



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



May 6, 2014

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 14-24
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: STATE INMATE PRE-RELEASE MEDI-CAL APPLICATION PROCESS

The purpose of this All County Welfare Directors Letter (ACWDL) is to clarify the process for handling pre-release Medi-Cal applications for state inmates and to update the state inmate pre-release application process with the implementation of the Affordable Care Act (ACA). For purposes of this letter, the term “inmate” describes an individual who is incarcerated in a public institution for a criminal offense, regardless of age. The term “juvenile inmate” describes an inmate who is younger than 22 years old.

Background

Inmate Pre-release

In 2004, the Centers for Medicare and Medicaid Services (CMS) issued a letter entitled “Ending Chronic Homelessness.” In the letter, CMS encouraged states to take steps necessary to ensure that applications for Medicaid (Medi-Cal in California) are processed in a timely manner so that individuals released from incarceration can receive Medicaid-covered services upon release from the public institution. This “pre-release” guidance was implemented for juvenile inmates in California by Senate Bill (SB) 1469 (Cedillo, Chapter 657, Statutes of 2006), which requires county welfare departments (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.

California Department of Corrections and Rehabilitation (CDCR) Pre-release Application Processes Prior to January 1, 2014

A Memorandum of Understanding (MOU) between CDCR and DHCS initially coordinated the state inmate pre-release processes by representing a written semi-formal agreement of shared goals, expectations, and roles and responsibilities between DHCS and CDCR. In 2009, MCED issued ACWDL 09-16, which provided counties with guidance on processing pre-release Medi-Cal applications for state inmates. The pre-release process began with CDCR creating a system to identify potential Medi-Cal eligible inmates nearing parole. Once identified, CDCR pre-release staff offered these inmates assistance with applying for Medi-Cal, prior to release. If an inmate authorized CDCR pre-release staff to be an Authorized Representative (AR) for purposes of applying for Medi-Cal, a paper Medi-Cal application was completed and submitted (via mail or secured e-mail or secured fax) to a designated CWD contact. CDCR included a cover letter with the pre-release inmate's application so county Medi-Cal eligibility staff could identify these applications as pre-release applications that required special handling. The applications were processed to the fullest extent possible, but eligibility was not always established prior to release, typically because either a disability evaluation was required or more information was needed to determine the inmate's Medi-Cal eligibility. Counties were instructed to provide a temporary Benefits Identification Card (BIC) to pre-release inmates who were determined Medi-Cal eligible to ensure they had access to care upon release.

CDCR Pre-release Application Processes since January 1, 2014

The current state inmate pre-release process closely resembles the pre-January 2014 processes with a few exceptions. The pool of potentially Medi-Cal eligible pre-release inmates has increased because of the Medicaid expansion new adult coverage group between ages 19 to 64, under the ACA. In January 2014, CDCR began submitting paper pre-release applications for health insurance directly to Covered California (Covered CA) as opposed to sending them to the county in which the inmate was scheduled to be released. As a result, some pre-release applications were lost or, in some cases, misrouted to incorrect counties. As a result of CDCR sending pre-release applications directly to Covered CA, some counties received an influx of applications from Covered CA for state inmates and were unsure how to complete the eligibility determination process.

Processing State Inmate Pre-release Applications

Inmate status is not a barrier to Medi-Cal eligibility, even if the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) flags a pre-release applicant as incarcerated. For purposes of determining eligibility for the month of release, when a pre-release application is pended due to an applicant's inmate status, counties must take the steps necessary to complete the eligibility determination process and establish eligibility in the appropriate aid code if the applicant is eligible.

Steps to facilitate the processing of pre-release applications:

1. CDCR will submit complete pre-release applications to specific county Points of Contact (POCs) in the county where the inmate is scheduled to be released.
2. Counties will accept the applications and enter the inmate's information into their county Statewide Automated Welfare system, which will run the case through the CalHEERS Business Rules Engine for the Modified Adjusted Gross Income (MAGI) determination and complete electronic verification through various state data sources and the federal services data hub.
3. Counties will take the steps necessary to complete the eligibility determination by working with the pre-release applicant and their AR to grant eligibility effective the date of release. Once Medi-Cal eligibility is reported to the Medi-Cal Eligibility Data System (MEDS), a BIC will be generated and sent to the address in MEDS. If time permits, the BIC and Medi-Cal Managed Care Enrollment Packet will be sent to the inmate's AR, who will ensure that the inmate receives the BIC and completes the choice form to enroll into a health plan prior to release.
4. Upon release, pre-release applicants will be provided with their county eligibility worker's contact information.

