

# Application handling questions & answers for incompetent LTC individuals ...



QUESTION #1	When a nursing facility or other medical provider provides the County with a medical report to substantiate mental incompetency, may the County regard all resources such as bank accounts, etc. as unavailable?
ANSWER	<p>No, the availability of property must be determined <u>separately</u> from the incompetency issue. Even if the applicant is regarded as incompetent (this includes individuals in a comatose or unconscious state) and unable to handle his/her own affairs.</p> <p style="text-align: center;"><b>If another individual (family member, friend, etc.) can get access to the property then it must be regarded as available.</b></p> <p>Many elderly persons have friends or relatives listed on bank accounts and this joint access situation should be determined. If the incompetent individual is the only person who has access, the account will be regarded as unavailable.</p>
QUESTION #2	After a LTC applicant has been determined to be incompetent, does he/she have to complete and sign an <u>Appointment of Representative (AR)</u> form?
ANSWER	<p>No, a Medi-Cal applicant who is incompetent is presumably incapable of demonstrating the required knowledge and ability necessary to designate an authorized representative.</p> <p style="text-align: center;"><b>An AR form would not be appropriate in these instances.</b></p> <p>No written authorization is required for an individual to assist an incompetent person to apply for benefits.</p>
QUESTION #3	What would be the best course for the worker when it is found out that the representative (key person) has failed to report changes to the department?
ANSWER	<p>The worker shall request all information necessary to determine the applicant's/beneficiary's eligibility/continuing eligibility and/or share of cost from the representative as the worker otherwise would do with any other applicant/beneficiary.</p> <p>If the representative refuses or fails to provide the requested information by the due date, he/she shall be considered non-cooperative.</p> <p>The worker would then follow Diligent Search procedures (see <a href="#">MPG Article 4, Section 9</a>).</p>

