

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

March 18, 1983



To: All County Welfare Directors

Letter No. 83-22

STATUS OF FAIR HEARINGS RESULTING FROM TRANSFER OF MEDICALLY INDIGENT ADULTS
TO COUNTIES

This letter provides an update on the status of fair hearings requested timely by MIAs discontinued from Medi-Cal in December 1982 and outlines the procedures the State will use for the majority of the hearings.

Approximately 22,000 fair hearings were requested by the effective date of the transfer. The reasons given for 2,200 of the requests were the four statutory categories--under 21, pregnant women, resident in a skilled nursing or intermediate care facility or refugee. The reasons provided for the remaining 19,800 requests varied but most were for reasons of disability. Beginning March 1, 1983, hearings were scheduled for the 2,200 hearings falling in the four statutory categories.

Because of the complexities involved in possible disability cases, the State Departments of Health Services and Social Services have established special procedures for these hearings. The first step is a manual screening to categorize the requests by pending disability (Aid Codes 88 and 89), no indication of disability, and an indication of disability or incapacity.

1. Pending disability:

A list of persons with Aid Codes 88 and 89 will be transmitted to the Disability Evaluation Division. DED will expedite the evaluations of these persons. Hearings will be scheduled only after the evaluations have been completed and forwarded to the Office of the Chief Referee (OCR).

2. No indication of disability:

Requests in this category are for persons who are basically unhappy with the transfer. These persons will be scheduled for hearings.

3. Indication of disability or incapacity:

OCR will mail copies of forms MC 220, Authorization for Release of Information, and MC 223A (revised 12/82), Applicants Supplemental Statement of Facts for Medi-Cal, along with a letter of explanation to persons indicating any form of disability. These forms are to be returned directly to OCR within 15 days. When the forms are received, OCR will complete the MC 221, Disability Determination and Transmittal, and will forward the packages to DED for evaluation. Again, hearings will be scheduled only after the

March 18, 1983

evaluations have been completed and forwarded to OCR. If the forms are not returned or are so incomplete DED cannot proceed, hearings will be scheduled.

When the issue of disability is raised for the first time at the hearing, the hearing will be postponed and forms MC 220 and MC 223A (revised 12/82) will be given to the person to be completed immediately and left with the hearing officer. Again, OCR will complete the MC 221 and forward the package to DED. The hearings will be rescheduled after the evaluations have been completed.

If a claimant requested a fair hearing based on one of the four statutory categories and later admits none of the statutory categories apply but has also claimed disability or alleged disability to the worker, the county may not request withdrawal from the hearing. The fair hearing will be held on the alleged disability.

Further information will be provided as it becomes available. Please direct questions to Gerry Senini at (916) 445-1797.

Sincerely,

ORIGINAL SIGNED BY

Madalyn M. Martinez, Chief
Eligibility Branch

cc: Medi-Cal Liaisons
Program Consultants