CDCR responsibilities:

1. Identify inmates who are potentially eligible for Medi-Cal benefits upon release.
2. Refer inmates who may potentially be eligible for Medi-Cal to the CDCR pre-release POC who will work in cooperation with the appropriate CWD POC.
3. After the inmate authorizes CDCR pre-release staff as an AR for purposes of applying for health insurance, CDCR will assist inmates to submit completed applications, as well as any necessary supporting documentation, to the appropriate CWD pre-release POC.
4. Include a cover sheet clearly identifying the pre-release applicant's AR, contact information, and other pertinent information with each pre-release application.
5. For applicants who cannot apply for themselves, notify the parent or guardian, if necessary, of CDCR's intention to help the inmate apply for health insurance.
6. Provide timely notice to the appropriate CWD pre-release POC of any changes to the inmate's parole date, residence address, etc.
7. Maintain a supply of the Single Streamlined applications and forms.

8. Assist pre-release applicants complete the Medi-Cal Managed Care Enrollment Packet.
9. Ensure that pre-release applicants have their county eligibility worker's contact information upon release.
10. Provide relevant updates (if any), such as current home and/or mailing address, to the county pre-release POC.
11. Maintain and make available a CDCR pre-release POC list, to be used by CWDs, for each facility.

County Responsibilities:

1. Accept inmate pre-release applications for Medi-Cal sent from CDCR prisons and facilities.
2. Acknowledge receipt of pre-release applications for health insurance to the designated CDCR staff person indicated on the pre-release cover sheet accompanying the pre-release application.
3. Work with CDCR staff and, when appropriate, with a juvenile inmate's parent or guardian to complete the application.
4. Expedite the eligibility determination, to the extent possible, for a pre-release applicant if the inmate is scheduled for release in fewer than 30 days.
5. Notify the designated CDCR pre-release staff of the outcome of the eligibility determination or if additional information is required.
6. Notify CDCR at least ten days prior to the expected parole date if the Medi-Cal determination will not be completed prior to release.
7. For pre-release applicant's determined Medi-Cal eligible, if a plastic BIC would not be issued in time for the inmate to have the BIC in hand upon release, a temporary paper BIC should be provided to the inmate so the inmate can access Medi-Cal benefits immediately upon release.
8. Provide county eligibility worker contact information to pre-release applicants.
9. Maintain and make available a county pre-release POC list, to be used by CDCR that also includes information about where pre-release applications should be sent.

10. Provide all necessary Medi-Cal informing documentation to the pre-release applicant.

State Inmate Pre-Release Questions and Answers

QUESTION 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 requirements, DHCS recommends initiating pre-release applications 60-90 days prior to an inmate's release.

QUESTION 2: 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: Counties 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 Medi-Cal beneficiary is an inmate of a public institution. Therefore, the county must suspend the Medi-Cal benefits of the inmate and then un-suspend benefits when the inmate is released, if still eligible.

QUESTION 3: How are household size and tax filer status determined for pre-release applicants?

ANSWER: Household size and tax filer status must be determined in accordance with current Medi-Cal rules.

- **If the family case is known to the county** - Inmates who identify themselves as a member of a household that is known to the county on an active case can be added to the family's Medi-Cal case, unless the family has indicated to the county that the inmate is not returning to the household. The county must review the active family case to determine if there are domestic issues noted in the case file that indicate the inmate will not return. Counties must ensure the applicant's and beneficiary's confidentiality is protected throughout this process.
- **Single Individuals - Inmates** who identify themselves as single individuals or primary tax filers because their household status or tax filer status is uncertain must be treated as single individuals for purposes of approving the pre-release application. If that status changes after release, the county must update the case accordingly and add the former inmate to the family case if appropriate.

QUESTION 4: How is income verified for pre-release applicants?

ANSWER: Income reported on a pre-release application must be verified in accordance with current Medi-Cal rules. If reported income is not reasonably compatible with income information returned via electronic verification, and the inmate is not able to resolve the discrepancy due to incarceration, (but is otherwise eligible), grant eligibility and work with the applicant to resolve the income issue as soon as possible after they are released.

QUESTION 5: How is identity verified for pre-release applicants?

