

Medi-Cal Program Guide Letter #687

August 18, 2009

Subject **ARTICLE A – CHANGES TO THE GRANT OF LIEN PROCESS, UPDATE TO THE CREDIT REPORT REQUIREMENT FOR COUNTY MEDICAL SERVICES (CMS) AND REVISION TO THE QUESTIONS AND ANSWERS (Q&A’s) FORM HHSA: CMS-112**

Effective Date July 1, 2009

Reference County Policy

Purpose The purpose of this letter is to inform staff of the:

- Changes regarding the CMS lien process;
- Revision of form HHSA-CMS-112/HHSA-CMS-112 (SP) Questions and Answers for Share of Cost/Reimbursement Agreement/Liens;
- New Resource Handout (HHSA-CMS-008/HHSA-CMS-008 (SP)); and
- Update to the credit report requirement.

Background CMS Grant of Lien Requirement

All CMS and CMS Hardship applicants are required to sign a Grant of Lien as a condition of eligibility. In cases where there is a married couple, the applicant and spouse both are required to sign the Lien forms in front of either a Deputy County Clerk or Notary Public.

MPG Letter #679 provided clarification to the sworn statement process when the CMS applicant states they are divorced, legally separated, or their spouse is deceased, and cannot provide legal documentation. Workers were instructed to forward a completed signed sworn statement HHSA: CMS-24 (Eng/Span) in lieu of legal documentation to the Health Coverage Access (HCA) Manager for review and approval or denial.

HHSA: CMS-112/HHSA: CMS-112 (SP) Questions and Answers for Share of Cost/Reimbursement Agreement/Liens

MPG Letter #671 issued a revised version of the Q&A’s document to assist workers and inform applicants/beneficiaries regarding Share of

Cost (SOC), Reimbursement Agreement and Lien requirements. The Q&A document must be given to all CMS applicants.

Credit Profile Report Requests

MPG Letter #666 provided the criteria when evaluating whether or not to request a credit profile report. The worker must order a credit report at initial application, recertification or reapplication when information is received or circumstances are noted which conflicts or is inconsistent with information provided by the applicant/beneficiary which could indicate the possibility of inaccurate information or fraud.

Change

For all applications dated July 1, 2009 and ongoing.
CMS Grant of Lien Requirement

In cases where the applicant states that they are unable to obtain legal documentation of their divorce, legal separation, deceased spouse, or represents that they have not had contact with their spouse for an extended period of time and are unsure whether or not they are divorced or legally separated, the applicant must:

Step	Action	
1	Make all reasonable attempts to obtain the required documentation utilizing the Resource Handout (Attachment A). The applicant should be able to point out which Agency they contacted and all attempts made to get the information.	
2	Provide a copy of their most recent federal income tax return, "U.S. Individual Income Tax Return".	
3	If...	Then ...
	Required documentation is still unavailable	Complete a sworn statement CMS-24 explaining all efforts made to obtain the require documents.
	Required documentation is obtained	No sworn statement is necessary.

Note: The completed signed sworn statement HHSA: CMS-24 (Eng/Span) will no longer be forwarded to the Health Coverage Access (HCA) Manager for review and approval or denial.

HHSA: CMS-112/HHSA: CMS-112 (SP) Questions and Answers (Q&A) for Share of Cost/Reimbursement Agreement/Liens

Lien Q&A Q19 has been revised to provide clarification regarding the

CMS lien requirement when an applicant states that they have not had contact with their spouse for an extended period of time and is unsure whether or not they are divorced or legally separated.

Credit Profile Report Requests

Workers **MUST** order a credit report when an applicant states that they are unable to obtain legal documentation of their divorce, legal separation, deceased spouse, or represent that they have not had contact with their spouse for an extended period of time and are unsure whether or not they are divorced or legally separated. Workers must review all information/documentation that is inconsistent. The steps and worker actions for requesting and processing of credit reports have not changed. (Refer to MPG Letter #658)

Required Action

The following steps are to be followed by the worker when an applicant states that they are unable to obtain legal documentation of their divorce, legal separation, deceased spouse, or represent that they have not had contact with their spouse for an extended period of time and are unsure whether or not they are divorced or legally separated.

Step	Action
1	Provide the applicant with the Resource Handout (CMS-008). This form is listed as a verification document on the Verification Checklist (CMS-16) to be returned for verification of reasonable attempts.
2	Request the applicant's most recent federal tax return (U.S. Individual Income Tax Return) by listing it as verification on the CMS-16. Review the federal tax return to determine filing status (married, single, head of household, married filing separately) and determine whether the information on the tax return is consistent with the application information.
3	Request a credit report. The worker shall review for conflicting information, paying special attention to any assets or debts the applicant may have jointly with their absent or former spouse.
4	Clear the Assessor's Secured Property file located in MAINFRAME to verify if the applicant owns property in San Diego County. Note: Input the husband's name if no match is found; run all names, including AKA's. (See attachment E)
5	Use the Assessor's Property screen and the credit report in conjunction with each other to locate property owned. If no

	property is listed on the credit report and none is found on the Assessor's Secured Property screen, then the worker can conclude that no property is owned in San Diego County.						
6	After all verifications are received and the credit report reviewed, the worker completes "County Use Only" section of the Resource Handout (CMS-008) to identify which resources the applicant utilized in making the effort to gather the required documentation.						
7	If applicant states they are still unable to obtain the required documentation then the applicant will be required to complete a sworn statement explaining all efforts made to obtain the required documentation and the circumstances surrounding why documentation cannot be obtained.						
8	The worker verifies all information received and <table border="1" data-bbox="548 783 1399 1119"> <thead> <tr> <th>If...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>All verifications are received and there is no conflicting information</td> <td>The worker may approve the application if the applicant is otherwise eligible.</td> </tr> <tr> <td>It appears there is conflicting information which cannot be resolved</td> <td>The worker may not accept the sworn statement in lieu of the legal documentation.</td> </tr> </tbody> </table>	If...	Then...	All verifications are received and there is no conflicting information	The worker may approve the application if the applicant is otherwise eligible.	It appears there is conflicting information which cannot be resolved	The worker may not accept the sworn statement in lieu of the legal documentation.
If...	Then...						
All verifications are received and there is no conflicting information	The worker may approve the application if the applicant is otherwise eligible.						
It appears there is conflicting information which cannot be resolved	The worker may not accept the sworn statement in lieu of the legal documentation.						

Acceptance of Sworn Statement

The County will accept the sworn statement from the applicant in lieu of the otherwise required legal documentation of divorce or legal separation if:

- the applicant did not file a joint federal tax return;
- the credit check does not disclose credit issued jointly to the applicant and his or her allegedly former spouse;
- the search of the County Recorder's records does not disclose that the applicant holds property jointly with his or her allegedly former spouse; and
- the CMS case worker has not identified any other information inconsistent with the sworn statement or other representations of the applicant.

Automation Impact

None

Forms Impact This table shows forms affected by this letter.

Forms	Title	Status	Attachment
CMS-008/CMS-008 (SP)	Resource Handout	New	A & B
CMS-112/CMS-112 (SP)	Questions & Answers	Revised	C & D

These forms will be uploaded into the CMS IT system and are available to be ordered in iWay

Quality Assurance Impact

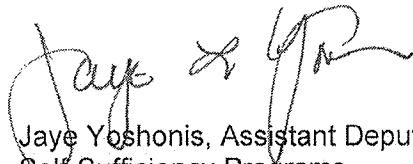
Effective with the October 2009 review month, QA will cite with appropriate error any case that does not comply with the requirements outlined in this letter.

Summary of Changes

The table below shows the changes made to the Program Guide.

Article	Changes
Article A, Section 5	Lien requirement updated.
Article A, Section 5, Appendix D	Q&A's updated.
Article A, Section 5, Appendix E	Assessor's Secured Property Screens added.
Article A, Section 8	Credit Report updated
Article A, Section 9	Resource Handout added to the list of forms.

Manager Approval



Jaye Yoshonis, Assistant Deputy Director
Self-Sufficiency Programs
Strategic Planning and Operational Support Division

SB/JP

**County of San Diego
County Medical Services**

Resource Handout

The following resources may be used for accessing the information you need. This is not a complete list of resources; any additional resources may be used. Your cooperation is important in providing the necessary information to establish your eligibility to receive benefits. Attach copies of any documentation you are able to obtain.

