

Medi-Cal Program Guide Letter #689

August 20, 2009

Subject **ARTICLE A—TREATMENT OF SAME-SEX MARRIAGES AND REGISTERED DOMESTIC PARTNERS (RDP) IN DETERMINING ELIGIBILITY FOR COUNTY MEDICAL SERVICES (CMS) AND TO ADD UPDATED VERIFICATION FOR CITIZENSHIP**

Effective Date Upon Receipt

Reference County Policy

Purpose The purpose of this letter is to provide staff with:

- directions on determining Responsible Relatives in cases which contain a same-sex married couple or RDP; and
- an update to the U.S. citizenship verification.

Background Same-Sex Marriages
On May 26, 2009 the California Supreme Court ruled that Proposition 8 which defined marriage as a union between one man and one woman. However same-sex marriages which occurred before the November vote would remain valid. Same-sex marriages performed in California June 17, 2008 through November 4, 2008 will be considered valid.

RDP

California Assembly Bill (AB) 205, titled The Domestic Partners Rights and Responsibilities Act of 2003, extends the rights and responsibilities of a spouse to RDPs. California Family Code § 297 – 297.5 outlines the requirements for establishing a domestic partnership and the rights, protections, and responsibilities of domestic partners.

U S Citizenship Verification

Effective April 21, 2008, the CMS program implemented Assembly Bill (AB) 1807 which required evidence of citizenship to be obtained for all persons requesting CMS who declare they are U.S. citizens or nationals.

Changes

Same-Sex Marriage and RDP

Same-sex marriages performed in California June 17, 2008 through November 4, 2008 have been declared legal by the California Supreme Court and therefore will be recognized by CMS. These persons will be evaluated as married couples. In accordance with California law (Prop 8), CMS cannot recognize same-sex marriages performed in other jurisdictions outside of California.

CMS eligibility rules related to spouses shall be applied to California RDPs. RDPs from other jurisdictions must be reviewed by CMS Program and shall be recognized as a valid partnership if the partnership is substantially equivalent to California's RDP.

U S Citizenship Verification

Birth information obtained from RESS (County Recorders Office) may be used as citizenship verification for persons born in San Diego County.

**Worker
Actions**

Same-Sex Marriage and RDP

Workers shall treat as married couple CMS applicants/beneficiaries:

- in a same sex marriage that occurred in California between June 17, 2008 and November 4, 2008 or
- who declare that they have established their unions in California as RDPs.

A RDP which has been established outside of California must be reviewed by CMS Program to determine if the partnership is substantially equivalent to California's RDP, based on California Family Code § 297 – 297.5. Self-declaration of the date and place from the RDP and Same-Sex Married couples will be recognized as valid by a sworn statement. The worker shall give the applicant a sworn statement to complete. The sworn statement must contain the state and date the union was established.

Note: When an applicant or beneficiary is otherwise eligible and states they have established their RDP outside of California, the worker shall send the sworn statement and any other RDP documentation provided, to CMS Program at MS-0557A for review. The case shall remain in a pending status until CMS Program provides a response regarding the RDP.

U S Citizenship Verification

If an applicant states they were born in San Diego county, the worker may access RESS to obtain the birth record for citizenship documentation.

Forms Impact None

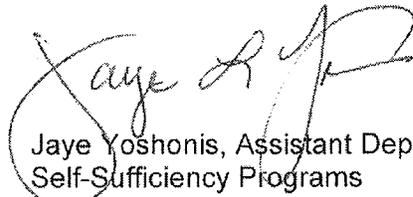
Automation Impact None

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 MPG.

| Section | Change |
|------------------------|---|
| Article A, Section 4.3 | Update to citizenship verifications |
| Article A, Section 4.7 | General Statement updated and added same-sex marriage and RDP |

Mangers Approval



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

SB

A.4.3 Citizenship

C. Evidence of Citizenship

Copies of documents are acceptable as evidence of citizenship for CMS. Birth information obtained from RESS (County Recorders Office) may be used as citizenship verification for persons born in San Diego County. When the original documents presented are determined to be acceptable proof of citizenship and identity, the worker is not required to complete form DHCS 0005 but are required to complete the Proof of Acceptable Citizenship or Identity Documents form DHCS 0011 for each document.

If applicant is required to apply for Medi-Cal, then the documents must be originals or copies certified by the issuing agency. Uncertified copies or notarized copies may not be accepted. The applicant must comply with Medi-Cal requirements to receive full scope benefits. If the applicant does not comply with Medi-Cal requirements and receives limited Medi-Cal benefits the applicants CMS will not be recertified.

Effective 04/21/08, U.S. citizens/nationals may **not** receive CMS benefits if unable to provide satisfactory evidence of citizenship. Once satisfactory evidence of citizenship is provided, it does not need to be provided again.

MPG Letter #689 (8/09)

A.4.7 Responsible Relatives

A. General

The responsibility of a relative to contribute to the cost of health care services of a CMS applicant or beneficiary shall be limited to spouse for spouse and parent for child. See A-4-7B for additional information regarding same-sex marriages and Registered Domestic Partners (RDP).

MPG Letter #689 (8/09)

B. Same Sex Marriage and Registered Domestic Partners (RDP)

Same-sex marriages performed in California June 17, 2008 through November 4, 2008 will be recognized by CMS. These persons will be evaluated as married couples. In accordance with California law (Prop 8), CMS cannot recognize same-sex marriages performed in other jurisdictions outside of California.

CMS eligibility rules related to spouses shall be applied to California Registered Domestic Partners (RDP). RDPs from other states and

other countries shall be recognized as a valid partnership if the partnership is substantially equivalent to California's RDP based on California Family Code § 297 – 297.5. A RDP which has been established outside of California must be reviewed by CMS Program to determine if the partnership is substantially equivalent to California's RDP.

A self-declaration of the date and place the unions took place from RDP and same-sex married couples will be recognized as valid by a sworn statement. The worker shall give the applicant a sworn statement to complete. The sworn statement must contain the state and date the union was established.

Note: When an applicant or beneficiary is otherwise eligible and states they have established their RDP outside of California, the worker shall send the sworn statement and any other RDP documentation provided, to CMS Program at MS-0557A for review. The case shall remain in a pending status until CMS Program provides a response regarding the RDP.

MPG Letter #689 (8/09)