ANSWER: Identity must be verified in accordance with current Medi-Cal rules. Verification of citizenship and through the Social Security Administration electronic verification process meets both citizenship and identity requirements for U.S. citizens. If an inmate is not a citizen or identity is not verified through the electronic verification process, verification by CDCR that the individual is a state inmate can be used for identity purposes. Title 22, California Code of Regulations, Section 50167(A)(6)(D)(1) provides that the identity may be verified by presence in the institution if the facility verifies presence in the institution. That basic verification of identity can be accepted for pre-release applicants if there is no other evidence available and no evidence that contradicts the identity information provided by CDCR (such as a discrepant Social Security Number (SSN)).

QUESTION 6: How is citizenship and immigration status verified for pre-release applicants?

ANSWER: Medi-Cal applicants must provide information about their citizenship or immigration status as part of the normal application process. Citizenship and immigration status must be declared, but Medi-Cal eligibility can be granted while citizenship or immigration status is being verified, in accordance with current Medi-Cal rules, if the applicant is otherwise eligible.

QUESTION 7: How is the SSN verified for a pre-release applicant?

ANSWER: Verify the SSN in accordance with current Medi-Cal rules. If a pre-release applicant has an SSN, or is taking steps to obtain one, and is otherwise Medi-Cal eligible, eligibility can be granted but the county must follow up with the inmate upon release to verify the SSN. If the SSN cannot be verified electronically, or there is reason to believe there is a discrepancy with the inmate's SSN, Medi-Cal eligibility cannot be granted until the issue is resolved.

QUESTION 8: How are assets verified if a pre-release applicant must be evaluated under non-MAGI rules?

ANSWER: Any property reported or identified during the application process must be evaluated in accordance with current Medi-Cal rules. Medi-Cal eligibility shall be granted, if there are no identified assets that would make the inmate ineligible. Counties should

work with the inmate or his or her representative to obtain any additional verification information after the inmate is released.

QUESTION 9: Can inmate status in a California correctional facility be used to verify California residency?

ANSWER: Inmate status may be used to verify California residency if: 1) there is no other evidence of California residency available, 2) CDCR confirms that the inmate is incarcerated in a California State correctional facility, 3) the inmate declares an intent to reside, and 4) there is no evidence to suggest the inmate will not be a California resident in the month of release. If CDCR verification of residency is used because the inmate cannot obtain the necessary verification due to his or her incarceration, the county may grant Medi-Cal eligibility, if the pre-release applicant is otherwise eligible. The county must follow up with the inmate upon release to obtain the necessary verification based on the inmate's California residence.

QUESTION 10: Once a county has placed the pre-release applicant into the appropriate Medi-Cal aid code, how long will it take for a BIC to be generated and delivered?

ANSWER: It will take up to 10 business days for a BIC to be generated from MEDS and delivered to the mailing address in MEDS.

QUESTION 11: Where will the BIC and Medi-Cal Managed Care Enrollment Packet be sent?

ANSWER: The BIC and the Medi-Cal Managed Care Enrollment Packet will be sent to the mailing address in MEDS. For pre-release applicants, this address will typically be the mailing address of the AR who is helping the inmate apply for Medi-Cal. Counties should ensure an inmate's mailing address is correct in MEDS so that the BIC and Medi-Cal Managed Care Enrollment Packet are sent to the pre-release AR whenever possible. The goal is to ensure the inmate has their BIC in hand and has completed the Medi-Cal Managed Care Enrollment Packet prior to release.

QUESTION 12: When should a temporary paper BIC be issued?

ANSWER: If there is not enough time for the BIC to be generated and sent securely to inmate's AR upon release, counties can securely issue a temporary paper BIC upon request.

QUESTION 13: What if a pre-release applicant is in an inmate aid code that is controlled by the state and the county is unable to update eligibility as needed for a pre-release applicant?

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ANSWER: If a pre-release applicant is in an inmate aid code controlled by the state, and the county is unable to update eligibility in MEDS, county staff should contact state MCIEP staff by sending an e-mail to mciep@dhcs.ca.gov. Counties should take steps to protect confidential or personal information by sending these communications by secure e-mail when necessary.

County Review

On any of the items mentioned above that require additional case review after a pre-release applicant is released from incarceration; counties must follow the processes outlined in Welfare and Institutions Code, Section 14005.37 to handle a change in circumstances.

If you have any questions regarding this letter, please contact Thomas (Antonio) Weary at (916) 552-9496 by phone or by email at Thomas.Weary@dhcs.ca.gov.

Original Signed By:

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