Vital Records US

<http://www.vitalrecordsus.com/>

Check off the sources used to access the information:

	Source (internet address, county/state agency etc.)	Date of Contact	Contact person & telephone number or address	Type of document received
<input type="checkbox"/>	Vital Record by State			
<input type="checkbox"/>	Death Records			
<input type="checkbox"/>	Marriage Records			
<input type="checkbox"/>	Divorce Records			
<input type="checkbox"/>	Other			

Other Resources

- County of San Diego Recorder/Assessor Public Information (619) 236-3771
- <http://arcc.co.san-diego.ca.us/arcc/default.aspx>
- Google search www.google.com

Written Response/Documentation Received: _____

NOTE: The information you are providing may be subject to verification and the completed sworn statement may not be accepted if it appears that you have not made all efforts to obtain/verify the requested information.

Applicant Signature _____

Date _____

COUNTY USE ONLY

- | | |
|---|----------------|
| <input type="checkbox"/> Credit Report Reviewed | Results: _____ |
| <input type="checkbox"/> Tax Return Received | Results: _____ |
| <input type="checkbox"/> Vital Records Verified | Results: _____ |
| <input type="checkbox"/> Assessor/Recorder Verified | Results: _____ |

**County of San Diego
County Medical Services**

Folleto de Lista de Recursos

Puede usar los siguientes recursos para obtener la información que usted necesita. Esta lista de recursos no está completa; puede usar cualquier recurso adicional. Su cooperación en entregar la información para establecer su elegibilidad para recibir beneficios es importante. Incluya una copia de cualquier documento que usted fue capaz de obtener.

Registro Vitales US

<http://www.vitalrecordsus.com/>

Marque las fuentes que usó para obtener acceso a la información:

	Fuente (dirección del Internet, agencia del condado/estado etc.)	Fecha de Contacto	Persona de Contacto y número de teléfono o dirección	Tipo de documento recibido
<input type="checkbox"/>	Registro Vital Estatal			
<input type="checkbox"/>	Acta de Defunción			
<input type="checkbox"/>	Acta de Matrimonio			
<input type="checkbox"/>	Acta de Divorcio			
<input type="checkbox"/>	Otro			

Otros Recursos

- County of San Diego Recorder/Assessor Información Pública (619) 236-3771
- <http://arcc.co.san-diego.ca.us/arcc/default.aspx>
- Búsqueda en Google www.google.com

Respuesta/Documentación Escrita Recibida: _____

NOTA: La información que usted proporcione puede ser sujeta a verificación y la declaración jurada que se completó puede ser que no se acepte si parece que usted no ha hecho todo el esfuerzo para obtener/verificar la información solicitada.

Firma del Solicitante _____ Fecha _____

COUNTY USE ONLY

- | | |
|---|----------------|
| <input type="checkbox"/> Credit Report Reviewed | Results: _____ |
| <input type="checkbox"/> Tax Return Received | Results: _____ |
| <input type="checkbox"/> Vital Records Verified | Results: _____ |
| <input type="checkbox"/> Assessor/Recorder Verified | Results: _____ |



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

All applicants who apply for County Medical Services (“CMS”) after April 10, 2008, are required to sign a Lien. As of July 1, 2008, all applicants for CMS Hardship are also required to sign a Reimbursement Agreement. Applicants who get CMS without the Hardship Waiver do not need to sign the Reimbursement Agreement. The Lien and Reimbursement requirements are about when and how you may have to pay back the County after you stop receiving CMS.

Some CMS Hardship applicants will also be sent bills for a Share of Cost for any month they used CMS services. Share of Cost is a regular charge you pay each month you receive CMS services.

This document answers common questions about these three different requirements.

If you have any other questions, ask your CMS worker. You may also ask for help with your CMS application at the Consumer Center for Health Education and Advocacy at 1-877-734-3258.

SHARE OF COST (SOC)

(applies only to those who have applied for the CMS hardship)

Q1: What is Share of Cost (“SOC”)?

A: Share of Cost is the amount that you must pay or be obligated to pay toward the cost of CMS covered health care services (including CMS approved prescriptions) each month you receive CMS services. This is different from the Reimbursement Agreement and Lien described below, which might not be collected until some time in the future.

Q2: How much will my SOC bill be?

A: Your worker will determine the amount of your monthly SOC, and you will be notified of this amount and how it was calculated.

Q3: Am I required to pay my share of cost every month?

A: Only if you receive CMS services every month. You will not be responsible for paying your share of cost in months you do not receive CMS services. Please do not send payments to CMS until you receive a statement.

Q4: How do I pay my SOC?

A: You will be billed the amount of your SOC or the amount of CMS services, whichever is less. You will not be billed for any months in which you do not receive CMS services. The billing statement will include the address where to send the monthly payment. Do not send payments to CMS until you receive a



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

SHARE OF COST (SOC)

(applies only to those who have applied for the CMS hardship)

billing statement. Do not send cash. The County will not accept cash payments.

Q5: When will I be required to make payments?

A: When you receive a bill from the County it is due. If you have questions regarding share of cost billing and collection, you can call our share of cost billing representative at 1-877-702-6508.

Q6: I just saw my physician, when will I receive a statement?

A: Once all claims are received from your health care provider.

- If your share of cost has been satisfied for the month, a monthly statement will be sent.
- If your share of cost is not satisfied for the month, a quarterly statement will be sent.

Q7: Can I pay the SOC with credit cards?

A: Yes, the County accepts Master Card, Visa, and Discover. You may also make payments with personal checks, cashiers checks or money orders. The County does not accept cash payments.

Q8: Why did I receive a statement?

A: Based on your recent CMS and CMS Hardship applications, you were approved CMS with a share of cost. You received a statement because you received CMS services and are responsible for paying your share of cost.

Q9: Is interest added on to what I owe?

A: No.

REIMBURSEMENT AGREEMENT

(applies only to those who have applied for the CMS hardship)

Q1: What is the purpose of the Reimbursement Agreement?

A: It allows the County to seek reimbursement from you for:

- Your monthly share of cost obligation for those months which you receive CMS services, and/or
- Any health care related costs CMS paid on your behalf.

Q2: When can I be required to make payments to the County?

A: While you are eligible for CMS you will receive a bill from the County for your SOC for each month you receive CMS services. You are obligated to pay the SOC when you receive a bill. After you are no longer eligible for CMS, you will receive a bill from the County



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

REIMBURSEMENT AGREEMENT

(applies only to those who have applied for the CMS hardship)

for the balance due on your account for all amounts paid by CMS on your behalf stating that payments are due.

- Q3: What is the difference between the Lien and the Reimbursement Agreement?
- A:
- Lien – The Lien attaches to real property to secure the amounts owed to the County for payments made by CMS on your behalf.
 - Reimbursement Agreement – Once you are no longer eligible for CMS, the County may bill you for the balance due on your account and seek reimbursement from your assets or surplus income.
- Q4: If I sign the Reimbursement Agreement do I still have to sign the Lien?
- A: If you are applying for a CMS Hardship, then yes, you must sign both documents.
- Q5: Can you take my inheritance and/or lottery winnings with the Reimbursement Agreement?
- A: Yes, if you have surplus money from these sources after meeting your support needs and those of your family. If part of what you inherit is a home that you, your spouse, your minor children, or any dependent child of any age who is incapable of self-support because of a mental or physical disability lives in, the County cannot foreclose on that home.
- Q6: When do I have to reimburse the County?
- A: When you stop getting CMS or when you die, the County can collect reimbursement from those assets you obtained after you applied for CMS, if there is surplus after meeting the support needs of yourself and your family.
- Q7: How will signing the Reimbursement Agreement with the County affect my credit?
- A: Signing the Reimbursement Agreement will not affect your credit. It is not a recordable document.
- Q8: Will my wages be garnished?
- A: No, unless the County obtains a judgment and you fail to pay the judgment. Even then, the County may only garnish your wages if you have surplus money after meeting the support needs of yourself and your family.
- Q9: How long does the Reimbursement Agreement last?
- A: Until you have fully repaid the amount you owe the County.
- Q10: Does the Reimbursement Agreement include my children's assets (property, lottery winnings...)?
- A: No.



