inmates of a public institution. This ACWDL shall supersede ACWDLs 10-06, 14-26, and 14-26E regarding the policy instructions on:

- The suspension of Medi-Cal benefits for adult and eligible juvenile inmates upon incarceration in a public institution;
- Suspension noticing requirements;
- Annual redetermination requirements for eligible juvenile inmates;
- Activating Medi-Cal benefits upon release from the public institution; and
- Processing eligible juvenile inmate pre-release applications submitted to the County Welfare Department (CWD).

Additionally, updated Notices of Action (NOA) templates relating to suspension of Medi-Cal benefits for all inmates are enclosed. Any future changes in suspension policy will continue to be provided through ACWDLs and Medi-Cal Eligibility Division Information Letters (MEDILs).

BACKGROUND

Centers of Medicare and Medicaid Services (CMS) State Medicaid Director Letter: SMD # 21- 002 (January 19, 2021), entitled “Implementation of At-Risk Youth Medicaid Protections for Inmates of Public Institutions (Section 1001 of the SUPPORT Act), hereinafter “SMD # 21-002”, provides guidance on the implementation of new Medicaid requirements related to suspension, redetermination and timely processing of applications for at-risk youth who are inmates of public institutions. Section 1001 of “the SUPPORT Act,” signed into law October 24, 2018, amended section 1902(a) of the Social Security Act (the Act), to prohibit the termination of Medicaid eligibility for “eligible juveniles” (defined as individuals under age 21 and individuals under age 26 who were in foster care under the responsibility of the state or tribe on their 18th birthday or older) who become inmates of a public institution. (42 United States Code (USC) Section (§) 1396a(a)(84)(A).)

Existing federal laws prevent the state from receiving Federal Financial Participation (FFP) for medical services provided to an inmate of a public institution, except when the inmate receives inpatient medical or mental health services off the grounds of the correctional facility. While the incarceration of a Medi-Cal beneficiary generally excludes the Department of Health Care Services (DHCS) from claiming FFP, federal law does not prevent inmates from being eligible for or enrolled in Medicaid. (42 Code of Federal Regulations (CFR) § 435.1009, 435.1010.)

AB 80 (Committee on Budget, Chapter 12, Statutes of 2020), the Public Health Omnibus trailer bill which amended Welf. & Inst. Code § 14011.10, conforms state law to the federal requirements of the SUPPORT Act beginning October 1, 2020, by prohibiting CWDs from terminating Medicaid eligibility for an “eligible juvenile” because the individual is an inmate of a public institution but allows suspending coverage during the period the eligible juvenile is an inmate” (individuals under the age of 21 or individuals under age 26 who were in foster care under the responsibility of the state or tribe on their 18th birthday or older). Counties must suspend Medi-Cal benefits for eligible juveniles for the duration of the incarceration.

The suspension policies and processes involving adult inmates remain unchanged. Per Welf. & Inst. Code § 14011.10 (d)(1), for adult inmates, who do not meet the federal definition of “eligible juveniles” under the SUPPORT Act, the suspension shall end on the date they are no longer an inmate of a public institution, or one year from the date they become an inmate of a public institution, whichever is sooner.

Assembly Bill (AB) 720 (Skinner, Chapter 646, Statutes of 2013), effective January 1, 2014, added Penal Code (Pen. Code) § 4011.11 which amended the suspension requirement in Welf. & Inst. Code § 14011.10 and requires, if an individual is a Medi-Cal beneficiary on the date they become an inmate of a public institution, their benefits shall be suspended effective the date they become incarcerated. The suspension shall end on the date they no longer are an inmate of a public institution or one year from the date they become an inmate of a public institution, whichever is sooner.

Senate Bill (SB) 1469 (Cedilla, Chapter 657, Statutes of 2006), required CWDs to determine the Medi-Cal eligibility of juvenile inmates, who are incarcerated for 30 days or more and want Medi-Cal, prior to release. The Department of Health Care Services (DHCS) Medi-Cal Eligibility Division (MCED) issued ACWDL 07-34 with instructions to counties on the processing of Medi-Cal applications for this population. (Welf. & Inst. Code § 14029.5)

SUPPORT ACT REQUIREMENTS

On October 24, 2018, the SUPPORT Act was signed into law. Effective October 1, 2020, the SUPPORT Act and Welf. & Inst. § 14011.10 requires CWDs to suspend an “eligible juvenile’s” Medi-Cal benefits for the duration of their incarceration, to activate Medi-Cal benefits upon release from the public institution, and to process eligible juvenile pre-release applications submitted to the CWD who were not enrolled in Medi-Cal immediately before incarceration. Furthermore, for those eligible juveniles not already on Medi-Cal, the pre-release application process must be initiated before eligible juvenile inmates are released from incarceration so Medi-Cal eligibility and coverage can be established immediately upon the eligible juvenile’s release, whenever possible.

Section 1001 of the SUPPORT Act, entitled, “At-Risk Youth Medicaid Protection,” added paragraph (84) to Section 1396a(a) of title 42 of the United States Code (USC), which provides:

Subsection (A): Prohibits states from terminating Medicaid eligibility for an “eligible juvenile” because the individual is an inmate of a public institution, but allows suspending benefits or coverage during the period the eligible juvenile is an inmate.

- An “eligible juvenile” is defined as an individual who is an inmate of a public institution (42 CFR § 435.1010), who was determined eligible for Medi-Cal either before or during their incarceration and is under the age of 21 or a former foster youth (FFY) who is under the age of 26 described in

§1396a(a)(10)(A)(i)(IX) and 42 USC § 1396a(nn)(2). The requirements of Section 1001 apply only to eligible juveniles and no other inmates of public institutions.

Subsection (B): Requires the state and county to conduct a redetermination (without requiring a new application) for those eligible juveniles who were eligible for medical assistance immediately prior to becoming an inmate of a public institution and prior to the individual's release from a public institution. If the state or county determines that the individual continues to meet Medi-Cal eligibility requirements, the state or county must activate benefits or coverage upon the individual's release from incarceration.

Subsection (C): Requires the state and county to process any new pre-release application for Medi-Cal for an eligible juvenile (submitted by the individual or on their behalf) while the eligible juvenile is an inmate of a public institution to ensure Medi-Cal benefits or coverage is available to them upon release from such public institution.

Welf. & Inst. Code § 14011.10 (c) and (d) were amended to incorporate the new federal SUPPORT Act requirements into California law. Effective June 29, 2020, § 14011.10 states:

- (c) Until October 1, 2020, if an individual is a Medi-Cal beneficiary on the date they become an inmate of a public institution, their benefits under this chapter and under Chapter 8 (commencing with Section 14200) shall be suspended effective the date they become an inmate of a public institution. The suspension shall end on the date they are no longer an inmate of a public institution or one year from the date they become an inmate of a public institution, whichever is sooner.
- (d) Commencing October 1, 2020, if an individual is a Medi-Cal beneficiary on the date they become an inmate of a public institution, their benefits under this chapter and under Chapter 8 (commencing with Section 14200) shall be suspended. The suspension shall end according to the following:
 - (1) For an individual who is not defined as an eligible juvenile under Section 1396a(nn)(1)(A) or 1396a(nn)(1)(B) of Title 42 of the USC, the suspension shall end on the date the individual is no longer an inmate of a public institution or one year from the date the individual becomes an inmate of a public institution, whichever is sooner.
 - (2) For an individual who is defined as an eligible juvenile under Section

1396a(nn)(1)(A) or 1396a(nn)(1)(B) of Title 42 of the USC, the suspension shall end in accordance with Section 1396a(a)(84) of Title 42 of the USC, or one year from the date the individual becomes an inmate of a public institution, whichever is later.

