

Chapter Six

Medi-Cal

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Chapter Six: Medi-Cal

Introduction

This overview of the Medi-Cal program addresses issues relevant to older adults and persons with disabilities. At the end of this chapter is a listing of other sources of information about Medi-Cal, including information about consumer informational fliers and Medi-Cal mental health services.

Also listed at the end of this chapter are the sources of the law governing Medi-Cal, as well as websites with access to Medi-Cal regulations and the All-County Letters issued by the State Department of Health Care Services to the counties.

COVID-19 ALERT- In an effort to ensure people are able to stay on the Medi-Cal program during the COVID-19 crisis, the Department of Health Care Services has instructed counties to delay processing Medi-Cal annual redeterminations and to delay discontinuances and negative actions for Medi-Cal through the end of the Public Health Emergency. This means that recipients should continue to receive Medi-Cal even if their eligibility changes and they are no longer actually eligible. The Department originally announced that this temporary rule would be effective for 90-days in MEDIL I-20-07 (<https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/MEDIL/2020/I20-14.pdf>), extending it through the end of the public health emergency.

The Proposed California 2020-21 Budget

The Governor's May Revised budget proposes substantial changes to the Medi-Cal program for older adults. However, the budget is still being negotiated and no decisions have been finalized. Once the budget is passed it is important to check back to determine whether Medi-Cal changes have been made that affect eligibility or benefits.

What is Medi-Cal?

Medi-Cal is California's Medicaid program. In short, Medi-Cal = Medicaid. Medi-Cal provides health care coverage for more than 13 million low-income Californians, including low-income children, families, single adults, seniors, and persons with disabilities. More than 2 million persons qualify for Medi-Cal on the basis of age, blindness or disability. Of these, more than 54,000 are in Medi-Cal-funded, facility-based long-term care.

In January 2014, the Medi-Cal program was expanded under the Affordable Care Act to cover low-income individuals ages 19 to 64. Approximately 3.9 million individuals have been newly enrolled in Medi-Cal under the Affordable Care Act. See pg. 7 for more information about expansion Medi-Cal.

Medi-Cal is administered through the California Department of Health Care Services (DHCS) and is overseen by the federal Centers for Medicare and Medicaid Services (CMS). California's Department of Managed Health Care (DMHC) provides oversight of Medi-Cal when Medi-Cal benefits are delivered through managed care plans. *(cont'd on next page)*

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As a condition of California being reimbursed by the federal government for half or more of the costs of the program, California must follow federal Medicaid rules. However, California has substantial leeway as to how it operates the program, who it covers, and what services it offers. The approved state Medicaid plan sets forth these details. In order to deviate from this plan, state officials must seek a waiver, also known as a “Medicaid waiver.” California’s DHCS currently has several waivers from CMS, including, for example, the Assisted Living Waiver.

Medi-Cal vs. Medicare

Although “Medi-Cal” and “Medicare” sound alike, they are two separate programs. There are at least two fundamental distinctions between Medi-Cal and Medicare:

- Medi-Cal eligibility is based on financial need, but Medicare eligibility is based on the work history of the person or the person’s spouse.
- Because Medi-Cal is designed for persons in financial need, Medi-Cal provides for ongoing long-term care, either in a nursing home or (to a more limited extent) at home. Medicare, by contrast, focuses more on acute or short-term care, and provides more limited coverage for long-term care.

Dual Eligibility (Medicare & Medi-Cal)

Some persons – termed “dual eligibles” or “medi-medis” - qualify for both Medicare and Medi-Cal. More than 1.4 million individuals are on both Medi-Cal and Medicare. For those persons with dual eligibility, Medi-Cal will pay the premiums, deductibles, and co-payments required by Medicare. The Medi-Cal program also will cover the cost of certain items that the Medicare program doesn’t cover, like long-term stays in a nursing home.

Dual-eligible persons generally have no need for Medicare supplemental insurance (“Medigap” insurance) because Medi-Cal covers the gaps. However, purchasing supplemental insurance may sometimes be advantageous if the purchase reduces the person’s countable income down to a level that will qualify the person for zero-share-of-cost Medi-Cal. See pg. 11 of this chapter for more information.

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Applications

Applying

If a person has automatic eligibility, no application is necessary (those who are automatically eligible are discussed in more detail later in this chapter). Otherwise, an application must be submitted. Applications are processed in the local office of the Department of Public Social Services (DPSS). Applications can also be made through Covered California.

In the case of older persons, applications generally are submitted directly to the local DPSS office. Nursing home residents may receive substantial assistance from the facility's social worker in completing and filing an application. Also – although this service is generally used more by younger Medi-Cal beneficiaries – an application may be submitted at a hospital or clinic, if a county DPSS eligibility worker is stationed there.