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

REIMBURSEMENT AGREEMENT

(applies only to those who have applied for the CMS hardship)

Q11: Can my children be held responsible for repaying the County?

A: No.

Q12: Do I have to repay the County just because I get a new job?

A: No.

Q13: Is interest added on to what I owe?

A: No, unless the County obtains a judgment.

Q14: Can I pay what I owe the County with credit cards?

A: Yes, the County accepts Master Card, Visa, and Discover. You may also make payments with personal checks, cashiers checks or money orders. The County does not accept cash payments.

LIENS

Q1: Do I have to sign a lien agreement?

A: Yes. Everyone who applies for CMS starting April 11, 2008, is required to sign a Lien. If you applied for CMS before April 11, 2008, you do not have to sign a Lien. If you are confined to the hospital for tuberculosis ("TB"), you may not have to sign the Lien. If you are confined to the hospital for TB and you are also receiving services not related to TB, you may not have to sign the Lien. If you are in the hospital for other reasons, but are not confined to the hospital for TB, the fact that you have TB does not exempt you from signing the lien.

Q2: What is the purpose of the Lien?

A: It attaches to real property to secure the amounts you owe the County for amounts paid by CMS on your behalf. It allows the County to seek reimbursement for such amounts from your real property.

Q3: If I sign the Lien, do I have to sell my home?

A: No.

Q4: If I sign the Lien, will I be forced to move out of my home?

A: No.

Q5: I am a renter and own no real property. Do I have to sign the Lien?

A: Yes. The Lien will attach to real property you may own in the future.

Q6: Can you take my inheritance and/or lottery winnings with the Lien?

A: No, the Lien is effective only against your real property.

Q7: Can the County foreclose on the Lien on my home while my family lives in our



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

LIENS

home?

A: No. The County cannot foreclose on your home during your lifetime or your spouse's lifetime. The County also cannot foreclose on your home while your minor children live in your home or during the lifetime of any dependent child of any age who lives in the home who is incapable of self-support because of a mental or physical disability.

Q8: Can I sell my home and buy another one?

A: Yes, you can sell your home and buy another one as long as the County's Lien is transferred to the new home. The County will release the Lien on the original home and transfer it to the new home, provided that it finds its security will not be impaired.

Q9: Can I refinance my home?

A: Yes, as long as the County's Lien is not compromised, you can refinance. You can also use your home for security to borrow money for the purpose of making improvements on your home as long as the County finds that its security will not be impaired.

Q10: How will signing the Lien affect my credit?

A: The recording of a Lien is a matter of public record, and will appear on credit reports the same way a mortgage or other loan is listed.

Q11: Will my wages be garnished?

A: No.

Q12: How long does the Lien last?

A: Until you have repaid the amount owed to the County.

Q13: If I sign the Lien, does it prevent me from buying real property in the future?

A: No, but the Lien would attach to any real property you buy in the future.

Q14: Does the Lien include my children's real property?

A: No.

Q15: What if I own my home with someone else?

A: The lien will not attach to the other person's interest in the home.

Q16: When will I be required to make payments on the Lien?

A: After you are no longer eligible for CMS you may be required to make payments to the County. Such payments would reduce the amount secured by the Lien. The County cannot require you to use equity in your home to pay the Lien. If you sell your home and do not buy a new one that you, your spouse, your minor children, or any dependent child of any age who is incapable of self-support because of a mental or physical disability lives in, or if you refinance your home the lender or the County may require you to pay all



COUNTY MEDICAL SERVICES

QUESTION AND ANSWERS SHARE OF COST/REIMBURSEMENT AGREEMENT/LIENS

LIENS

or a portion of the amounts owed the County. Also, if real property is purchased after the Lien is signed, the Lien will have priority (based on recording date) over a Deed of Trust issued by the lender. A lender may require that the Lien be satisfied before making the loan.

- Q17: Do I have to repay CMS if I get a new job?
A: No.
- Q18: Is interest added on to what I owe?
A: No.
- Q19: For married couples, do both spouses have to sign the Lien?
A: Yes, the applicant and spouse both have to sign the lien in front of either a Deputy County Clerk or Notary Public so that the form can be properly witnessed. If you have not had contact with your spouse for an extended period of time and are unsure whether or not you are divorced or legally separated, notify your worker. Your worker will advise you of alternate documentation that CMS may accept.
- Q20: For married couples who are legally separated or divorced, do both spouses have to sign the Lien?
A: No. Only the applicant needs to sign the Lien, but **legal** documentation regarding the legal separation or divorce must be provided. If you are unable to provide legal documentation, notify your worker. Your worker will advise you of alternate documentation that CMS may accept.
- Q21: If an unmarried couple owns a home together, do both owners have to sign the Lien or just the applicant?
A: Just the applicant.
- Q22: If my spouse is deceased, is documentation required?
A: Yes, documentation is required. If you are unable to provide legal documentation, notify your worker. Your worker will advise you of alternate documentation that CMS may accept.
- Q23: Can I pay the lien with credit cards?
A: No, payments to clear a Lien must be made by certified funds.
- Q24: If a married couple applies for CMS on separate occasions, do the lien forms need to be signed again by both applicant and spouse.
A: Yes.



COUNTY MEDICAL SERVICES

PREGUNTAS Y RESPUESTAS

PARTE DE COSTO/ACUERDO DE REEMBOLSO/GRAVAMEN

Se requiere que todo solicitante que solicita el programa County Medical Services (CMS) después del 10 de abril del 2008, firme un Gravamen. A partir del 1º de julio del 2008, también se requiere que todo solicitante de Circunstancia Extrema de CMS firme un Acuerdo de Reembolso. Solicitantes que califican sin la Circunstancia Extrema de CMS no necesitan firmar el Acuerdo de Reembolso. Los requisitos del Gravamen y Acuerdo de Reembolso se refieren a cuándo y cómo usted deberá de pagarle al Condado después de que ya no reciba beneficios del programa CMS.

El Condado les enviará a ciertas personas que solicitaron la Circunstancia Extrema de CMS un estado de cuenta por la cantidad de la Parte de Costo para cualquier mes en que recibieron servicios médicos que cubre CMS. La Parte de Costo es una cantidad que usted paga cada mes que usted reciba servicios de CMS.

Este documento responde a preguntas frecuentes acerca estos tres diferente requisitos.

Si tiene otras preguntas, hable con su trabajador de CMS. También puede ponerse en contacto con el Centro del Consumidor para la Educación sobre la Salud y Defensa de sus Derechos llamando al 1-877-734-3258 si necesita ayuda con su solicitud para el programa CMS.

PARTE DE COSTO (SOC)

(sólo aplica a personas que han solicitado la Circunstancia Extrema de CMS)

P1: ¿Qué es Parte de Costo (“SOC”)?

R: Parte de Costo es la cantidad que usted debe pagar u obligarse a pagar cada mes hacia el costo de servicios médicos (incluyendo medicinas) que cubre CMS. Esto es diferente del Acuerdo de Reembolso y del Gravamen que se describe abajo, el cual sea posible que no se colecte hasta el futuro.

P2: ¿Cuánto será la cuenta de mi parte de costo?

R: Su trabajador determinará la cantidad de su parte de costo mensual, y será notificado(a) de esta cantidad y cómo fue calculada.

P3: ¿Se requiere que yo pague mi parte de costo cada mes?

R: Sólo si usted recibe servicios cubiertos por el programa CMS cada mes. Usted no será responsable de pagar su parte de costo en meses que no recibió servicios del programa CMS. Favor de no mandar ningún pago al programa CMS hasta que no reciba un estado de cuenta.

P4: ¿Cómo pago mi parte de costo?

R: Se le cobrará la cantidad de su parte de costo o la cantidad de sus servicios médicos que cubrió CMS, la cantidad que sea menor. Usted no recibirá un cobro por ningún mes en el cual usted no recibió servicios médicos de CMS. El estado de cuenta incluirá el domicilio a dónde enviar el pago mensual. No envíe ningún pago al programa CMS hasta que no reciba el estado de cuenta. No envíe dinero en efectivo. El Condado no acepta pagos en efectivo.



COUNTY MEDICAL SERVICES
PREGUNTAS Y RESPUESTAS
PARTE DE COSTO/ACUERDO DE REEMBOLSO/GRAVAMEN

PARTE DE COSTO (SOC)

(sólo aplica a personas que han solicitado la Circunstancia Extrema de CMS)

P5: ¿Cuándo se me va a requerir que yo haga pagos?

