

## DEPARTMENT OF HEALTH SERVICES

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October 28, 1992

TO: All County Welfare Directors  
All County Administrative Officers  
All County Medi-Cal Program Specialists/Liaisons

Letter No: 92-62

SUBJECT: Andriola v. Kizer

The purpose of this letter is to advise you about the Andriola v. Kizer lawsuit which concerns the 60-day postpartum program. Counties have been determining Medi-Cal eligibility for 60 day postpartum benefits since January, 1988.

Background

The federal Medicaid statute found in 42 USC Section 1396a(e) (5) provides:

A woman who while pregnant, is eligible for, has applied for, and has received medical assistance under the State plan, shall continue to be eligible under the plan, as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan, until the end of the 60 day period beginning on the last day of her pregnancy.

This provision became effective under federal law April 7, 1986. The program was implemented statewide on January 1, 1988. The Department of Health Services (DHS) did not dispute that these benefits should have been made available to eligible women as of April 7, 1986. Counties are to retain all Medi-Cal Only cases where the last activity was April 1986 or later.

Implementation Procedures

The June 12, 1992 court order specifies the DHS is to establish a system to identify the group of women who may have been denied benefits for the 60 day postpartum program between April 7, 1986, and December 31, 1987 for the purpose of issuing them zero share of cost Medi-Cal cards under the 60 day postpartum program. We expect implementation in early December, 1992.

County Andriola Coordinator

Counties shall provide the name, address, and telephone number of an Andriola Coordinator. Questions from DHS regarding this lawsuit can be directed to the Andriola Coordinator. Please submit this information by October 23, 1992 to the DHS Andriola Coordinators: Mary Maestas-Sandoval at (916) 657-1248 or Sharon Garcia at (916) 657-5327. You may also fax this information to the DHS Andriola Coordinator at (916) 657-3224.

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### Posters

DHS will develop posters which county welfare departments are to display in all county welfare department offices for a three month period, beginning with the date the Department sends applications. (A supply of posters for each county will be sent to the county's Andriola Coordinator.) We will notify you by E-Mail of the final dates. The posters advise interested individuals to call their local county welfare department.

### Questions From the Public

Please designate staff persons in each of your local county welfare departments for answering questions from the public regarding Andriola or the "Retroactive 60 Day Postpartum program". Your staff should be available and prepared to respond to general questions that will most likely be asked in your local county welfare office.

### Applications

Two slightly different applications have been developed. The first is an English-only application which will be mailed by DHS to all identified potential beneficiaries. It will contain certain identifying information such as a potential beneficiary MEDS identification number. The expected date of mailing is December 12, 1992. The other application (English and Spanish) will be distributed by counties and will not have any identifying information.

#### 1. DHS-Issued Application

DHS will send a computer generated English-only application to each person we have identified as a potential Andriola beneficiary. This application will be sent to the most recent address available to DHS. This application generated in English will contain a message in Spanish instructing persons who would like a Spanish application to request one from the county and to attach the computer generated English form to the Spanish form.

The applications may be returned by potential beneficiaries either to the DHS Andriola Coordinator or the county welfare department. If returned to the county, the county shall date stamp the applications when received and send them to DHS weekly. The application must be returned to DHS within 3 months of its issuance for it to be timely. If the notice is timely, DHS will process the application. The DHS will send the applicant a zero share-of-cost 60-Day Postpartum program Medi-Cal card, an explanation of how to use the card, and an authorization letter (stuffer size) for the eligible months following the month pregnancy ended. If an untimely application is returned to DHS, DHS will issue a denial notice.

2. County-Issued Applications

We have developed a slightly different application in English and Spanish which the county will be responsible for issuing to any individual wishing to apply for Andriola retroactive postpartum benefits who may not have received an application from DHS or who wishes a Spanish application.

This Andriola Application (English and Spanish 20,000 each) will be stored in the DHS warehouse. We believe this number should meet the needs of the counties. However, once these applications are depleted, counties will be responsible for providing photocopies of the application form to anyone requesting one.

The county shall date stamp the application when providing an application to the individual. If the individual also has a DHS-issued application, the counties shall attach the DHS generated English application to the Spanish application. This is required because the English version contains preprinted information that will facilitate benefit processing. In addition, the county shall date stamp the application if returned to the county by the beneficiary and then the county shall send completed applications to DHS weekly.

Once the county-issued application is returned to DHS, we will search the Medi-Cal Eligibility Data System (MEDS) to see whether the applicant was on Medi-Cal in the month the pregnancy ended. DHS will either call or write to the county Andriola Coordinator to research the records for a case.

In some instances, we may not be able to find a MEDS record or it may be truncated. If no record is found regarding prior benefits or information on the application cannot be verified, county involvement may be necessary to determine whether Medi-Cal was received during the month pregnancy ended. DHS will either call or write to the county Andriola Coordinator to research county records for a case.

DHS Application Processing

When an application is returned to DHS and eligibility is verified, the Medi-Cal Eligibility Branch (MEB) will input the necessary data (key entry onto the Medi-Cal Eligibility Data System) to generate the Medi-Cal cards for this retroactive period. If eligibility cannot be verified, Denial Notices will be issued by the MEB to the applicant.

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State Administrative Hearings

Applicants or beneficiaries shall have the right to a State hearing if dissatisfied with any action of counties or DHS. In accordance with Title 22, Section 50955, those persons receiving denial notices who desire a fair hearing will be assisted by the county in the process of filing the hearing request. In some instances, counties may have to be involved. For example, when an individual files a request for a fair hearing to determine whether an applicant was eligible for Medi-Cal in the month pregnancy ended, counties may have to give a statement if the county record cannot be found.

Summary of Above

- o Each county shall provide the name, address, and telephone number of an Andriola Coordinator to whom questions to the county from DHS will be directed. Counties also must have at least one individual available in each county welfare office to respond to inquiries about Andriola from the public.
- o Posters are to be displayed in all county welfare department offices for a three month period, beginning with the date the department sends the applications.
- o Each county shall date stamp the application (where it indicates "date given to applicant") when issuing to any individual wishing to apply for Andriola retroactive postpartum benefits who may not have received an application from DHS or who wishes a Spanish application.
- o Each county shall date stamp the application where it indicates date return, and send these completed applications to DHS weekly.
- o Each county shall assist applicants in filing a fair hearing request.

If you have any questions, please contact Mary Maestas-Sandoval or Sharon Garcia at the phone numbers given above.

Sincerely,

ORIGINAL SIGNED BY  
ANGELINE MRVA for

Frank S. Martucci, Chief  
Medi-Cal Eligibility Branch