THE MEDI-CAL SUSPENSION PROCESS

State law requires the suspension of Medi-Cal benefits for any individual, regardless of age, who is a Medi-Cal beneficiary at the time of their incarceration. An individual is considered incarcerated or an “inmate of a public institution” when that individual is booked into a correctional facility. The suspension process begins when a Medi-Cal beneficiary becomes incarcerated and is effective the date they become an inmate of a public institution, or when the CWD is notified of the incarceration and proper noticing requirements are fulfilled. (Welf. & Inst. Code § 14011.10, Pen. Code § 4011.11)

Pursuant to federal law and clarification provided from CMS in SMD#21-002, a 10-day notice is required for the suspension of Medi-Cal benefits for adult and eligible juvenile inmates. (42 CFR §§ 431.211-214; see also California Code of Regulations (CCR), Tit. 22, § 50179.)

For additional information, see Overview of Incarceration and Suspension in MEDS Process section (page 7) in this ACWDL and refer to MEDIL I 20-05 for the MEDS functionality surrounding the reporting of incarceration and suspension of Medi-Cal benefits.

Adult Inmate Suspension Policy

For adult inmates, or inmates who do not meet the federal definition of “eligible juveniles” under the SUPPORT ACT, the suspension of benefits is limited to one year, or the period of incarceration, whichever is sooner. (Welf. & Inst. Code §14011.10 (c), (d)(1), Pen. Code § 4011.11). The counties are required to follow the guidance on the suspension of Medi-Cal benefits for adult inmates outlined in this ACWDL which supersedes ACWDLs 14-26 and 14-26E.

For adult inmates, who are not considered eligible juveniles, and who are Medi-Cal beneficiaries at the time of their incarceration, the suspension of their Medi-Cal benefits shall end for any of these reasons:

- On the day of release from incarceration.

- On the day the individual does not meet the definition of an “inmate of a public institution.”
- On the one year anniversary date the individual became an inmate of a public institution. In this case, if the individual is still incarcerated, their Medi-Cal is discontinued at the end of the month and their suspension ends.
- At the end of the month the inmate becomes ineligible for Medi-Cal, if the inmate does not meet redetermination requirements. (Welf. & Inst. Code § 14005.37)
- Death of the adult inmate.

Eligible Juvenile Inmate Suspension Policy

For eligible juvenile inmates, the CWD must suspend Medi-Cal benefits and shall not discontinue their Medi-Cal benefits for the duration of their incarceration. The Counties are required to follow the guidance outlined in this ACWDL which supersedes ACWDLs 10-06, 14-26, and 14-26E. Welf. & Inst. Code Section 14011.10 (d)(2), provides that the suspension of an eligible juvenile’s Medi-Cal benefits shall remain in effect for the duration of their incarceration and shall only end for any of these reasons:

- On the day of release from incarceration.
- On the day the individual does not meet the definition of an “inmate of a public institution”
- When the eligible juvenile no longer meets the definition of an “eligible juvenile” under the SUPPORT Act (turns 21 years old or as an FFY turns 26 years old), and has reached a full year of suspension from incarceration, whichever is later. (42 U.S.C. § 1396a(a)(84))
 - For example, if the inmate turns 21 years of age (not FFY), but has not reached the full year of suspension from incarceration, the suspension shall remain in effect until the end of the month the inmate reaches the one year anniversary date of incarceration. (Welf. & Inst. Code § 14011.10(d)(2).)

- At the end of the month that the eligible juvenile no longer meets program requirements for their Medicaid eligibility group and is ineligible for any other Medi-Cal program.
- Death of the eligible juvenile inmate.

Per Welf. & Inst. Code Section 14011.10 (d)(2), when an incarcerated eligible juvenile no longer meets the definition of an “eligible juvenile” in section 1902(nn) of the Act, (over the age of 21 or an FFY over the age of 26), the requirements in section 1902(a)(84) of the Act no longer will apply to the individual. If the individual has been incarcerated for more than one year, counties shall discontinue the eligibility with a “proper 10-day advance notice.” However, if this individual, now considered as an adult inmate, has not met the 12 months of incarceration timeframe, they will remain suspended, if otherwise eligible. The suspension of this individual shall only end at release, when the individual is no longer an “inmate of a public institution”, upon death, at the end of the month of the one year anniversary of their incarceration, or at the end of the month that the adult inmate becomes ineligible due to not meeting redetermination requirements (see Adult Inmates Suspension Policy outlined in this ACWDL).

OVERVIEW OF INCARCERATION AND SUSPENSION PROCESS IN MEDS

The functionality process for reporting incarceration and suspension in Medi-Cal Eligibility Data System (MEDS) as outlined in MEDIL I 20-05, published March 23, 2020, is still in effect for all inmates. However, to comply with further guidance from CMS on noticing requirements for suspension of Medi-Cal benefits, outlined in the Medi-Cal Suspension Process section in this ACWDL, the Suspend Date determined by MEDS will be modified. When the County receives the notification of an adult or eligible juvenile’s incarceration with active Medi-Cal eligibility, the Suspend Date will populate as 10 days from the date of the EW 32 transaction in MEDS. For example, if the County is notified of incarceration and reports the Incarceration Date in MEDS via the EW 32 online transaction on 6/25/2021, MEDS auto-populates the Suspend Date as 7/5/2021, 10 days from the date of the transaction. Future updates will be provided through the use of the existing notification process of Work Groups, Change Cycle letters, and 60-Day Notices.

MEDIL I 20-05 includes the following MEDS enhancements with an update to the Suspend Date to comply with new CMS guidance:

- The County reports the Incarceration Date in MEDS via the EW 32 online

transaction initiating the suspension of Medi-Cal benefits. MEDS auto-populates the Suspend Date 10 days from the date of the transaction and will end the suspension when the individual is reported as released from incarceration or the Medi-Cal eligibility has been discontinued.

- The Incarceration and Suspension Information (INQU) MEDS Screen displays all reported incarceration and suspension periods. Detailed screen information is provided in the MEDS Manual.
- The EW 32 MEDS transaction processes through an overnight batch. In cases where an immediate need for services must be established, the County shall follow the standard Immediate Need process by utilizing the EW15 transaction.

For additional information, please refer to MEDIL I 20-05.

HOUSEHOLD COMPOSITION

In general, the household composition for incarcerated individuals and their families remains unchanged for the length of the eligible juvenile's incarceration. Standard household composition rules continue to apply (see 42 CFR §435.603).

In ACWDL 20-10, DHCS provides the following guidance concerning household composition for institutionalized children and non-filer rules:

- An institutionalized child not claimed as a tax dependent: If no one claims the institutionalized child as a tax dependent or if the institutionalized child is unsure of their expected filing status, the Non-Filer Rules shall be used to determine household composition for MAGI Medi-Cal eligibility. As a result, the child's parent(s) would not be included in the household composition (42 CFR §435.603(f)(3)).