R: La cuenta se debe cuando usted recibe el estado de cuenta que le envió el Condado. Si tiene alguna pregunta en cuanto al cobro de su parte de costo y colección, puede llamar a nuestro representante de pagos para parte de costo al 1-877-702-6508.

P6: Acabo de ver a mi médico, ¿cuándo recibiré el estado de cuenta?

R: Una vez que todas las formas de reclamo son recibidas de su proveedor de cuidado de salud.

- Si su parte de costo se ha cumplido para el mes, un estado de cuenta se le enviará mensualmente.
- Si su parte de costo no se ha cumplido para el mes, un estado de cuenta se le enviará cada tres meses.

P7: ¿Puedo pagar mi parte de costo con tarjeta de crédito?

R: Si, el Condado acepta Master Card, Visa, y Discover. También puede hacer pagos con cheques personales, cheque al portador y giros postales. El Condado no acepta pagos en efectivo.

P8: ¿Por qué recibí un estado de cuenta?

R: Basado en la solicitud más reciente de CMS y la solicitud por Circunstancia Extrema de CMS, usted fue aprobado para beneficios de CMS con parte de costo. Ha recibido un estado de cuenta porque usted recibió servicios cubiertos por el programa CMS y es responsable de pagar su parte de costo.

P9: ¿Se añade interés a lo que debo?

R: No.

ACUERDO DE REEMBOLSO

(sólo aplica a personas que han solicitado la Circunstancia Extrema de CMS)

P1: ¿Cuál es el propósito del Acuerdo de Reembolso?

R: Permite que el Condado solicite el reembolso de su parte por:

- Su obligación de su parte de costo mensual para aquellos meses que usted recibe servicios de CMS, y/o
- Cualquier gasto relacionado a servicios médicos cual CMS pago de su parte.

P2: ¿Cuándo se va a requerir que yo haga pagos al Condado?

R: Usted recibirá un estado de cuenta del Condado para su parte de costo para cada mes que usted recibe servicios de CMS mientras usted es elegible al programa CMS. Usted está obligado a pagar su parte de costo cuando reciba el estado de cuenta. Después de que usted ya no sea elegible al programa CMS,



COUNTY MEDICAL SERVICES
PREGUNTAS Y RESPUESTAS
PARTE DE COSTO/ACUERDO DE REEMBOLSO/GRAVAMEN

ACUERDO DE REEMBOLSO

(sólo aplica a personas que han solicitado la Circunstancia Extrema de CMS)

usted recibirá un estado de cuenta del Condado por el balance debido en su cuenta donde será declarada toda cantidad que CMS ha pagado de su parte. Todo pago se debe cuando la cuenta se recibe.

P3: ¿Cuál es la diferencia entre el Gravamen y el Acuerdo de Reembolso?

- R:
- Gravamen – El Gravamen se adhiere a bienes raíces para asegurar la cantidad por servicios de cuidado médico pagados bajo el programa CMS de mi parte.
 - Acuerdo de Reembolso – Una vez que usted ya no es elegible al programa CMS, el Condado puede que le cobre el balance que se debe en su cuenta y puede solicitar el reembolso de sus bienes o ingresos que le sobre.

P4: ¿Si ya firme el Gravamen también tengo que firmar el Acuerdo de Reembolso?

- R: Si está solicitando el programa por Circunstancia Extrema de CMS, entonces sí, tiene que firmar ambos documentos.

P5: ¿Puede que se me tome mi herencia y/o ganancias de lotería con el Acuerdo de Reembolso?

- R: Sí, si tiene dinero sobrante de estas fuentes después de satisfacer sus necesidades y aquellas de su familia. Si parte de lo que usted hereda es una casa en la cual reside usted, su cónyuge, hijos menores, o cualquier hijo dependiente de cualquier edad que es incapaz de su independencia debido a una invalidez mental o física, el Condado no puede redimir esa casa.

P6: ¿Cuándo tengo que reembolsar el Condado?

- R: Cuando usted deje de ser elegible al programa CMS o cuando muera, el Condado puede coleccionar el reembolso de aquellos bienes que usted obtuvo después de que usted solicitó para el programa CMS, si hay exceso después de satisfacer sus necesidades y aquellos de su familia.

P7: ¿Cómo va a afectar mi crédito el firmar el Acuerdo de Reembolso con el Condado?

- R: La firma del Acuerdo de Reembolso no afectará su crédito. Esto no es un documento que se registra.

P8: ¿Será embargado mi sueldo?

- R: No, a menos que el Condado obtenga una orden judicial y usted deje de pagar la orden judicial. Aún así, el Condado sólo puede embargar su sueldo si usted tiene dinero que le sobre después de satisfacer sus necesidades y aquellos de su familia.

P9: ¿Cuánto tiempo dura el Acuerdo de Reembolso?

- R: Hasta que usted haya reembolsado totalmente la cantidad que debe al Condado.



COUNTY MEDICAL SERVICES
PREGUNTAS Y RESPUESTAS
PARTE DE COSTO/ACUERDO DE REEMBOLSO/GRAVAMEN

ACUERDO DE REEMBOLSO

(sólo aplica a personas que han solicitado la Circunstancia Extrema de CMS)

- P10: ¿Se incluye en el Acuerdo de Reembolso los bienes de mis hijos (propiedad, ganancias de lotería...)?
R: No.
- P11: ¿Puede que mis hijos sean sujetos a reembolsar al Condado?
R: No.
- P12: ¿Tengo que reembolsarle al Condado sólo porque tengo un nuevo trabajo?
R: No.
- P13: ¿Se añade interés a lo que debo?
R: No, a menos que el Condado obtenga una orden judicial.
- P14: ¿Puedo pagar lo que debo con tarjeta de crédito?
R: Sí, el Condado acepta Master Card, Visa, y Discover. También puede hacer pagos con cheques personales, cheque al portador y giros postales. El Condado no acepta pagos en efectivo.

GRAVAMEN

- P1: ¿Necesito firmar el acuerdo de Gravamen?
R: Sí. Se requiere que toda persona que solicita el programa CMS desde el 11 de abril del 2008, firme un Gravamen. No tiene que firmar un Gravamen si solicitó el CMS antes del 11 de abril del 2008. Si está confinado a un hospital debido a tuberculosis ("TB"), pueda que no tenga que firmar el Gravamen. Si está hospitalizado por otros motivos, el hecho que usted tenga tuberculosis no le excusa de firmar el Gravamen.
- P2: ¿Cuál es el motivo del Gravamen?
R: El Gravamen se adhiere a bienes raíces para asegurar la cantidad que usted le debe al Condado por servicios pagados bajo el programa CMS de su parte. Esto permite al Condado que solicite el reembolso de tal cantidad de sus bienes raíces.
- P3: Si firmo el Gravamen, ¿tengo que vender mi hogar?
R: No.
- P4: Si firmo el Gravamen, ¿se me obligará a mudarme de mi hogar?
R: No.
- P5: Soy un inquilino y no soy dueño de ninguna propiedad. ¿Tengo que firmar el Gravamen?
R: Sí. El Gravamen se adhiere a bienes raíces que usted pueda obtener en el futuro.