The application for SSI/SSP is also an application for Medi-Cal. If SSI is approved, an individual will automatically be enrolled in Medi-Cal. If SSI is denied because the individual's income is too high, the applicant can take the SSI denial letter to Medi-Cal within 30 days of the date of the denial, and the SSI application date will become the Medi-Cal application date.

Retroactive Eligibility

Eligibility for Medi-Cal can be made retroactive for up to three months preceding the month in which the application is filed. Of course, the applicant must have been financially eligible for each month in which retroactive eligibility is requested.

Processing of Application

The county must make an eligibility determination within 45 days unless state needs to make a disability determination, in which case the county has up to 90 days to make the determination.

Notice of Action

The Medi-Cal program's decision is mailed in a Notice of Action, which must describe the action taken and the reasons for that action. The Notice of Action will describe how a decision can be appealed.

Usually an appeal is made with the Notice of Action form itself, by writing in the reason for appeal in the space provided and mailing the Notice of Action to the address listed. An applicant or advocate should make a copy of the Notice of Action before mailing it back.

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Medi-Cal Eligibility

Generally

Financial Eligibility - Financial eligibility for Medi-Cal depends in large part on the requirements of the specific Medi-Cal program, but is always broken up into two categories: income and resources. Traditional Medi-Cal programs have a resource limit and complicated counting rules. Expansion Medi-Cal does not have a resource test.

In order to be financially eligible for traditional Medi-Cal, an unmarried person must have less than \$2,000 in available countable resources. For a couple, the resource limit is \$3,000. For more information about what property is counted and what property is excluded, see pg. 8.

All free Medi-Cal programs have an income limit as well. The specific limits are discussed in the following sections. For aged and disabled individuals who are over the countable income limit, they may qualify for Medi-Cal with a share of cost. A share of cost is a monthly deductible that a person must meet each month

Citizenship and Residency - In order to qualify for Medi-Cal, a person generally must be a resident of the United States, or a noncitizen who is lawfully residing here. Emergency Medi-Cal services are available even to those persons whose immigration status does not otherwise allow Medi-Cal coverage. For a summary of eligibility for federal programs for immigrants, see <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>

The person must also reside in California. No particular duration of time is required; the key is whether the person intends to remain in the state, and eligibility is possible even if the person has just moved into the state. A California nursing home resident automatically is considered to have an intent to remain in the state

Age or Disability - For the purposes of this guide, Medi-Cal eligibility depends on the person being either aged (at least 65 years old) or disabled. A person is considered disabled if she is determined to be unable to work for at least one year, due to a physical, mental, or emotional limitation. Eligibility is established after the Medi-Cal program makes this determination, even if the person at that point has been disabled for only a few weeks or even (theoretically) a few days as long as the disability will continue for at least 12 months or result in death.

More precisely, the Medi-Cal disability standard is the same as that used under the Social Security disability programs. A person automatically meets the disability standard if they:

- are receiving Social Security benefits based on disability,
- are receiving Medicare benefits, or
- have received Social Security disability, SSI, or Medicare benefits within the last 12 months and termination or suspension of those benefits was based on something other than no longer being disabled.

If determined disabled, an individual can be eligible for Medi-Cal in a number of different ways. The most common possibilities are the following: automatic eligibility (e.g., on a linked program such as SSI), as a "Pickle person," under the Aged & Disabled Federal Poverty Level Program, as a "Medically Needy" person, or under the 250% Working Disabled Program. Each of these is discussed in the following pages.

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Automatic (Categorical Eligibility): SSI

Some persons are automatically eligible for Medi-Cal based on eligibility for other public benefits programs. These persons are termed “categorically eligible” for Medi-Cal. Medi-Cal does not concern itself with these persons’ income or resources because those issues have been addressed by another program.

Automatic eligibility is granted if a person receives payments from Supplemental Security Income/State Supplementary Payment (SSI/SSP).

This is the basis for automatic eligibility that is most applicable to older Californians and Californians with disabilities. Other grounds for automatic eligibility apply to families and children, and are not discussed in this guide.

Note: There is no automatic eligibility for CAPI recipients.

Eligibility as a “Pickle Person”

If a person formerly received both SSI and Social Security benefits, but a Social Security cost-of-living increase now makes them ineligible for SSI, they will nonetheless remain eligible for Medi-Cal coverage as if they were still SSI-eligible. The key is whether they would have been eligible for SSI “but for” the Social Security cost-of-living increase. It is not required that the SSI termination be caused by the increase.

The term “Pickle” or “Pickle amendment” comes from the name of J. J. Pickle, a congressman from Texas who was responsible for the Pickle amendment maintaining Medicaid eligibility.