However, SMD # 21-002 provides clarification to the above rules. Section 1001 provides:

- The Internal Revenue Service (IRS) defines a stay in a juvenile facility as a "temporary absence" that does not impact household composition for tax filing purposes. These rules provide for flexibility concerning living together in the case of temporary absences, such as an individual's detention in a juvenile facility. Specifically, an individual detained in a juvenile facility may be considered to be temporarily absent from, but remain living in, the home the individual lived in before his or her detention. (IRS Publication 501)

IRS Publication 501 states:

Temporary absences. To satisfy the residency test, “the juvenile must have lived with a parent for more than half the year.” However, a parent and juvenile are considered to live together even if one or both are temporarily absent from the home due to special circumstances such as illness, education, business, vacation, military service, or detention in a juvenile facility.

- The IRS considers an absence to be temporary if it is reasonable to assume the absent person will return to the home after the temporary absence and the home is maintained during the person’s absence; it is not limited to a specific length of time. Note: The County can assume that the child will return home unless the CWD has information to the contrary.
- The incarceration of an eligible juvenile in a public institution generally would not require a change in circumstance redetermination for any household members whose financial eligibility is based on MAGI. An exception to this general rule would occur if the County receives updated information and it is not reasonable to assume the eligible juvenile will return to the same household following his or her release from the public institution.

The County should apply these temporary absence rules to both tax-filing and non-tax - filing households. The rest of the household is obligated to report if the household experiences other changes in circumstances that may affect eligibility, including an increase in household size or income. The county welfare agency must make a redetermination of eligibility for the household members, consistent with 42 C.F.R. § 435.916(d). (Welf. & Inst. Code § 14005.37)

For additional information, please refer to ACWDL 20-10.

ANNUAL RENEWAL AND CHANGE IN CIRCUMSTANCE REDETERMINATIONS

All Inmates (Adult & Juvenile)

Counties are required to follow the guidance as it relates to the suspension of Medi-Cal benefits upon incarceration and redeterminations outlined in this ACWDL, which shall supersede ACWDL 10-06, 14-26, and 14-26E. (Welf. & Inst. Code § 14011.10 (c), (d)(1), (d)(2), and Pen. Code §4011.11)

While an individual’s Medi-Cal benefits are suspended, if the basis for the beneficiary’s

eligibility changes, the eligibility determination shall be updated as appropriate in MEDS. Medi-Cal suspension of benefits does not prevent a redetermination into a different Medi-Cal program while under suspension.

Counties must comply with all applicable eligibility review requirements to ensure the incarcerated inmate is not eligible under another Medi-Cal program before termination of eligibility can take effect. The SUPPORT Act does not change existing program requirements. Appropriate notice of action requirements apply.

Upon an inmate's release from incarceration, a redetermination is only required if one has not been completed within 12 months prior to the individual's release, barring any other known changes in circumstance affecting eligibility. If a redetermination is applicable, counties shall use available information to conduct the change in circumstance redetermination, including the information available in the inmate's case record and through electronic data sources without contacting the inmate.

Their eligibility must be activated without submitting a new application if the information available to the County is sufficient to determine that the former inmate is still eligible. (Welf. & Inst. Code §14011.10 (d)(1)). If otherwise eligible, the inmate must be notified that their Medi-Cal benefits are no longer suspended and the benefits are activated on the day of release from incarceration. The individual will be able to access covered Medi-Cal services as of the release date entered into MEDS.

Adult Inmates

Under the SUPPORT Act, annual renewal redetermination requirements for adult inmates, not defined as an "eligible juvenile", shall continue to adhere to Welf. & Inst. Code Section 14005.37(a), which requires that a County perform annual renewal redeterminations of eligibility for all Medi-Cal beneficiaries every 12 months and shall promptly redetermine eligibility whenever the County receives information about a beneficiary's change in circumstance that may affect Medi-Cal eligibility. This requirement is consistent with the federal requirements prescribed in Title 42 CFR Section 435.916(a) and (b).

Adult inmates must comply with all annual and change in circumstance redetermination requirements during their period of incarceration. If redetermination requirements are not met, the eligibility must be discontinued with proper notice, thus also ending the suspension of benefits. The notice shall be mailed to the last known address listed in MEDS or the public institution, at least 10 calendar days before the first of the month in which the action becomes effective, excluding the date of mailing.

Eligible Juvenile Inmates

Under the SUPPORT Act, when eligibility is suspended, a state or county is not required to conduct regular annual renewals or redetermine eligibility based on changes in circumstances for eligible juveniles while they are incarcerated. If the eligible juvenile is part of a household with other family members who are subject to the annual renewal policy, the eligible juvenile shall remain in suspended eligibility status for the remainder of their incarceration, irrespective of the renewal outcome of the remaining family members.

Under the SUPPORT Act, a change in circumstance redetermination is no longer required for eligible juveniles. However, for eligible juveniles that no longer meet program requirements for their Medi-Cal eligibility group (i.e. aging out of a Medi-Cal program), a redetermination is required per federal and state requirements associated with that specific program. Once an individual no longer meets eligibility criteria of a Medi-Cal program, the individual shall not remain in that aid code beyond the program's requirements.

Counties shall comply with all applicable eligibility and change in circumstance redetermination requirements to ensure that the eligible juvenile is in the appropriate program, if otherwise eligible. The MEDS functionality for suspension of Medi-Cal benefits does not prevent the redetermination into a different Medi-Cal program while under suspension. Once the change in circumstance redetermination is completed resulting in the eligible juvenile being determined eligible under another aid code, the benefits under the new aid code remain under suspension. Note: If the eligible juvenile is not otherwise eligible or the county is unable to determine ongoing eligibility due to a lack of necessary information, the counties should explore other options to keep the eligible juvenile inmate on aid while under suspension, such as moving the eligible juvenile to their own case as a system workaround.

Upon an inmate's release from incarceration, a redetermination is only required if one has not been completed within 12 months prior to the individual's release, barring any other known changes in circumstance affecting eligibility. If a redetermination is applicable for the eligible juvenile and the redetermination cannot be completed before the release from incarceration due to administrative circumstances beyond the agency's control, the SUPPORT Act requires the counties to activate the eligible juvenile's benefits and complete the redetermination as expeditiously as possible.

Medi-Cal Case with Other Family Members

When a Medi-Cal beneficiary becomes incarcerated, the incarceration is considered a change in circumstance because the beneficiary is no longer residing in the home. However, if an eligible juvenile becomes incarcerated, a change in circumstance redetermination is no longer required for the eligible juvenile or their family. At the family's regularly scheduled annual redetermination date, all family members except the eligible juvenile must be redetermined.

- If the family's annual renewal results in no longer being eligible, the County will discontinue the family with proper notice, and as a system workaround option, can put the eligible juvenile in their own case. Regardless of the outcome of the family's case, the eligible juvenile shall remain in suspended status, unless the eligible juvenile no longer meets program requirements for their Medicaid eligibility group and is ineligible for any other Medi-Cal program (see Eligible Juvenile Suspension Policy outlined in this ACWDL).
- If the active Medi-Cal family case has their annual redetermination approved by treating the eligible juvenile as "temporarily absent" during their incarceration, barring any other known changes in circumstances, there would not be a need for a redetermination at release from the public institution if the annual redetermination was completed within 12 months prior to the release.
- If an eligible juvenile age out of their current Medicaid eligibility group, the counties will need to determine whether that event may impact the eligibility of other household members, and redetermine their eligibility, if appropriate, consistent with 42 C.F.R. § 435.916.
- When the eligible juvenile's Medi-Cal is activated, thus ending the suspension due to release from incarceration, counties must send appropriate Notice of Action to inform the eligible juvenile's family or caretakers that Medi-Cal eligibility is active.

