

Medi-Cal Program Guide (MPG) Letter #654

September 29, 2008

Subject **ARTICLE A — NOTIFICATION OF CHANGES TO THE LIEN PROCESS**

Effective Date Upon Receipt

Reference County Policy

Purpose The purpose of this letter is to introduce staff to changes in the lien process due to the deputizing of Human Services Specialists (workers), and to advise staff of a change to the frequency in which liens must be completed. The purpose of deputizing of workers is to witness applicant/recipient signatures on the Grant of Lien form (CMS-122),

Background Effective April 11, 2008, all CMS applicants and beneficiaries are required to sign the CMS Grant of Lien (CMS-122) and the CMS Lien Information (CMS-123) at each intake and recertification as a condition of eligibility. The Grant of Lien requires that the applicant's/beneficiary's signature be witnessed or notarized. These forms are to be recorded when the beneficiary is no longer active on CMS and CMS has paid claims of \$5,000 or more on the beneficiary's behalf. Lien forms cannot be recorded unless the applicant/beneficiary signatures on the lien forms are witnessed by a Notary Public or a Deputy County Clerk.

Changes The County Clerk has deputized 35 workers as Deputy County Clerks for the limited purpose of witnessing CMS and General Relief (GR) applicant/beneficiary lien signatures. If there is not a deputized worker available at the site, the applicant can come back to the office when one is available, go to another site or get the form notarized at their own expense. The Deputy County Clerks will be added to a data listing which will be maintained by the Health Care Access (HCA) Program Specialist II. The Program Specialist will maintain a log of all additions, deletions, and updates. The updates are to be recorded on the CMS/

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Changes (continued)

GR Transmittal to Add/Delete Deputized Workers (CMS-89). This form will be forwarded to the County Clerk's office as personnel changes occur. The HCA Program Specialist will conduct annual reconciliations with the County Clerk's office to ensure the County Clerk has an accurate listing of HHSA deputized staff.

The Grant of Lien (CMS-122) form has been updated to meet the County Recorders specific format in order to have them recorded (attachment A).

Staff may waive the lien requirement for recertification after they verify the Grant of Lien form (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 not witnessed by either a Deputy County Clerk or a Notary Public, the worker must obtain new lien forms as described below.

Required Actions

Lien procedures

Step	Action
1	Give the applicant the CMS Grant of Lien (CMS-122) and the CMS Lien Information (CMS-123). If the applicant requires the forms in Spanish give the forms in English and Spanish also giving the CMS Lien Cover Sheet (CMS-123A).
2	Have the individual complete all forms without signing them. The Spanish CMS-122 and CMS-123 forms do not need to be signed.
3	Inform the applicant that all forms must be signed in front of a Deputy County Clerk, or they can take the forms to a Notary Public at their own expense.
4	The Deputy County Clerk or Notary Public will verify the identity of the signer using proper identification before witnessing their signature on the English CMS Grant of Lien (CMS-122). This is to acknowledge that the correct person has signed the forms.
5	If the applicant chooses to have the Deputy County Clerk witness the signature, the Deputy County Clerk will sign the English CMS Grant Lien (CMS-122) in the appropriate section, and line through the words "Notary Public".

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Required Actions (continued)

Step	Action
6	After the signatures are witnessed on the CMS Grant of Lien (CMS-122), the worker scans both forms into the CMS IT system as verification of the applicants/beneficiary's acknowledgement that they received, reviewed, and understand the forms. If the applicant required the forms in Spanish, the CMS 123A must also be scanned into the CMS IT system as an acknowledgement the forms were received, reviewed and understood in Spanish before signing them in English. Note: CMS-107 may be scanned for the CMS-123 and CMS-123A.
7	Send the original signed document (CMS-122) to central files (0557A), giving a copy to the applicant. If the forms were requested and explained in Spanish, give the Spanish forms to the applicant along with a copy of the signed English forms and send the original signed document to central files.

Note: The worker must have the applicant return and complete another CMS Grant of Lien (CMS-122) if the document is not witnessed by Deputy County Clerk or Notary Public.

Forms Impact The table below shows the forms affected by this MPG Letter which have been added to iWAY.

Title	Change	Attachment
CMS Grant of Lien (CMS-122)	Revised 7/08	A
CMS Grant of Lien (CMS-122) SP	Revised 7/08	B
CMS/GR Transmittal to Add/Delete Deputized Workers (CMS-89)	New	C

Automation Impact None

Quality Assurance Impact Effective with the November 2008 review month, Quality Assurance will cite with the appropriate error 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 Medi-Cal Program Guide (MPG)

Article/Section	Changes
Article A, Section 2	Added workers as Deputy County Clerks.
Article A, Section 5	

Filing Instructions

The table below shows how to file the MPG material.

Action	Pages
Remove	Article A, Section 2 pages 5- 6
	Article A, Section 5 appendix A1 pages 9 -12
	Article A, Section 9 pages 1-2
Replace	Article A, Section 2 pages 5-6
	Article A, Section 5 appendix A1 pages 9-12
	Article A, Section 9 pages 1-2

Important Note

The MPG is available in its entirety on the County Intranet by accessing http://hhsa_intranet.co.san-diego.ca.us/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:

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Strategic Planning and Operational Support Division

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