Advocacy Tip: Ask if your client has ever been eligible for SSI and Social Security. If so, see the resource available at: <http://www.healthlaw.org/resource/2018-screening-for-medicaid-eligibility-under-the-pickle-amendment/>

EXAMPLE

Jane received both Social Security retirement benefits and a small amount of SSI benefits. After receiving an inheritance of \$60,000, she became ineligible for SSI because she had gone over the \$2,000 resource limit. Six years later, her resources had been spent to below \$2,000 but, because of Social Security cost-of-living increases, she was not eligible for SSI. If her Social Security benefits had remained the same for those six years, she would have been SSI-eligible. Jane is a Pickle Person and eligible for Medi-Cal with no share of cost deductible.

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Aged & Disabled Federal Poverty Level Program (A&D FPL)

A senior or a person with a disability is eligible for free Medi-Cal if their countable income is not more than 100% of the federal poverty level plus \$230. In 2020, that means that a person whose countable income is not more than \$1,294 qualifies for no-share-of-cost Medi-Cal.

For couples, this program provides Medi-Cal with no share of cost when the couple's countable income does not exceed the federal poverty level plus \$310, or the SSI/SSP payment rate for a couple, whichever is greater. In 2020, the income limit for this program is \$1,747 per couple.

In determining the countable income, all the SSI rules that relate to countable income apply, PLUS the applicant may deduct any out-of-pocket health plan premium costs. Thus, where countable income is above the no-share-of-cost level, it is recommended that health insurance be purchased in order to bring the income down and avoid paying a huge share of cost deductible under the Medically Needy Medi-Cal program (discussed on pg. 11). One option is dental insurance because the costs usually are reasonable and there are benefits in having the coverage. Medigap insurance may also make sense in some circumstances (see Chapter 4 for discussion of Medigap insurance).

Most individuals with countable income above the free Medi-Cal limit are only eligible for Medi-Cal with a share of cost through the Medically Needy program.

Last year, the state passed a new law raising the Aged and Disabled limit to 138% of the federal poverty level. That change is scheduled to go into effect on August 1, 2020. However, the Governor's proposed budget eliminates this change. We will not know until the budget passes whether the provision will remain and go into effect or whether it will be cut.

Medi-Cal Medically Needy Program

Under the Medically Needy program, individuals with income above the free income eligibility limit pay a monthly share of cost equal to the amount of their countable income above \$600. For a couple, the share of cost is the couple's countable income above \$934. These income limits (\$600 for a person, \$934 for a couple) have not been updated since July 1989.

The formula is as follows:

Countable income (see pg. 10) - income limit (\$600/\$934) = Medi-Cal Share of Cost (SOC)

EXAMPLE

John has \$1,400 per month in countable income. His share of cost is $\$1,400 - \$600 = \$800$.

Maria and Jose have \$1,900 per month in countable income. Their share of cost is $\$1,900 - \$934 = \$966$.

For more details on Share of Cost see pg. 11-12.

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Medi-Cal 250% Working Disabled Program

This program allows individuals with disabilities, including those 65 and over, to access Medi-Cal if they receive or have received disability income and work. The work can be minimal and likely should be so it doesn't interfere with the individual's disability benefits. The individual must have total countable income less than 250% of federal poverty level and unearned nondisability income below the SSI/SSP maximum. Neither private nor public pension or disability benefits are counted toward income, but the regular Medi-Cal resource limits apply. For more information, see pg. 96: https://wclp.org/wp-content/uploads/2016/06/Western_Center_2016_Health_Care_Eligibility_Guide_Full_rev.1.pdf

Expansion Medi-Cal

Starting in January 2014, Medi-Cal eligibility was expanded as part of the federal Affordable Care Act (ACA).

Prior to the ACA, individuals needed a link to access Medi-Cal, like SSI, disability, or age. Now, low-income individuals without a link are eligible for Medi-Cal. This has particularly helped low-income single adults between ages 19-64. These single adults must have income at or below 138% of the federal poverty level to qualify. Income is measured differently for expanded Medi-Cal: it is based on "Modified Adjusted Gross Income" (MAGI) as reported on federal tax returns. There is no resource limit for expanded Medi-Cal.

The benefits package for expanded Medi-Cal is the same as that of regular Medi-Cal, including the availability of long-term services and supports like IHSS.

Anyone who is 65 or over or who has Medicare, with a small exception, will not be eligible for expanded Medi-Cal, but can still be eligible for the traditional Medi-Cal programs discussed above.

This guide does not address the new health insurance exchange, Covered California, or tax credits or subsidies that will be available to help people purchase insurance. For more information about these new programs, go to: www.coveredca.com.