Medi-Cal Case with Eligible Juvenile-Only (Single Household/Household of One)

If the eligible juvenile is in an open and active Child Only Medi-Cal case, counties shall follow the suspension policy as outlined in this ACWDL.

- When the eligible juvenile's Medi-Cal is activated due to release from incarceration, thus ending the suspension, the NOA should be sent to where the eligible juvenile is currently residing or the last known address in MEDS.

FORMER FOSTER YOUTH UNDER THE AGE OF 26

The SUPPORT Act defines an eligible juvenile as an individual under the age of 21 or an FFY who is under the age of 26.

The guidance on enrollment, annual redeterminations, and aging out for all FFYs in Medi-Cal as outlined in ACWDL 14-41 and 14-41E remains unchanged. As of January 2014, youth exiting foster care at age 18 or older are seamlessly moved into the FFY Program upon exit with no interruption in coverage or the requirement of a new application. If the youth exits foster care and is placed into a cash-linked Medi-Cal program, the youth is still eligible for the FFY Program when eligibility for the cash-linked Medi-Cal program ends. If at some point after exiting foster care the youth is not enrolled in Medi-Cal, they may apply by self-attestation.

Once an FFY self-attests to foster care status, counties must immediately enroll the FFY into the FFY aid code, 4M. A full application is not needed and income does not matter. Once the FFY is enrolled into aid code 4M, it is the County's responsibility to verify the FFY status. The verification information obtained by the County is currently maintained in the County's SAWS system.

Medi-Cal eligibility for FFY until age 26 is renewed annually through ex-parte review by the Counties. If a County verifies that an FFY no longer resides in California or is no longer alive, the beneficiary receives the appropriate NOA for termination of Medi-Cal. If a County verifies that an FFY is incarcerated, then eligibility should be handled in accordance with the policy stated in this ACWDL and the appropriate NOA is sent to the beneficiary notifying the beneficiary of suspension of Medi-Cal benefits while incarcerated. If the County verifies that the individual is not incarcerated, is a resident of California, and is not deceased, a NOA confirming continued Medi-Cal is sent to the beneficiary pursuant to ACWDLs 14-41, 14-41E, and 15-32. At age 26, Counties perform a full redetermination on all FFY to fully assess eligibility for any other Medi-Cal programs.

DHCS is developing a single location in MEDS to maintain the FFY verification status for all FFY who are enrolled in Medi-Cal. Guidance on the completion of the first step in the development of the FFY MEDS Flag project may be found in ACWDL 21-07. Guidance on completion of further steps in the development will be provided in future

ACWDLs or MEDILs. Any new MEDS Alert details will be provided through the Change Cycle Letter process and MEDS Manual. Updates will also be provided to Counties.

For additional information, please refer to ACWDLs 14-41, 14-41E, 15-32, and 21-07.

INMATE PRE-RELEASE MEDI-CAL APPLICATION PROCESS

The inmate Medi-Cal pre-release application process as outlined in ACWDLs 07-34, 14-24, and 14-24E remains unchanged and in effect. The pre-release application process applies to any individual that does not have suspended Medi-Cal benefits prior to the release of their incarceration.

The SUPPORT Act contemplates that some juvenile inmates may apply for Medicaid while incarcerated and thereby may become eligible juveniles as defined in section 1902(nn) of the Act. Counties are required to accept Medi-Cal applications from, or on behalf of, inmates of public institutions at any time during their incarceration and process these applications promptly, following 42 C.F.R. § 435.912. If an individual is determined eligible for Medi-Cal while incarcerated and the individual satisfies the definition of an eligible juvenile, the state or county must treat this individual as it would any eligible juvenile who was enrolled in Medi-Cal at the time of incarceration and place the individual in suspended status. The CWD must work with their probation department or the juvenile court to ensure such eligible juveniles are identified and an application is processed, with the consent of the applicant if over age 18, or parent/caregiver if under age 18. Counties must ensure that an eligible juvenile described in section 1902(nn)(2)(B) of the Act is provided full benefits upon release from the public institution, provided they remain eligible.

For additional information, please refer to ACWDLs 07-34, 14-24, and 14-24E.

DESIGNATED ENTITIES

Pen. Code Section 4011.11 authorizes the Board of Supervisors (BOS) in each County, in consultation with the County Sheriff or the County Probation Department, to designate an entity or entities to assist a county inmate with their pre-release application for Medi-Cal. The BOS shall not designate the county sheriff as an entity to assist with pre-release applications unless the sheriff agrees to perform that function. Any community-based organization designated as an entity to assist inmates with their pre-release applications must be approved by the jail administrator or their designee. The law also clarifies that designated entities may not perform a Medi-Cal eligibility determination or redetermination unless they are the county human services agency.

Designated entities cannot sign a pre-release application on behalf of the inmate unless the inmate appoints the designated entity as their authorized representative (See ACWDL 18-26 and 18-26E).

NOTICES OF ACTION

When a CWD or the DHCS is notified that a Medi-Cal beneficiary is incarcerated, their Medi-Cal benefits shall be suspended and a NOA must be sent to the Medi-Cal beneficiary. (22 CCR §50179, Welf. & Inst. Code §14011.10). The counties are required to follow the NOA guidance outlined in this ACWDL which supersedes ACWDL 10-22, 14-26, and 14-26E.

For eligible juveniles who are in a single-member household (e.g., household of one), the public institution's actual physical address must be updated, when known. Counties must update the address in MEDS when reporting the incarceration and exercise due diligence when ascertaining the whereabouts of the juvenile. This is to ensure the NOA is sent directly to the public institution. However, if the physical address of the public institution is unknown, the NOAs will be sent to the last known physical address in MEDS.

For eligible juveniles who are on an active and open family case, the notice will be sent to the last known physical address in MEDS and the public institution, if known, where the eligible juvenile resides.

The NOA templates provided in ACWDL 14-26 and 14-26E have been updated to be used by counties as guidance. The NOAs in this ACWDL have not been given Medi-Cal notice numbers and are intended to be used for all inmates as a template. Counties may use the language in the enclosed NOAs to notify affected beneficiaries when preparing their notices.

- When the Medi-Cal eligibility of an incarcerated adult or eligible juvenile beneficiary is suspended, a 10 day advance notice is now required. The beneficiary must receive the "Suspension of Benefits" Notice (Enclosure 1 for Eligible Juvenile Inmate or Enclosure 4 for Adult Inmate).

Note: To comply with new CMS noticing requirements for suspension of Medi-Cal benefits outlined in the Medi-Cal Suspension Process section of this ACWDL, the Suspend Date will now be effective 10 days after the date of the EW 32 transaction in MEDS.

- When the Medi-Cal eligibility of an incarcerated adult or eligible juvenile beneficiary is discontinued, a 10 day NOA is required. The individual must receive the “Discontinuance of Benefits” Notice (Enclosure 2 for Eligible Juvenile Inmate or Enclosure 5 for Adult Inmate).
- When the Medi-Cal eligibility of an incarcerated beneficiary is activated, a 10-day advance notice is not required, however, the NOA needs to be sent no later than the date the County activates the individual’s eligibility. The individual must receive the “Medi-Cal Benefits Activated” Notice (Enclosure 3 for Eligible Juvenile Inmate or Enclosure 6 for Adult Inmate).

