

# County Medical Services Program Guide (CMSPG) Letter #27

June 7, 2013

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**Subject** NOTICE OF RESCISSION OF CMSPG LETTER #24 - UPDATE TO THE INSTRUCTIONS FOR THE COMPLETION OF THE COUNTY MEDICAL SERVICES (CMS) GRANT OF LIEN

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**Effective Date** Upon Receipt

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**Reference** County Policy

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**Purpose** To inform staff of the following:

- Rescission of CMSPG Letter #24.
- Reinstatement of instructions that were in place prior to CMSPG Letter #24 relating to the completion of the CMS Grant of Lien form.

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**Background** CMSPG Letter #24, issued on April 9, 2013, provided staff updated instructions for the completion of the CMS-122 CMS Grant of Lien form.

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**Highlighted Change** Effective immediately, updated instructions detailed in CMSPG Letter #24 are rescinded. The CMSPG has been revised to reflect instructions in place prior to CMSPG Letter #24.

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**Required Action** Upon receipt of this letter, the worker must ensure that instructions found in the CMSPG relating to the completion of the CMS Grant of Lien form are followed.

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**CMS IT System Impact (AuthMed)** No Impact

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**Forms Impact** No Impact

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*Continued on next page*

# County Medical Services Program Guide (CMSPG) Letter #27, Continued

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**ACCESS  
Impact**

No Impact

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**Quality  
Control (QC)  
Impact**

Effective with the July 2013 review month, QC will cite the appropriate error on any case that does not comply with the requirements outlined in this letter.

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**Summary of  
Changes**

The table below shows the changes made to the CMSPG.

<b>Article</b>	<b>Changes</b>
<a href="#">Article 06, Section 06</a>	Removed updated instructions to the completion of the CMS Grant of Lien form issued with CMSPG Letter #24.

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**Approval for  
Release**

*Pat Wynn, Dep. Director 6-10-13*

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# Article 6 Section 06 CMS Lien

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## 06.06.03 Completion of the CMS Grant of Lien Forms

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**06.06.03A  
Completion of  
Grant of Lien  
Forms**

Completion of the CMS-122/CMS-123/CMS-123A:

Step	Action
1	Each CMS applicant must complete and sign the CMS-122 or the application will be denied. If an applicant/beneficiary is married, <b>both</b> the applicant/beneficiary and his/her spouse are required to sign the CMS-122 in front of either a Deputy County Clerk or Notary Public so that the form can be properly witnessed.  a) Legal documentation is required if the

	<p>applicant/beneficiary states s/he is divorced, legally separated, has an annulled marriage, or his/her spouse is deceased.</p> <p>b) In circumstances where the applicant/beneficiary states documentation cannot be obtained, or represents that s/he is no longer residing with his/her spouse and are unable to obtain the spouse's signature, refer to <a href="#">Section B</a> below.</p> <p>c) If the applicant claims s/he is a victim of domestic violence and provides a restraining order against his/her spouse (expired restraining orders are acceptable), the spouse's signature is <b>not</b> required. If the applicant/beneficiary never obtained a restraining order, but provides a police report (regardless of how old the police report is) regarding the domestic violence, the spouse's signature is <b>not</b> required.</p> <p><b>Exception to the lien requirement:</b>  If an applicant/beneficiary is confined to the hospital for active tuberculosis (TB), they are <b>not</b> required to sign the CMS-122. If the applicant/beneficiary is in the hospital for other reasons, the fact that they have TB does not exempt them from signing the CMS-122.</p>
2	Give the applicant the CMS-122 and the CMS-123 and instruct the applicant to complete the forms without signing them.
3	Inform the applicant that both forms must be signed in front of a Deputy County Clerk or a Notary Public at their own expense. The Deputy County Clerk or Notary Public will verify the identity of the signer before witnessing their signature. This is to acknowledge that the correct person has signed the forms.
4	If the applicant chooses to have the Deputy County Clerk witness the signature, the Deputy County Clerk will sign the CMS-122 in the appropriate section, and line through the words "Notary Public".
5	After the signatures are witnessed on the CMS-122, the worker scans both forms into the CMS IT system as verification of the applicant's/beneficiary's acknowledgement that they received, reviewed, and understand the forms.
6	The original CMS-122 is sent to central files (MS 0557A) where it will be held until the case closes and total

	cumulative claims are identified to be \$5,000 or more. One copy is scanned in the case file and a copy is given to the client.
7	Forms will be available in Spanish to give to Spanish speaking applicants for information; however, <b>all</b> lien forms must be signed in English. The Spanish forms will be given to Spanish speaking applicants along with the CMS-123A for the individual to acknowledge receipt of Lien forms in Spanish. The Spanish forms do not need to be signed.
8	Only the English CMS-122 needs to have the signatures witnessed. After the signatures are witnessed on the CMS-122, the worker will scan the signed CMS-122, CMS-123/CMS-123A into the CMS IT System. The signed CMS-123A is verification that the Spanish speaking applicant/beneficiary acknowledges receiving the CMS-122 and CMS-123 forms in Spanish and they have reviewed and understand the forms before signing the English version. A copy of the English forms and a copy of the Spanish forms are given to the applicant for their records.
9	The CMS-122 <b>must</b> be completed as part of each application or reapplication, whether or not there is an active lien. A copy is kept in the case record. Staff may waive the lien requirement for recertification after they verify the CMS-122 obtained during the application/reapplication process was signed and witnessed by either a Deputy County Clerk or a Notary Public. If the lien form on file was <b>not</b> witnessed by either a Deputy County Clerk or a Notary Public, the worker shall obtain new lien forms.