COUNTY MEDICAL SERVICES
PREGUNTAS Y RESPUESTAS
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GRAVAMEN

- P6: ¿Puede que se me tome mi herencia y/o ganancias de lotería con el Gravamen?
- R: No, el Gravamen es vigente solamente contra sus bienes raíces.
- P7: ¿Puede el Condado redimir el Gravamen de mi hogar mientras mi familia viva ahí?
- R: No. El Condado no puede redimir el derecho de su hogar durante su vida o la vida de su cónyuge. El Condado tampoco puede redimir el derecho de su hogar mientras sus hijos menores vivan en el hogar o durante la vida de cualquier hijo dependiente de cualquier edad que viva en el hogar, y quien es incapaz de su independencia debido a una invalidez mental o física.
- P8: ¿Puedo vender mi hogar y comprar otro?
- R: Sí, usted puede vender su hogar y comprar otro siempre y cuando el Gravamen del Condado se traslade al nuevo hogar. El Condado renunciará el Gravamen contra el hogar original y lo transferirá al nuevo hogar, a condición de que la seguridad del Gravamen no sea impedida.
- P9: ¿Puedo financiar de nuevo mi hogar?
- R: Sí, siempre y cuando el Gravamen del Condado no sea impedido, usted puede financiar de nuevo. También puede usar su hogar para la seguridad de tomar prestado el dinero para mejorar su hogar siempre y cuando el Condado encuentre que su seguridad no sea impedida.
- P10: ¿Cómo va a afectar mi crédito el firmar el Gravamen?
- R: El registro de un Gravamen es un asunto del registro público y aparecerá en los reportes de crédito del mismo modo en que aparece una hipoteca u otro préstamo.
- P11: ¿Será embargado mi sueldo?
- R: No.
- P12: ¿Cuánto tiempo dura el Gravamen?
- R: Hasta que usted haya reembolsado la cantidad que le debe al Condado.
- P13: Si firmo el Gravamen, ¿me impide esto comprar bienes raíces en el futuro?
- R: No, pero el Gravamen se unirá a cualquier bien inmueble usted compre en el futuro.
- P14: ¿El Gravamen incluye los bienes inmuebles de mis hijos?
- R: No.
- P15: ¿Y si soy dueño de un hogar con otra persona?
- R: El Gravamen no se adhiere al interés de la casa de la otra persona.



COUNTY MEDICAL SERVICES
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GRAVAMEN

- P16: ¿Cuándo se requerirá que yo haga pagos del Gravamen?
R: Después de que usted deje de ser elegible al programa CMS el Condado puede requerir que haga pagos. Tales pagos reducirán la cantidad asegurada por el Gravamen. El Condado no puede requerir que usted use el valor líquido de su hogar para pagar el Gravamen. Si vende su hogar y no compra un nuevo hogar en el cual reside usted, su cónyuge, hijos menores, o cualquier hijo de cualquier edad que es incapaz de su independencia debido a una invalidez mental o física, o si financia de nuevo su casa, el prestamista o el Condado puede requerir que usted pague toda o una parte de las cantidades que se le debe al Condado. También, si compra bienes raíces después de haber firmado el Gravamen, el Gravamen tendrá prioridad (basado en la fecha en se registró) sobre una Escritura de Fideicomiso emitida por el prestamista. Un prestamista puede requerir que el Gravamen sea satisfecho antes de hacer el préstamo.
- P17: ¿Tengo que reembolsarle al Condado si tengo un nuevo trabajo?
R: No.
- P18: ¿Se le añade interés a lo que debo?
R: No.
- P19: Para parejas casadas, ¿ambos cónyuges tienen que firmar el Gravamen?
R: Sí, ambos cónyuges tienen que firmar el Gravamen delante de un Agente Diputado del Condado o de un Notario para atestiguar que la forma fue correctamente firmada como es debido. Avísele a su trabajador(a) si no ha tenido contacto con su cónyuge durante un alargado periodo de tiempo y no está seguro(a) si está divorciado(a) o legalmente separado(a). Su trabajador(a) le informará qué documentación alterna el programa CMS puede aceptar.
- P20: Para parejas casadas que están separadas o divorciadas, ¿ambos cónyuges tienen que firmar el Gravamen?
R: No. Sólo el solicitante necesita firmar el Gravamen, pero se debe proporcionar documentación **legal** sobre la separación o el divorcio. Si no hay documentación legal disponible, el programa CMS aceptará documentación alterna. Su trabajador(a) le puede aconsejar sobre qué documentación alterna acepta el programa CMS.
- P21: Si una pareja no casada es dueña de un hogar, ¿ambos dueños tienen que firmar el Gravamen o solamente el solicitante?
R: Solamente el solicitante.
- P22: Si mi cónyuge ha fallecido, ¿se requiere documentación?
R: Sí, se requiere documentación. Comuníquese con su trabajador(a) si es incapaz de proporcionar la documentación legal. Su trabajador(a) le aconsejará sobre documentación alterna que el programa CMS aceptará.
- P23: ¿Puedo pagar el Gravamen con tarjeta de crédito?



COUNTY MEDICAL SERVICES
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GRAVAMEN

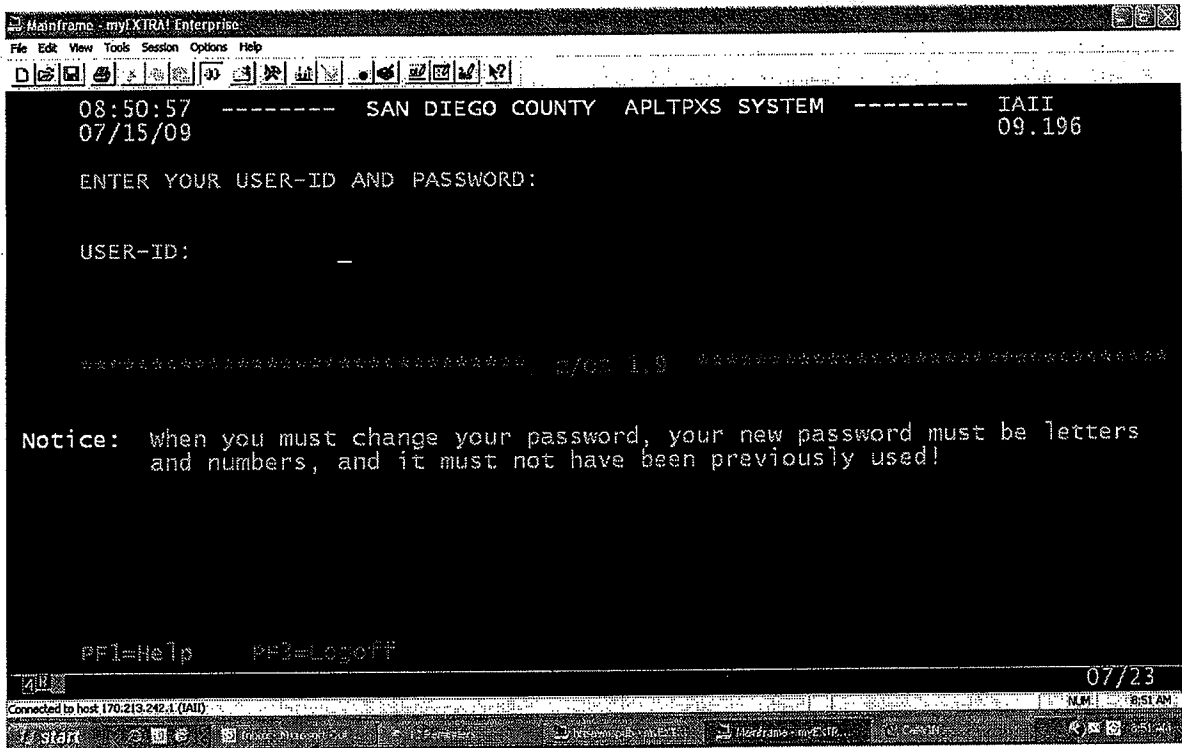
- R: No, los pagos para liquidar el Gravamen deben ser hechos por medio de fondos documentados.
- P24: Si una pareja casada solicita el programa CMS en ocasiones separadas, ¿necesitan el solicitante y el cónyuge firmar de nuevo las formas del Gravamen?
- R: Sí.