QUESTIONS AND ANSWERS

Incarceration and Suspension

1. Does the County still suspend Medi-Cal for newly incarcerated eligible juveniles under the SUPPORT Act?

Answer: Yes, the enactment of the SUPPORT Act does not change previously provided policy guidance for suspension of Medi-Cal benefits for beneficiaries who become incarcerated. Counties must suspend Medi-Cal benefits when notified that the individual is incarcerated. If the incarceration date is not known, Counties should enter the date the County was notified about the incarceration. The incarceration date may be corrected at a later date by completing the EW 32 MEDS transaction. Please refer to the MEDS manual for the EW 32 transaction instructions.

2. Does the process change for reporting incarceration in MEDS for an eligible juvenile?

Answer: No, the process for reporting incarceration for an eligible juvenile does not change. Per MEDIL I 20-05, MEDS will auto-populate the Suspension Start Date. Also, noted on page 7, Overview of Incarceration and Suspension Process in MEDS section, the Suspend Date determined by MEDS will be modified to comply with new CMS noticing requirements for suspension of Medi-Cal benefits.

3. What is the difference between suspensions of Medi-Cal benefits for an eligible juvenile as opposed to an adult inmate?

Answer: Per Welf. & Inst. Code Section 14011.10 (d)(1), the suspension of benefits for adult inmates, not considered an “eligible juvenile”, shall end on the date the

individual is no longer an inmate of a public institution or one year from the date the individual becomes an inmate of a public institution, whichever is "sooner."

Per Welf. & Inst. Code Section 14011.10 (d)(2), the suspension of benefits for an eligible juvenile will last for the duration of the incarceration and the County shall not discontinue the Medi-Cal eligibility for an individual who is defined as an eligible juvenile under Section 1396a(nn)(1)(A) or Section 1396a (nn)(1)(B) of Title 42 of the USC. The suspension shall end when the individual no longer meets the definition of an "eligible juvenile" (42 USC §1396 a(a)(84)), or one year from the date the individual becomes an inmate of a public institution, whichever is "later."

4. Is a 19-year old incarcerated in a County jail facility considered an eligible juvenile?

Answer: Yes, an "eligible juvenile" is defined as an individual who is an inmate of a public institution, determined to be Medi-Cal eligible before or during their incarceration, and is under the age of 21 or an FFY who is under the age of 26. The term "eligible juvenile" applies to both County juvenile inmates and State juvenile inmates.

5. At what point is a Medi-Cal beneficiary who becomes incarcerated considered an inmate of a public institution?

Answer: An individual is considered an "inmate of a public institution" once they are booked into a county jail, state prison, or juvenile detention facility. The formal booking process consists of fingerprinting, the assignment of local and national criminal identification numbers, and bail is set. Prior to booking, an individual, although under arrest, may be released before ever going to a public institution such as a jail or juvenile detention facility (See 42 CFR § 435.1009 - 435.1010)

6. What methods can the County use when verifying or establishing the date of incarceration or release?

Answer: It is acceptable to take the verbal statement of the beneficiary or the correctional facility statement. If the beneficiary comes into the CWD office, calls into the office, or writes to the CWD, and reports that they are released from incarceration, the date they reported can be considered an attestation by the individual and can be used as the date of release if the actual date is unknown.

However, if the release date that is given by the individual causes the County to have additional questions, the County can contact the jail and request the

information or can use the date the individual made contact with the county as the date of release.

Note: If there is an access to care issue, such as immediate need, where the beneficiary needs medical services, the date the beneficiary is in the office, calls into the office, or writes to the office can be used as the reported release date to provide access to care in the meantime. Standard processing for immediate need should be followed.

7. When a county inmate is approved for the Medi-Cal Inmate Eligibility Program (MCIEP) aid code, are counties to suspend the Medi-Cal aid code in the primary segment or allow both aid codes to run at the same time?

Answer: If incarceration has not been reported and the County is processing an MCIEP application, the County shall report the incarceration, thus suspending the active Medi-Cal aid code in the primary segment and approve the MCIEP aid code, if eligible. Any Medi-Cal aid code in the primary segment that is not a General Relief/Cash Assistance Program for Immigrants (GR/CAPI) may be suspended due to incarceration. A beneficiary may have a suspended Medi-Cal aid code in the primary segment along with an active MCIEP aid code in the special segment and both aid codes can function at the same time. However, only the Medi-Cal aid code in the primary segment is suspended when the county reports the incarceration in MEDS. Refer to ACWDL 17-29 and MEDIL I-20-05.

Annual Renewal and Change in Circumstance Redeterminations

1. How should the County treat an eligible juvenile who is enrolled in Medi-Cal on a household family case and the case is up for Annual Redetermination?

Answer: The County is required to follow the current redetermination processes outlined in ACWDL 20-10 and Welf. & Inst. Code Section 14005.37 for the other family members. The County must perform an annual redetermination on each member of the family to determine if the family is still eligible. However, per this ACWDL, annual renewal redeterminations are not required for eligible juveniles. If the eligible juvenile is part of a household with other family members subject to the renewal policy, the eligible juvenile shall remain in suspended eligibility status irrespective of the renewal outcome for the other family members.

If the family's annual renewal results in the family no longer being eligible, the

County will discontinue the family with proper notice. Regardless of the outcome of the family's annual renewal, the eligible juvenile shall remain in suspended status, unless the eligible juvenile no longer meets program requirements for their Medicaid eligibility group and is ineligible for any other Medi-Cal program.

Note: If a system workaround is needed to keep the eligible juvenile in suspended eligibility status, the County may put the eligible juvenile in their own case to keep the eligible juvenile in suspended eligibility status. The County can use the information from the original case and document clearly in the case record that the reason for the new case being created is a system workaround due to individual eligibility not being programmed for renewals in the SAWS. No additional application would be needed.

2. Can a parent claim an incarcerated eligible juvenile as a tax dependent?

Answer: Yes. If the eligible juvenile lived with the parent as a dependent for more than half of the tax year and the parent provided for their support for that period, they can claim the eligible juvenile as a tax dependent even though the juvenile is now incarcerated. The IRS defines a stay in an eligible juvenile facility, as a "temporary absence", that does not impact household composition for tax filing purposes. These rules provide for flexibility concerning living together in the case of "temporary absences, such as an individual's detention in a juvenile facility. Specifically, an individual detained in a juvenile facility may be considered to be temporarily absent from, but remain living in, the home the individual lived in before his or her detention. (IRS Publication 501)

3a. What is the County's responsibility when a suspended eligible juvenile, who remains incarcerated, no longer meets the definition of an eligible juvenile under the SUPPORT Act?

Answer: The County needs to ensure that the inmate is not inappropriately discontinued while their Medi-Cal benefits are suspended.

- For example, assume an eligible juvenile who is 20 years old, with a date of birth of March 3, 1999, and is enrolled in Medi-Cal (who is not an FFY) on their own case. The eligible juvenile becomes incarcerated on January 1, 2020, with a release date of June 1, 2021, and their Medi-Cal benefits are suspended. The eligible juvenile turns 21 years of age during their incarceration.

On the individual's 21st birthday, March 3, 2020, the eligible juvenile no longer

meets the definition under the SUPPORT Act and is now considered an adult inmate. The County would not be able to discontinue Medi-Cal eligibility at that time because the adult inmate has not met the one year anniversary date of incarceration threshold. Therefore, the adult inmate's Medi-Cal is discontinued at the end of the month of their one year incarceration date and their suspension ends. For additional information, the County should refer to the section, Adult Inmates Suspension Policy.

