

Medi-Cal Program Guide (MPG) Letter #615 Addendum A

December 28, 2007

Subject COUNTY MEDICAL SERVICES (CMS) EXPANSION AND REVISED ELIGIBILITY DETERMINATION PROCESS

Effective Date December 1, 2007

Reference County Board Letter 10/24/2007 (2)

Purpose The purpose of this addendum to MPG Letter #615 is to provide:

- Clarifications regarding the lien process
- Questions and answers related to MPG Letter #615
- Revised forms related to CMS Expansion

Background An expansion to the CMS Program was approved by the San Diego County Board of Supervisors on 10/24/07. As a result, effective December 1, 2007, CMS Program benefits are now certified under two separate eligibility categories. These two categories are referred to as CMS and CMS Expansion. Instructions regarding these changes were provided to staff in MPG Letter #615.

Liens Effective 12/1/2007, all CMS and CMS Expansion applicants are required to complete and sign the CMS Grant of Lien (CMS-122) and CMS Lien Information (CMS-123) forms as a condition of eligibility. If the applicant refuses to sign the lien forms, the application for CMS is denied. The Lien Cover Sheet (CMS-123A) will also be provided to all applicants. All forms must be signed in English. Spanish speaking applicants must also sign the lien forms in Spanish to acknowledge receipt of lien forms in Spanish. These forms will be used to apply a lien towards the applicant's current or future real estate holdings to recover the cost of claims paid by CMS on the applicant's/beneficiary's behalf. Liens are not initiated until the beneficiary is no longer active on CMS and CMS has paid claims of \$5,000 or more on the beneficiary's behalf.

Continued on next page

Medi-Cal Program Guide (MPG) Letter #615 Addendum A,

Continued

Questions and Answers

There have been no changes to the Eligibility Determination process since MPG Letter 615 was issued. County Counsel has provided clarification to the CMS Lien process, which are provided below in the Q&As.

Q. If an applicant refuses to sign the lien forms, do we give applicants a 10/10 to reconsider signing the lien forms, or do we deny the case at the initial refusal (as a failure to cooperate/ provide)?

A. At the point in which the applicant refuses to sign the forms, the application should be denied since the lien forms are a condition of eligibility.

Q. Do married couples who are separated, or divorced couples (including the “absent” spouses) have to sign the lien forms and do we need to verify separation or divorce?

A. If Real Property (Real Estate) is owned, then both spouses must sign but if the couple is separated or divorced, only the applicant must sign the lien forms. The applicant must provide legal papers regarding separation or divorce.

If no Real Property (Real Estate) is owned, then only the applicant needs to sign the lien forms.

Q. If an unmarried couple owns a home together, do both owners have to sign the lien forms or just the applicant?

A. No, just the applicant.

Q. Can the lien forms be witnessed & signed by non-County persons?

Continued on next page

Medi-Cal Program Guide (MPG) Letter #615 Addendum A,

Continued

Questions and Answers (continued)

- A. Yes. Technically, any person 18 or over (and not a declared incompetent person) can sign as witness. It is best to have a neutral person, but circumstances may be that only hospital staff can witness. Spouses cannot be witnesses for each other.
- Q. If an applicant refuses to sign the lien forms, do we give applicants a 10/10 to reconsider signing the lien forms, or do we deny the case at the initial refusal (as a failure to cooperate/provide)?
- Q. What liability/responsibility does the witness assume by signing the lien form as witness?
- A. There should not be any. The witness is only witnessing the signature, not any underlying information.
- Q. If the spouse is deceased, do we need to verify?
- A. Yes. The applicant must provide a copy of a death certificate or some other evidence of the death.
- Q. Do General Relief (GR) clients need to sign CMS lien forms? Article A-7-4 states GR recipients are automatically eligible for CMS. The rest of Article A states CMS recipients have to sign the forms.
- A. Yes. GR recipients must sign the CMS lien forms in order to receive CMS.
- Q. If GR clients do not sign the CMS lien forms, can they be denied CMS coverage?
- A. Yes, they are to be denied CMS, but their eligibility to GR is unaffected.

Continued on next page

Medi-Cal Program Guide (MPG) Letter #615 Addendum A,

Continued

Forms Impact The table below summarizes all CMS forms which have been revised since MPG Letter 615 was issued.

Number	Title	Change	Action	Attachment
CMS-01	Application for CMS Hardship Waiver	New form	Use eff. 12/1/07	A
CMS-01 (SP)	Application for CMS Hardship Waiver	New form	Use eff. 12/1/07	A
CMS-01A	Hardship Waiver Cover Letter	New form	Use eff. 12/1/07	B
CMS-01A (SP)	Hardship Waiver Cover Letter	New form	Use eff. 12/1/07	B
CMS-122	CMS Grant of Lien	New form	Use eff. 12/1/07	C
CMS-122 (SP)	CMS Grant of Lien	New form	Use eff. 12/1/07	C
CMS-123A	CMS Lien Acknowledgement Statement	New form	Use eff. 12/1/07	D
CMS-123	CMS Lien Information	New form	Use eff. 12/1/07	E
CMS-123 (SP)	CMS Lien Information	New form	Use eff. 12/1/07	E
CMS-15	Rights and Responsibilities	Revised language	Use eff. 12/1/07	F
CMS-15 (SP)	Rights and Responsibilities	Revised language	Use eff. 12/1/07	F

Quality Assurance Impact

Quality Assurance will hold staff harmless during the month of implementation of these new regulations (January 2008). Quality Assurance will cite the following:

- Failure to have CMS and CMS Expansion applicants complete the CMS Grant of Lien (CMS-122) and CMS Lien Information (CMS-123) forms and/or failure to narrate completion of forms will result in a citation of "incorrect case."

Any errors cited for January 2008 must be corrected in a timely manner. Effective 2/1/08 and ongoing, Quality Assurance will cite with the appropriate error any case that does not meet the requirements of this letter.

Continued on next page

Medi-Cal Program Guide (MPG) Letter #615 Addendum A,

Continued

Automation Impact

IDX programming changes have been made to accommodate the addition of the CMS Expansion category. New plan descriptions titles have been added to the enrollment screen and will identify persons in the CMS Expansion category.

Appeals Impact

No change.

Summary of Change

The table below shows the changes made to the Medi-Cal Program Guide (MPG).

Article/Section	Changes
Article A, Section 5	CMS Expansion Lien forms, instructions
Article A, Section 5, Appendix D	Questions and Answers

Filing Instructions

The table below shows how to file the MPG material.

Action	Pages
Remove	Article A, Sections 5 and 10
Replace	Article A, Sections 5 and 10
Remove	Article A, Section 5, Appendices A1 and B
Replace	Article A, Section 5, Appendices A1 and B
Add	Article A, Section 5, Appendix D

Important Note

The MPG is available in its entirety on the County Intranet by accessing <http://intranet/manuals/mpg/index.html>. The MPG revisions listed in this letter will be entered into the Intranet MPG at the next update.

Managers Approval

ORIGINAL SIGNED BY:

VICKI MIZEL, Assistant Deputy Director
Health Care Policy Administration

Strategic Planning and Operational Support Division

ORIGINAL SIGNED BY:

DANN CRAWFORD, Assistant Deputy Director
Medi-Cal, General Relief and CAPI Program Administration
Strategic Planning and Operational Support Division

SB