SAMPLE

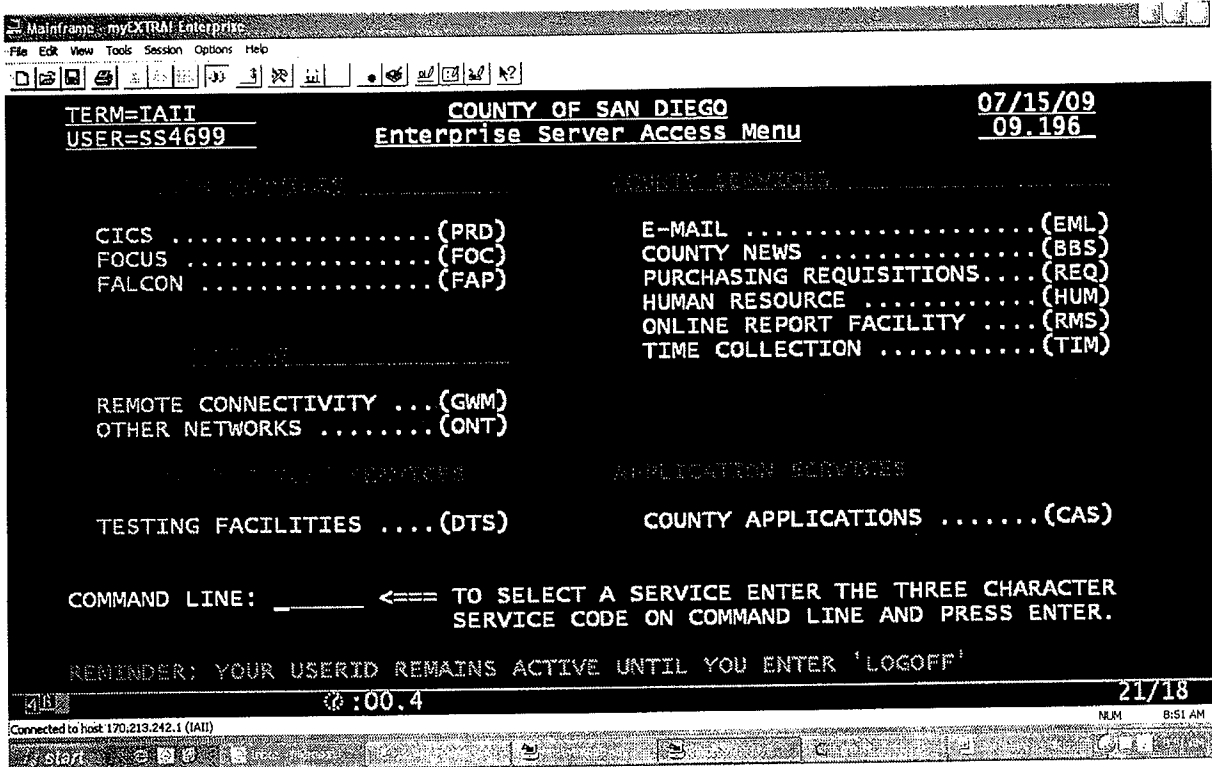
Assessor's Secured Property Screens

The Assessor's Secured Property Masterfile stores selected public information. The assessor/secured property inquiry for the property in question is accessed through a local session in MAINFRAME. These screens are part of the SS System Index.

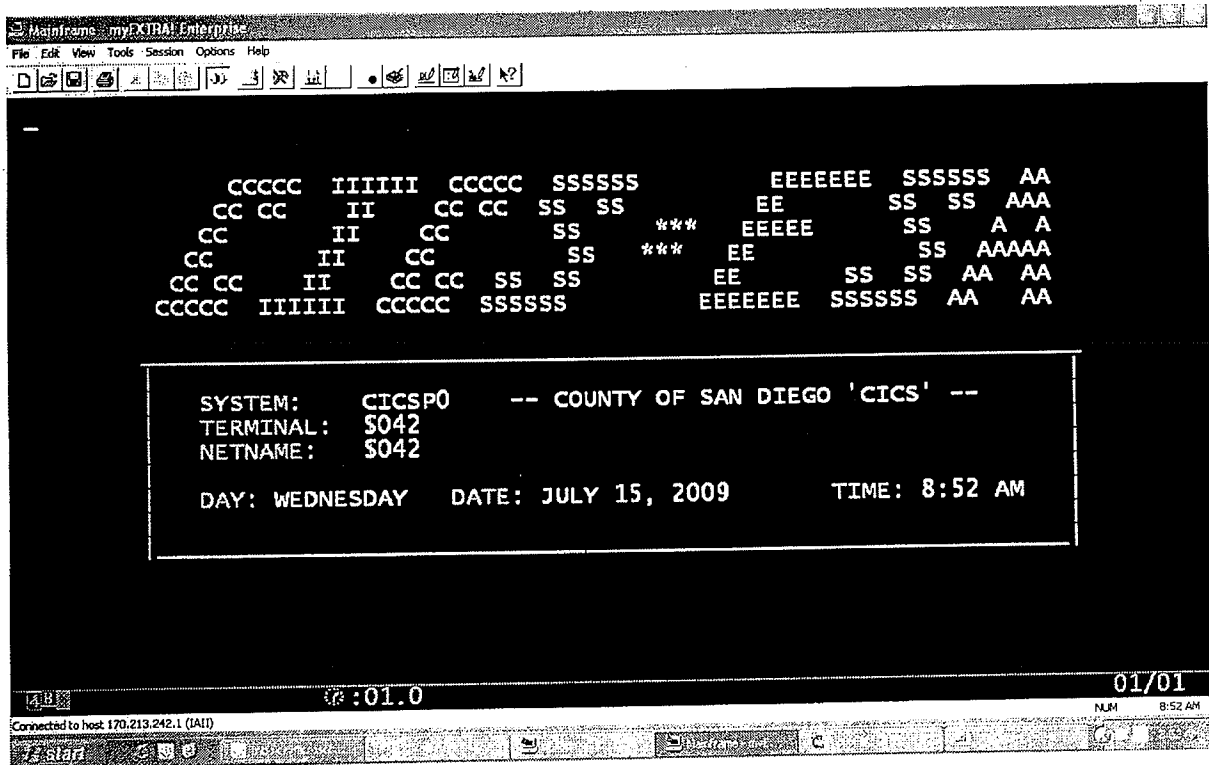
Access Mainframe.



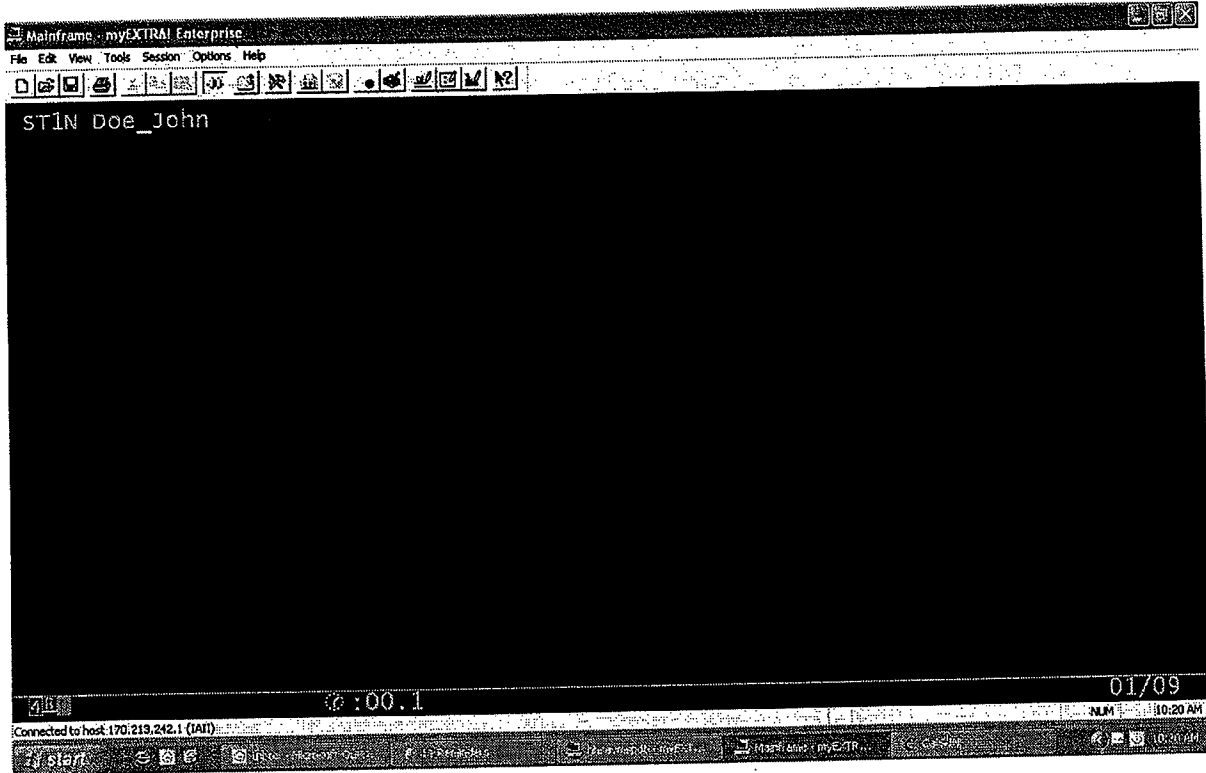
Type in your USER-ID number and password; Hit enter.