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## Appendix 6A Grant of Lien and Completion Instructions

### CMS Grant of Lien (CMS-122)

<p>PLEASE COMPLETE THIS INFORMATION.</p> <p>RECORDING REQUESTED BY:</p> <p>County of San Diego Office of Revenue Recovery 5530 Overland Ave., Suite 310 San Diego, CA 92123</p>	
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AND WHEN RECORDED MAIL TO:  O-60	<i>THIS SPACE FOR RECORDER'S USE ONLY</i>
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**COUNTY MEDICAL SERVICES (CMS) GRANT OF LIEN  
 COUNTY OF SAN DIEGO  
 HEALTH AND HUMAN SERVICES AGENCY**

CASE NAME (1) \_\_\_\_\_ (Last name, First) CASE NO. (2) \_\_\_\_\_

AKA (3) \_\_\_\_\_

SPOUSE'S NAME (4) \_\_\_\_\_ AKA (3) \_\_\_\_\_

MARITAL STATUS (5):  Never Married  Divorced  Widowed  
 Married, But Separated  Married, Not Separated

In accordance with provisions of law of the State of California, the undersigned hereby grants to the County of San Diego a lien upon any real property in which the undersigned has or holds any right, title or interest, and all other real property in which the undersigned may acquire any right, title or interest in the future, situated in the State of California, or elsewhere, for the amount of all sums of money and the reasonable value of any other property or services heretofore and hereinafter advanced by the County of San Diego for services under the County Medical Services Program from the effective date of your application and all continuous periods of eligibility to: [check applicable box(es)]: (6)

- The undersigned or to the spouse
- Other person(s), as follows: (Give name and relationship) \_\_\_\_\_

The lien shall not be enforceable against your home (1) during your lifetime or that of your spouse, or (2) during the minority of your children if they reside in the home, or (3) during the lifetime of any dependent adult child who resides in the home and who is incapable of self-support because of mental or physical disability. If you desire to sell your home against which a lien has been imposed the County shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired. If you want to borrow money for the purpose of making improvements to your home, using your home for security, the County shall subordinate its lien to the mortgage or other security interest given for the loan, if the County finds that its security will not be impaired.

Any lien taken by the County for care shall be released immediately when the amount owing the County for that care is paid.

This agreement shall be binding upon the undersigned, his/her successors, heirs and assigns.

I hereby authorize the grantee to append to this instrument a description of any real property located in the State of California or elsewhere of which I am the assessed owner.

Signed (7) \_\_\_\_\_ Signed (10) \_\_\_\_\_

AKA (8) \_\_\_\_\_ AKA (11) \_\_\_\_\_

Address (9) \_\_\_\_\_ Address (12) \_\_\_\_\_

\_\_\_\_\_  
 City State Zip Code City State Zip Code

PROPERTY DESCRIPTION: (13)

ACKNOWLEDGEMENT

STATE OF CALIFORNIA )

) SS

COUNTY OF SAN DIEGO )

On (Date 14) \_\_\_\_\_, before me, (15) \_\_\_\_\_, County Clerk/Notary Public, personally appeared (Client name 16) \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (17) \_\_\_\_\_  
County Clerk/Notary Public

This is to certify that any interest in real property conveyed by the foregoing Grant of Lien to the County of San Diego, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the County Clerk pursuant to authority conferred by resolution of the Board of Supervisors adopted on February 24, 1970, and the grantee consents to recordation thereby of its duly authorized officer.

By: (18) \_\_\_\_\_ Dated: (18) \_\_\_\_\_  
County Clerk/Notary Public

Instructions

Item	Action
1	Case Name - <b>Print</b> client's full name: Last name, first name, middle name.
2	Case Number - Print the CMS member number.
3	AKA - Print all other names the client and or spouse uses, or used in the past. If driver's license or social security cards have different names or spellings, print them here. Maiden name, indicate if maiden name or previous married name.
4	Spouse Information - If applicable (Divorced or Legally Separated, this section is not applicable but documentation is required)
5	Marital Status - Check appropriate box and confirm whether AKA information is required or not.
6	Lien Upon Property Information - Check appropriate boxes; Check the "Other Person(s)" box if there is another person on the title of the home who is not the spouse (mother, aunt etc.) and write in name and relationship.
7	Signed – Clients legal signature is acceptable. Compare signature with identification document.

8	AKA - Client signs name using AKA. CLIENT MUST SIGN AKA ON THE LIEN.
9	Address - Print complete address of where the client lives which may be different from the Real Property owned; if homeless print "homeless."
10	Spouse Signature - If applicable
11	AKA - Spouse signs name using aka. SPOUSE MUST SIGN AKA ON THE LIEN.
12	Address - Print complete address of where the spouse lives; if homeless, print "homeless."
13	Property Description (Single Family Residence, Duplex, Condominium, etc.) - List any property that the client/spouse owns. Also add property address if different than home address listed on item 9.
14	Date Lien signed.
15	Print Deputized County Clerk or Notary Public name and line through the non-applicable title. (Example: A Deputized County Clerk would line through Notary Public)
16	Print full name and AKAs of the client and spouse, if applicable.
17	Deputized County Clerk or Notary Public signature (lining through the non-applicable title).
18	Deputized County Clerk or Notary Public signature (lining through the non-applicable title) and date.
The worker of record must review the Grant of Lien form (CMS-122) for completion and correctness before sending it to central files MS 0557A.	

**Note:** A Certificate of Acknowledgement is acceptable in lieu of Notary Public signature on the CMS-122, if the certificate:

- Is signed and dated by a Notary Public; and
- Contains the CMS Grant of Lien form title.