- 3b. Is the Annual Renewal required if due in September 2020 when the individual is no longer considered an eligible juvenile?

Answer: Yes. The Annual Renewal requirement per Welf & Inst. Code Section 14005.37 would apply because the individual no longer meets the definition of an eligible juvenile and is now considered an adult inmate.

The County would refer to the section entitled: Adult Inmates Suspension Policy. Since the incarceration date was on January 1, 2020, the inmate has not met the one year anniversary of incarceration and if eligible at Annual Renewal, the suspension will remain until the end of the month of the one year anniversary date of incarceration is complete, unless they are released from incarceration or death, whichever is sooner. However, if they become ineligible, the County discontinues coverage at the end of the month with a 10 day advance notice.

4. Will there be alerts in MEDS that will notify the County when an incarcerated individual no longer meets the definition of an eligible juvenile under the SUPPORT Act?

Answer: Yes. Alerts are currently in progress to be generated. Details will be provided through the Change Cycle Letter process and MEDS Manual. Note: ACWDL 21-07, entitled, Former Foster Youth Flag in MEDS, provides counties information on the FFY MEDS flag project whereby an FFY flag was created in MEDS to assist the counties in identifying FFY eligible youths.

Former Foster Youth, Foster Care, and Continuous Eligibility for Children

1. Are all youths under age 26 who were in foster care covered under the SUPPORT Act?

Answer: The SUPPORT Act applies to all individual under the age of 21 and to

individuals identified under 42 USC §1396a(a)(10)(A)(i)(IX) who:

(aa) are under 26 years of age;

(bb) are not described in or enrolled under any sub clauses (I) through (VII) of this clause or are described in any of such sub clauses but have income that exceeds the level of income applicable under the State plan for eligibility to enroll for medical assistance under such sub clause;

(cc) were in foster care under the responsibility of the State on the date of attaining 18 years or age or such higher age as the State has elected under section 675(8)(B)(iii) of this title; and

(dd) were enrolled in the State plan under this subchapter or under a waiver of the plan while in such foster care.

2. When the incarcerated eligible juvenile with suspended Medi-Cal, such as the FFY, Foster Care (FC), and Continuous Eligibility for Children (CEC) programs, no longer complies with program requirements, does the County discontinue their Medi-Cal?

Answer: Counties shall comply with all applicable eligibility and change in circumstance redetermination requirements to ensure that the eligible juvenile is in the most appropriate Medi-Cal program, if otherwise eligible. Therefore, the County must ensure the incarcerated eligible juvenile is not eligible under another Medi-Cal program before the discontinuance of eligibility may take effect. The MEDS functionality for suspension of Medi-Cal benefits does not prevent the redetermination into a different Medi-Cal program while under suspension.

3. Are FC individuals covered under the SUPPORT Act?

Answer: Yes, FC individuals who become incarcerated are considered eligible juveniles. Their Medi-Cal is suspended per SUPPORT Act requirements, which are included in the Welfare and Institutions Code, as they are on Medi-Cal and under age 21 (under 18 for FC and under 21 for extended FC). If an individual in foster care turns 21 years while incarcerated, they should be verified if eligible for the Medi-Cal FFY Program. Once eligibility is verified, the youth will remain an eligible juvenile up to age 26. If counties are unable to verify FFY eligibility, the youth will be fully assessed for other Medi-Cal programs.

4. Are CEC individuals covered under the SUPPORT Act?

Answer: Yes, CEC individuals who become incarcerated are considered eligible juveniles. Their Medi-Cal is suspended per SUPPORT Act requirements, which are included in the Welfare and Institutions Code, as they are on Medi-Cal and under

age 21 (must be under 19 to be in the CEC program, see ACWDL 14-05).

5. Does a youth who was in foster care have to be enrolled in the Medi-Cal Program for FFY at the time of incarceration to be considered an eligible juvenile up to age 26?

Answer: A FFY may be eligible for the FFY Program at any time after exiting foster care even if incarcerated.

6. May a youth who was in foster care and moved into a cash-linked aid code at the time of exiting foster care still be eligible for the Medi-Cal Program for FFY when their cash-linked Medi-Cal ends?

Answer: A FFY who was enrolled in a cash-linked Medi-Cal program at the time of incarceration may still be considered an eligible juvenile up to age 26 under the SUPPORT Act. When an individual is in a cash-linked aid code and not in the Medi-Cal program for FFY, counties are to assess the individual to determine if they were in foster care at age 18 or older and may qualify as an eligible juvenile up to age 26.

Cash-Linked Medi-Cal

- 1a. Are individuals enrolled on any aid code that has linkage to Medi-Cal (i.e. Adoption Assistance Program (AAP) and Kinship Guardianship Assistance Payment (Kin-GAP), California Work Opportunity and Responsibility to Kids (CalWORKS), or Supplemental Security Income (SSI) programs also covered under the SUPPORT Act?

Answer: Yes, per the SUPPORT Act an eligible juvenile's Medi-Cal must be suspended upon incarceration, rather than discontinued. The County shall report the incarceration per existing Medi-Cal incarceration and suspension policies outlined in this ACWDL and MEDIL I 20-05.

- 1b. Would there be an impact to the aid code if we suspend in MEDS since those aid codes are payment related?

Answer: If this incarceration reporting results in the juvenile being automatically discontinued from Medi-Cal due to the linkage, the SUPPORT Act requires that the child's Medi-Cal must be suspended rather than discontinued. Therefore, a redetermination may be required to protect the juvenile's Medi-Cal eligibility. Counties should utilize whatever options available to keep the eligible juvenile on

suspended Medi-Cal. During the change in circumstance redetermination, counties shall assess whether the individual is eligible for the Medi-Cal program for FFY.

- 1c. What if they are no longer eligible for the Medi-Cal program (i.e. AAP/Kin-GAP), should the County continue to suspend the Medi-Cal?

Answer: If they are no longer eligible, such as aging out of their Medi-Cal eligibility group (i.e. - AAP or Kin-GAP (applies to those in AAP or Kin-GAP at age 18 or extended AAP or extended Kin-GAP at age 21), a redetermination is required. Once an individual ages out of a Medi-Cal program or no longer meets eligibility criteria, the individual cannot remain in that aid code beyond the programs requirement, as the requirements are established by federal or state statutes. Incarceration does not prevent an eligible juvenile from having their eligibility redetermined in these circumstances.

If an individual is no longer eligible for SSI or CalWORKS, a redetermination is required. Once an individual ages out of a Medi-Cal program or no longer meets eligibility criteria, the individual cannot remain in that aid code beyond the program's requirement, as the requirements are established by federal or state statutes. Many youths are placed into SSI or CalWORKS when exiting foster care. Thus redetermination by the counties shall begin with assessing whether the youths were in foster care at age 18 or older and are eligible for the Medi-Cal Program for FFY. Once the change in circumstance redetermination is completed resulting in the eligible juvenile being determined eligible under another aid code, the benefits under the new aid code remain under suspension. If not eligible for another program, the County can discontinue coverage with a 10 day notice. However, if the county is unable to determine ongoing eligibility due to failure to provide and/or failure to cooperate due to income changes, and the only reason for discontinuance is due to a lack of necessary information, the counties should explore other options to keep the eligible juvenile inmate on aid while under suspension.

Note: If a system workaround is needed to keep the eligible juvenile in suspended eligibility status, the County may put the eligible juvenile in their own case to keep the eligible juvenile in suspended eligibility status. The County can use the information from the original case and document clearly in the case record that the reason for the new case being created is a system workaround due to individual eligibility not being programmed for renewals in the SAWS. No additional application would be needed.