Type PRD on the COMMAND LINE, Hit enter



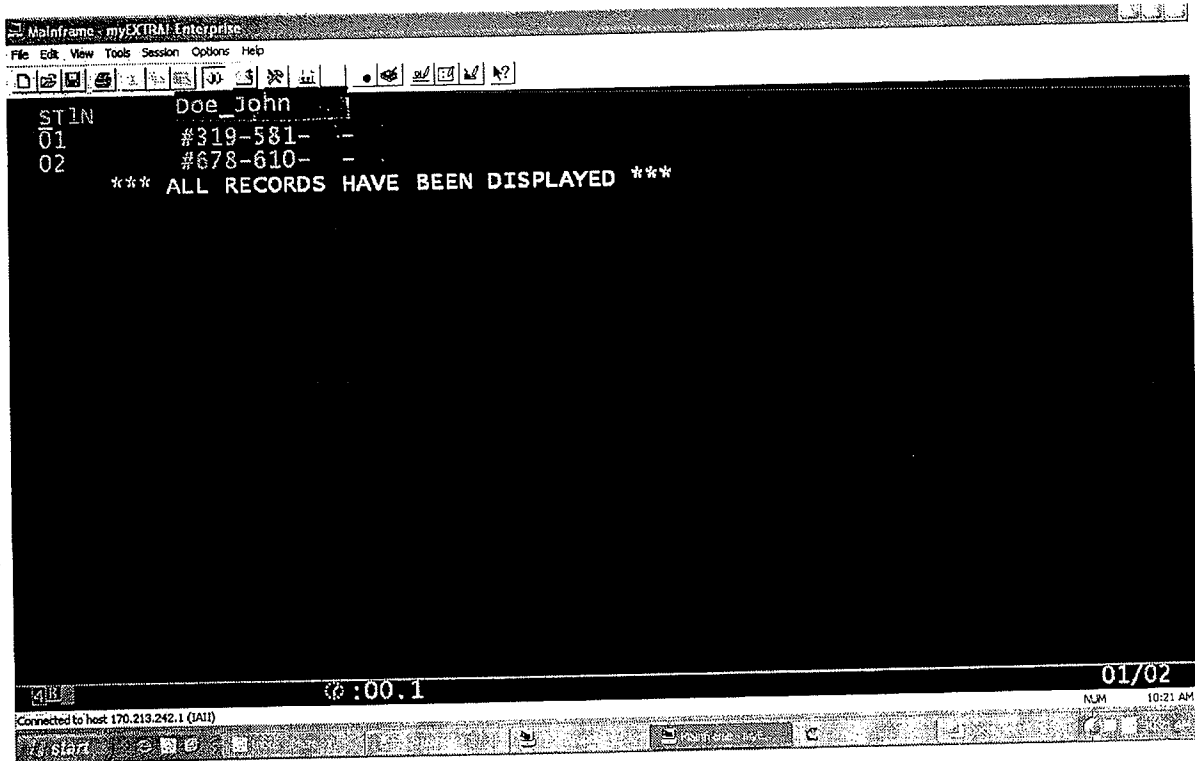
Hit the PAUSE/BREAK key to clear CICS-ESA so it is blank.



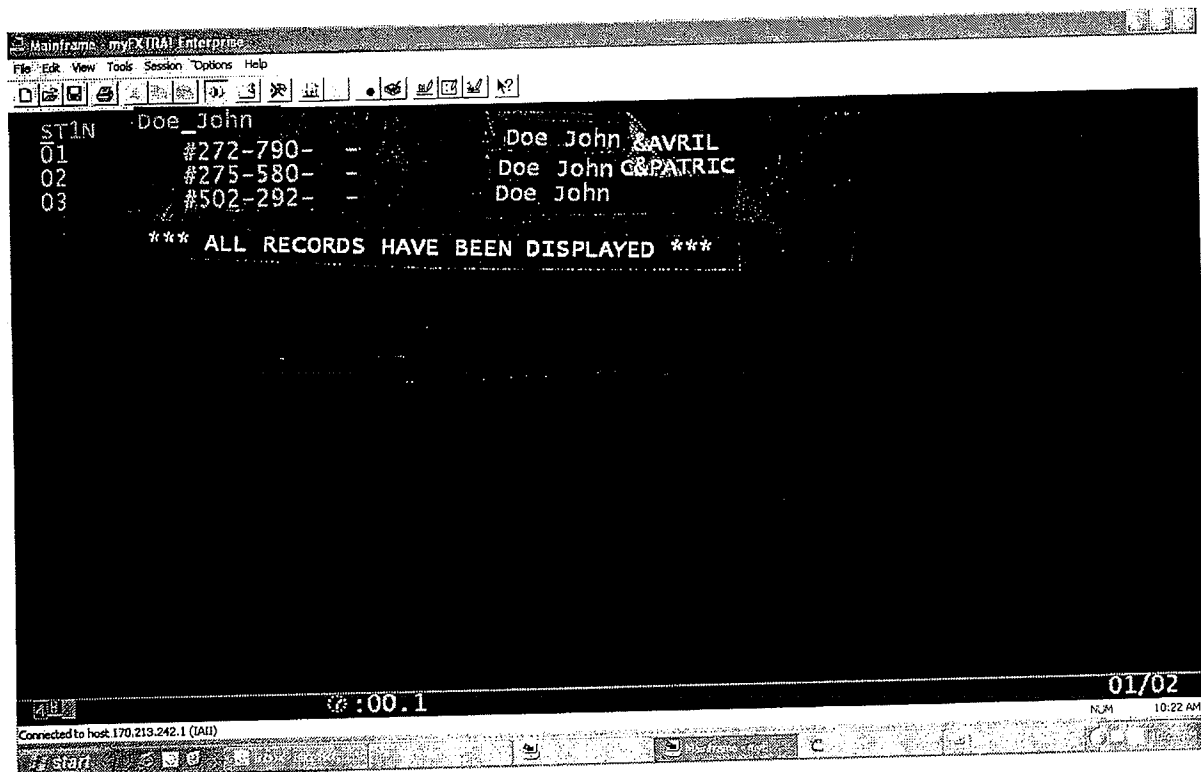
WHEN NAME ONLY IS KNOWN: Type ST1N (space) Last name (space) First name; Hit enter.

IMPORTANT NOTE: When property is owned jointly by husband and wife, the assessor's records can only be accessed using the husband's name. An inquiry using the wife's name will indicate "No Record on File".

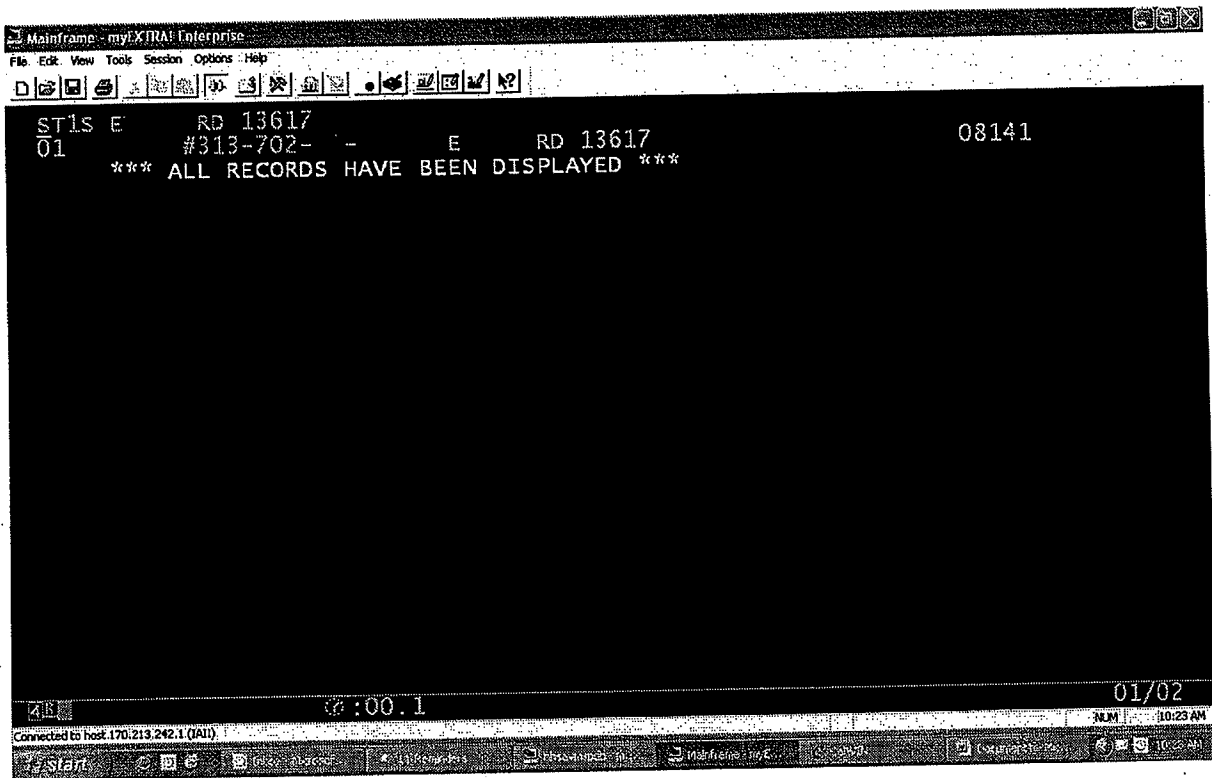
WHEN ADDRESS IS KNOWN: Type ST1S (space) Street name (space) Street number; Hit enter.



Name only is known (Sample 1) (All property owned jointly)



**Name only is known (Sample 2) (All property listed under husband's name;
Move the cursor down to the correct property)**



WHEN ADDRESS IS KNOWN: Type ST1S (space) Street name (space) Street number; Hit enter.

To receive a **detailed description** of the property from the ST1N screen (tab) next to the parcel number and type "AS08" and a detailed listing of the property will be displayed.

A.5.5 Liens

C. Completion of the Grant of Lien

1. Each CMS applicant must sign a Grant of Lien form (CMS-122) or aid will be denied. A married couple is only required to sign one lien form, but both spouses must sign in front of either a Deputy County Clerk or Notary Public so that the form can be properly witnessed.
 - a) If the applicant states he/she is divorced, legally separated, or their spouse is deceased, legal documentation is required.
 - b) In circumstances where the applicant states documentation cannot be found, or represents that they have not had contact with their spouse for an extended period of time and are unsure whether or not they are divorced or legally separated see Section D below.
 - c) If the applicant claims he/she is a victim of Domestic Violence and provides a restraining order against their spouse (expired restraining orders are acceptable), the spouse's signature is not required. If the applicant 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 not required.

Exception to the lien requirement: If an applicant/beneficiary is confined to the hospital for tuberculosis (TB), they may not have to sign the Lien. If the applicant/beneficiary is confined to the hospital for TB and also receiving services not related to TB, they may not have to sign the Lien. If the applicant/beneficiary is in the hospital for other reason, but is not confined to the hospital for TB, the fact that they have TB does not exempt them from signing the Lien.

MPG Letter #687 (07/09)

D. Sworn Statement

For applications dated March 25, 2009 through June 30, 2009, refer to MPG Letter 679.

For applications dated July 1, 2009 and ongoing, in situations where the applicant states that they are unable to obtain legal documentation of their divorce, legal separation, deceased spouse, or represents that they have not had contact with their spouse for an extended period of time and is unsure whether or not they are divorced or legally separated to complete the Grant of Lien form, the worker gives the

applicant the Resource Handout (CMS-008) and requests a copy of the applicant's most recent federal tax returns ("U.S. Individual Income Tax Return"). These documents are listed on the verification checklist as required verifications and must be returned to the worker.

The applicant must:

- Make reasonable attempts to obtain the required documentation utilizing the Resource Handout (CMS-008),
- Provide a copy of their most recent federal tax returns, and
- If the required documentation is still unavailable, complete a sworn statement (CMS-24) explaining all efforts made to obtain the required documentation and the circumstances surrounding why documentation cannot be obtained.

The following steps are to be followed by the worker:

Step	Action
1	Provide the applicant with the Resource Handout (CMS-008). This form is listed as a verification document on the Verification Checklist (CMS-16) to be returned for verification of reasonable attempts.
2	Request the applicant's most recent federal tax return (U.S. Individual Income Tax Return) by listing it as verification on the CMS-16. Review the federal tax return to determine filing status (married, single, head of household, married filing separately) and determine whether the information on the tax return is consistent with the application information.
3	Request a credit report. The worker shall review for conflicting information, paying special attention to any assets or debts the applicant may have jointly with their absent or former spouse.
4	Clear the Assessor's Secured Property file located in MAINFRAME to verify if the applicant owns property in San Diego County. Note: Input the husband's name if no match is found; run all names, including AKA's. (See attachment E)
5	Use the Assessor's Property screen and the credit report in conjunction with each other to locate property owned. If no property is listed on the credit report and none is found on the Assessor's Secured Property screen, then the worker can conclude that no property is owned in San Diego County.
6	After all verifications are received and the credit report reviewed, the worker completes "County Use Only" section of the Resource Handout (CMS-008) to identify which

	resources the applicant utilized in making the effort to gather the required documentation.	
7	If applicant states they are still unable to obtain the required documentation then the applicant will be required to complete a sworn statement explaining all efforts made to obtain the required documentation and the circumstances surrounding why documentation cannot be obtained.	
8	The worker verifies all information received and	
	If...	Then...
	All verifications are received and there is no conflicting information	The worker may approve the application if the applicant is otherwise eligible.
	It appears there is conflicting information which cannot be resolved	The worker may not accept the sworn statement in lieu of the legal documentation.

MPG Letter #687 (08/09)

**E.
Acceptance of
Sworn
Statement**

The County will accept the sworn statement from the applicant in lieu of the otherwise required legal documentation of divorce, legal separation, spouse's death, or require the absent spouse's signature if:

- the applicant did not file a joint federal tax return;
- the credit check does not disclose credit issued jointly to the applicant and his or her allegedly former spouse;
- the search of the County Recorder's records does not disclose that the applicant holds property jointly with his or her allegedly former spouse; and
- the CMS case worker has not identified any other information inconsistent with the sworn statement or other representations of the applicant.

MPG Letter #687 (08/09)

APPENDIX 5D

Questions and Answers for Share of Cost/Reimbursement Agreement/Liens

LIENS	
Q19:	For married couples, do both spouses have to sign the Lien?
A:	Yes, the applicant and spouse both have to sign the lien in front of either a Deputy County Clerk or Notary Public so that the form can be properly witnessed. If you have not had contact with your spouse for an extended period of time and are unsure whether or not you are divorced or legally separated, notify your worker. Your worker will advise you of alternate documentation that CMS may accept.

MPG Letter #687 (08/09)

A.8.1 CMS IT System

D. Credit Report Request

Worker must order a credit report at initial application, recertification or reapplication when information is received from applicant/beneficiary or circumstances are noted which could indicate the possibility of fraud. A credit report **MUST** also be ordered when an applicant states that they are unable to obtain legal documentation of their divorce, legal separation, deceased spouse, or represent that they have not had contact with their spouse for an extended period of time and are unsure whether or not they are divorced or legally separated (see A-5-5D). Reasonable care must be taken to input the applicant's/beneficiary's identification information accurately when requesting a credit profile report. When a case consists of a married couple, both spouses must sign the Credit Report Authorization (CMS-99). CMS will use the credit report as a verification tool for financial, property and eligibility information, which the applicant/beneficiary has provided on their application for CMS. At the end of each business day, the CMS IT System will batch and submit all credit report requests to Experian. The credit profile report is received from Experian on the following business day. Worker must follow-up with applicant/beneficiary on discrepancies found on report. Worker must verify that all verifications/documents are provided to clear up discrepancy on report to evaluate for CMS eligibility as described in MPG Article A Sections 2 and 13. **NOTE: The credit check authorization is good for only one (1) credit report profile request.**

Credit reports obtained through the CMS IT System may not be given to the applicant/beneficiary. If the applicant/beneficiary requests a copy of their credit report, refer them to the sources listed on the Credit Check Authorization form CMS-99.

MPG Letter #687 (8/09)