Pre-Release

1. How far in advance can a pre-release application be initiated?

Answer: Since counties cannot effectuate an applicant's Medi-Cal sooner than two months in advance, based on MEDS business requirements, DHCS recommends initiating pre-release applications 60-90 days before an inmate's release. This is to ensure their benefits are activated upon the date of release.

2. Can a County-designated entity apply for Medi-Cal coverage and submit a pre-release application on behalf of a county inmate without the inmate's consent?

Answer: No, a pre-release application must have the inmate's signature affixed to the application authorizing the designated entity to act as their Authorized Representative for purposes of completing and submitting the pre-release application. A designated entity only has the authority to sign a Medi-Cal application on behalf of an inmate when applying for MCIEP inpatient hospital services off the grounds of the public institution.

3. What should the County do if eligibility is established for the month of release and then the release date changes to a later month? Assume it is too late to correct the eligibility already established for the original month of release.

Answer: The County must follow current Medi-Cal suspension rules. Current Medi-Cal rules require that counties suspend the Medi-Cal benefits of a Medi-Cal beneficiary when the County is made aware that a beneficiary is an inmate of a public institution. Therefore, the County must report the incarceration date if not already reported in MEDS through the EW 32 transaction to suspend the benefits and then report the release date to activate benefits, if still eligible.

With the implementation of the SUPPORT Act, the eligible juvenile will remain under suspension for the duration of their incarceration until the release date is reported to activate the benefits, unless they no longer meet the definition of an "eligible juvenile" and have been incarcerated for one year, are deceased, or become otherwise ineligible because they do not meet program requirements.

4. How does the County end the suspension when the actual release date is unknown?

Answer: If the beneficiary comes into the CWD office, calls into the office, or writes

to CWD and reports that they are released from incarceration, the release date they reported can be considered an attestation by the individual and can be used by the County as the date of release. If the release date given by the individual is questionable, or unreliable the county should contact the public institution where the beneficiary was incarcerated and request the information. The County can also use the date the individual appeared at the CWD office, called CWD, or wrote to CWD as the date of release if the actual release date cannot be ascertained.

Notices of Action

- 1a. If an eligible juvenile is enrolled in Medi-Cal on his own case and subsequently becomes incarcerated, where does the County send the suspension Notice of Action (NOA)?

Answer: SMD # 21-002 states: if an eligible juvenile is on his own case, the NOA should go to the public institution where the eligible juvenile is residing instead of the last known address in MEDS.

- 1b. How can the County obtain the public institution information where the eligible juvenile resides?

Answer: When possible, Counties and the public institution should share information regarding the physical location of the eligible juvenile (i.e. – cell block number, etc.) so that mail can be sent to the inmate. The County should also contact their County Probation Department, the administrator of the juvenile facility where the eligible juvenile is residing. In circumstances where this cannot be obtained, Counties are required to send the notice to the last known address listed in MEDS. (See also Communication with Third-Party Entities)

2. If an eligible juvenile is enrolled in Medi-Cal on a family case and subsequently becomes incarcerated, where does the County send the suspension NOA?

Answer: If an eligible juvenile is enrolled in Medi-Cal on a family case, the NOA must be sent to the last known physical address in MEDS.

Communication with Third-Party Entities

1. Are counties expected to establish relationships with public institutions to comply with the SUPPORT Act requirements?

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Answer: Yes. Counties are encouraged to collaborate and establish a communication process, or plan, for individuals that are defined as an eligible juvenile under the SUPPORT Act implementation. This may be established by discussing best practices and sharing of information relayed through tools, such as reports of incarceration and release. Collaboration with the public institutions and determining what works best for both the corresponding law enforcement agency and the County will ensure all SUPPORT Act requirements are met.

For questions involving FFY, please contact the Access Unit by email at: FFY@dhcs.ca.gov.

For questions involving FC, please contact the Access Unit by email at: DHCSFosterCareProgram@dhcs.ca.gov.

For questions involving CEC, please contact Joel Mojica by email at: Joel.Mojica@dhcs.ca.gov.

If you have any questions regarding this letter, or if we can provide further information please contact Angelo Vitale by email at: mciepsupportact@dhcs.ca.gov.

Sincerely,

Original Signed By

Sandra Williams, Chief
Medi-Cal Eligibility Division

Enclosures

**NOTICE OF ACTION
SUSPENSION OF MEDI-CAL BENEFITS
FOR AN ELIGIBLE JUVENILE INMATE**

Enclosure 1

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

SUSPENSION OF BENEFITS NOTICE FOR:

Insert Name Here

Beginning on _____ (date), your Medi-Cal benefits are suspended. Here's why:
The county has received information that the individual named above is an inmate of a public institution. State law requires that when a Medi-Cal beneficiary becomes an inmate of a public institution, their Medi-Cal benefits must be suspended. Your Medi-Cal benefits will continue to be suspended, as long as:

- You remain otherwise eligible for Medi-Cal,
- You continue to meet the age requirement of an eligible juvenile (Defined as an individual under age 21 or Former Foster Youth (FFY) under age 26), and
- You remain incarcerated in a public institution.

While your benefits are suspended, you will not be able to receive Medi-Cal covered services and Medi-Cal will not pay for these services while your benefits are suspended. Medi-Cal benefits are suspended so that an eligible juvenile who is released from incarceration can receive Medi-Cal upon the day of release without submitting a new application. While benefits are suspended, all Medi-Cal eligibility requirements must continue to be met. If Medi-Cal eligibility ends for any reason while you are an inmate of a public institution, the county will send a separate notice of action.

Please Note: Other family members will receive a separate notice if action is taken on their Medi-Cal eligibility. If you are not an inmate, have any questions about this action, or if the information contained in this notice is not correct, please, call or write your eligibility worker immediately.

You can appeal this notice. The back page will explain how to request a hearing.

IF YOU ALREADY HAVE A BENEFITS IDENTIFICATION CARD (BIC) DO NOT THROW IT AWAY. You can use your Benefits Identification Card (BIC) again when your Medi-Cal suspension ends, if eligible.

This action is required by Welfare and Institutions Code Sections 14011.10 (c) and (d), 14005.37, 14053.7, California Code of Regulations, Title 22, Section 50179 and Section 1396a(nn)(1)(A) or 1396a(nn)(1)(B) and Section 1396a(a)(84) of Title 42 of the United States Code. If you think this action is incorrect, you can request a hearing.

**NOTICE OF ACTION
DISCONTINUANCE OF MEDI-CAL BENEFITS
FOR AN ELIGIBLE JUVENILE INMATE**

Enclosure 2

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

DISCONTINUANCE OF BENEFITS NOTICE FOR:
Insert Name Here

We have reviewed all information available to us about your circumstances and evaluated you for all Medi-Cal programs. Based on this information, your eligibility for Medi-Cal will be discontinued effective _____.

The reason for this discontinuance is:

We based this discontinuance action on the information available to us. However, if you are still incarcerated on the date of this notice, the county will assist you to complete a pre-release application and take the necessary steps to complete an eligibility determination prior to your release by working with the prison or jail facility. If the eligibility determination shows you are eligible for Medi-Cal, you will be granted Medi-Cal eligibility effective the date of your release.

Please Note: Other family members with different eligibility statuses will receive a separate notice if action is taken on their Medi-Cal eligibility. If you have any questions about this action, or if the information contained in this notice is not correct, please, call or write your eligibility worker immediately.

You can appeal this notice. The back of this page explains how to request a hearing. You can reapply at any time.

DO NOT THROW AWAY YOUR BENEFITS IDENTIFICATION CARD (BIC)

If you already have a plastic Benefits Identification Card (BIC), do not throw it away. You can use it again if you become eligible for Medi-Cal.

The authority for this notice is Welfare and Institutions Code Sections 14011.10 (c) and (d), 14005.37, California Code of Regulations, Title 22, Section 50179, Section 1396a(nn)(1)(A) or 1396a(nn)(1)(B) and Section 1396a(a)(84) of Title 42 of the United States Code. If you think this action is incorrect, you can request a hearing. The back of this page explains how to request a hearing.

**NOTICE OF ACTION
MEDI-CAL BENEFITS ACTIVATED
FOR AN ELIGIBLE JUVENILE INMATE**

Enclosure 3

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

ACTIVATED MEDI-CAL BENEFITS NOTICE FOR:

Insert Name Here

The county has received information that you are no longer incarcerated. When you were incarcerated, your Medi-Cal benefits were suspended. Based on this new information, your Medi-Cal benefits have been activated effective_____.

This means that you can now receive Medi-Cal covered services provided on or after the above date. If you are still an inmate of a public institution, you must tell the county eligibility worker identified above.

Please Note: Other family members with different eligibility statuses will receive a separate notice if action is taken on their eligibility. If you have any questions about this action, or if the information contained in this notice is not correct, please, call or write your eligibility worker immediately.

You can appeal this notice. The back of this page explains how to request a hearing.

IF YOU ALREADY HAVE A BENEFITS IDENTIFICATION CARD (BIC) DO NOT THROW IT AWAY. IT CAN BE USED NOW. If you need a new Benefits Identification Card (BIC), contact the eligibility worker identified above to get a new one.

The authority for this notice is Welfare and Institutions Code Sections 14011.10 (c) and (d), 14005.37, California Code of Regulations, Title 22, Section 50179, Section 1396a(nn)(1)(A) or 1396a(nn)(1)(B) and Section 1396a(a)(84) of Title 42 of the United States Code. If you think this action is incorrect, you can request a hearing. The back of this page explains how to request a hearing.

(Rev. 06/21)

**NOTICE OF ACTION
SUSPENSION OF MEDI-CAL BENEFITS
FOR AN ADULT INMATE**

Enclosure 4

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

SUSPENSION OF BENEFITS NOTICE FOR:

Insert Name Here

Beginning on _____ (date), your Medi-Cal benefits are suspended.

The county has received information that you are an inmate of a public institution. State law requires that when a Medi-Cal beneficiary becomes an inmate of a public institution, their Medi-Cal benefits must be suspended. Your Medi-Cal benefits are suspended, and will not be discontinued, as long as you remain otherwise eligible for Medi-Cal. Your Medi-Cal benefits will continue to be suspended for up to one year from the date you became an inmate of a public institution, or when you are released from incarceration, or at the end of the month that you became ineligible for Medi-Cal, whichever is sooner."

While benefits are suspended, Medi-Cal cannot be used to pay for health care services. If you are still eligible for Medi-Cal and you are released from incarceration while Medi-Cal benefits are suspended, you can receive Medi-Cal benefits without submitting a new application. An annual redetermination must still be completed by the county while benefits are suspended. If the county needs additional information from you regarding your annual redetermination, they will send the request to your last known mailing address. If Medi-Cal eligibility ends for any reason while benefits are suspended, the county will send a separate notice.

Please Note: Other family members will receive a separate notice if any action is taken on their Medi-Cal eligibility. If you are not an inmate, have any questions about this action, or if the information contained in this notice is not correct, please, call or write your eligibility worker immediately.

You can appeal this notice. The back of this page explains how to request a hearing.

If YOU ALREADY HAVE A BENEFITS IDENTIFICATION CARD (BIC) DO NOT THROW IT AWAY. You can use your Benefits Identification Card (BIC) again when your Medi-Cal suspension ends, if eligible.

This action is required by Welfare and Institutions Code Section 14011.10, Section 14005.37, 14053.7 and California Code of Regulations, Title 22, Section 50179. If you think this action is incorrect, you can request a hearing. The back of this page explains how to request a hearing.

**NOTICE OF ACTION
DISCONTINUANCE OF MEDI-CAL BENEFITS
FOR AN ADULT INMATE**

Enclosure 5

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

DISCONTINUANCE NOTICE FOR:

Insert Name Here

We have reviewed all information available to us about your circumstances and evaluated you for all Medi-Cal programs. Based on this information, your eligibility to receive Medi-Cal will be discontinued effective _____ Date _____

The reason for this discontinuance is:

We based this discontinuance action on the information available to us. If you are still incarcerated on the date of this notice, the county will assist you to complete a pre-release application and take the necessary steps to complete an eligibility determination prior to your release by working with the prison or jail facility. If the eligibility determination shows you are eligible for Medi-Cal you will be granted Medi-Cal eligibility effective the date of your release.

Please Note: Other family members with different eligibility statuses will receive a separate notice if any action is taken on their Medi-Cal eligibility. If you are not an inmate, have any questions about this action, or if the information contained in this notice is not correct, please, call or write your eligibility worker or the County immediately.

You can appeal this notice. The back of this page explains how to request a hearing. You can reapply at any time.

DO NOT THROW AWAY YOUR BENEFITS IDENTIFICATION CARD (BIC)

If you already have a plastic Benefits Identification Card (BIC) do not throw it away. You can use it again if you become eligible for Medi-Cal.

The authority for this notice is Welfare and Institutions Code sections 14011.10, 14005.37 and California Code of Regulations, title 22, section 50179. If you think this action is incorrect, you can request a hearing. The back of this page explains how to request a hearing.

**NOTICE OF ACTION
ACTIVATED MEDI-CAL BENEFITS
UPON RELEASE OF AN ADULT INMATE**

Enclosure 6

Notice Date: _____
Case Number: _____
Worker Name: _____
Worker ID Number: _____
Worker Telephone Number: _____
Office Hours: _____

ACTIVATED MEDI-CAL BENEFITS NOTICE FOR:

Insert Name(s) Here

The county has received information that you are no longer incarcerated. When you were incarcerated, your Medi-Cal benefits were suspended. Based on this new information, your Medi-Cal benefits have been activated effective _____.

This means that you can receive Medi-Cal covered services provided on or after the above date. If you are still an inmate of a public institution, you must tell the county eligibility worker identified above.

Please Note: Other family members with different eligibility statuses will receive a separate notice if any action is taken on their Medi-Cal eligibility. Please call or write if you have questions about this notice, or immediately contact the eligibility worker listed above

You can appeal this activation of Medi-Cal benefits notice. The back of this page explains how to request a hearing.

IF YOU ALREADY HAVE A BENEFITS IDENTIFICATION CARD (BIC) DO NOT THROW IT AWAY. IT CAN BE USED NOW. If you need a new Benefits Identification Card (BIC), contact the eligibility worker identified above to get a new one.

The authority for this notice is Welfare and Institutions Code Sections 14011.10 (c) and (d), 14005.37, 14053.7,.8 and California Code of Regulations, Title 22, Section 50179, of Title 42 of the United States Code. If you think this action is incorrect, you can request a hearing. The back of this page explains how to request a hearing.

(Rev. 06/21)