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Calculating Countable Resources and Income

Countable Resources

As described in preceding paragraphs, the Medi-Cal program (except for expansion Medi-Cal) covers only persons or couples with limited resources (\$2,000 for an individual, \$3,000 for a couple). Resources include money, bank accounts, real estate, investments, insurance policies, and other items.

The Medi-Cal program, however, considers many resources unavailable or exempt, and will not count those resources against the applicable resource limit. For example, the value of a house used as the principal residence is considered exempt. An exemption for six months is granted for the proceeds from the sale of a house to be used to purchase another house, or to be used to move to the new house or repair and furnish it.

The Medi-Cal program also considers unavailable the value of household goods, a necessary automobile, term life insurance, burial plots, rings and/or jewelry, and irrevocable burial plans. The cash surrender value of a whole life insurance policy is considered unavailable only if its face value is no more than \$1,500. Similarly considered unavailable is a revocable burial plan of not more than \$1,500.

Property or equipment used in a business is considered exempt, including a bank account used in connection with the business. Rental property does not qualify as business property. However, if a person lives in a unit and rents out other units in the same building, the whole property is exempt under the home exemption.

Whether pensions and retirement accounts are considered exempt, a countable resource or countable income can be complicated. If held in the name of the beneficiary's spouse, or if the beneficiary qualifies for Medi-Cal under the 250% Working Disabled Program, work-related pensions and retirement accounts (IRAs, for example) are automatically considered unavailable. When pensions and retirement accounts are owned in the beneficiary's name, however, they are considered unavailable only if payment actually cannot be made from the pension or retirement account at the present time, or if periodic payments of principal and interest are being made to the beneficiary from the pension or account. If periodic payments are being made, the payments are considered income and accordingly are considered in the calculation of the beneficiary's countable income.

An annuity may be considered unavailable under certain circumstances. On the other hand, resources held in trust for a beneficiary generally will be considered available to the beneficiary. A detailed discussion of these issues is beyond the scope of this manual; contact a knowledgeable attorney for advice.

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Is the Home Counted as a Resource When a Person is Living Elsewhere?

In general, a principal residence remains an exempt resource as long as the person intends to return home. This is true even when the individual moves into a nursing home or other long-term institutional care.

Tip: It should never be necessary to sell a home used as a principal residence in order to establish eligibility.

In other words, a nursing home resident does not have to sell her home in order to qualify for Medi-Cal. Under virtually all circumstances, the resident's home is considered an unavailable resource and is not counted against the Medi-Cal resource limitations.

Specifically, a home is an unavailable resource simply if the resident intends to return to her home. The Medi-Cal application asks the resident if she intends to return to her home; if that question is answered "yes," the Medi-Cal program will not count the value of the home against the resource limitation, even if the resident medically has no realistic chance of returning to his or her home.

The relevant question on the Medi-Cal application could be paraphrased as follows: "If the resident were completely healthy, would the resident live in her home?" If the answer to this paraphrased question is "yes," the answer on the Medi-Cal application should be "yes." And even if the question originally were answered "no," the Medi-Cal program has specified that the answer can be changed to "yes" at any time.

In addition, the home is considered an unavailable resource if the resident's spouse or dependent relative lives in the home. Also, the home is an unavailable resource if the resident's child, brother, or sister (1) lives in the home, and (2) began living in the home at least one year before the resident entered the nursing home.

Regardless of the preceding discussion, nursing home residents and their families often are told to sell the resident's home to pay for nursing home care. This is particularly bad advice: such a sale converts an unavailable resource (the home) into an available resource (cash), which will likely make the resident ineligible for Medi-Cal for an extended time period.

It should be noted that an intent to return to a home does not exempt a home from a Medi-Cal estate recovery claim, following the resident's death. For obvious reasons, an intent to return home matters only when a Medi-Cal beneficiary is alive. Following the beneficiary's death, the Medi-Cal program may attempt to obtain repayment from a home's value before the home is passed on to the heirs of the deceased Medi-Cal beneficiary. Medi-Cal estate claims are discussed in more detail later in this chapter.

Joint Accounts - The entire contents of a joint account are presumed to be available to the applicant, unless she clearly can trace all or part of the joint account to income or transfers of the other person listed on the account.

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Countable Income

There are two categories of income: unearned income (for example, Social Security retirement benefits) and earned income (for example, wages from a job). Since older Medi-Cal beneficiaries are likely retired or disabled, unearned income is more common than earned income.

Almost all unearned income is counted. Only \$20 can be disregarded.

In order to encourage employment, the Medi-Cal rules treat earned income more generously. A Medi-Cal beneficiary can disregard \$65 plus one-half of the remainder when determining countable income.

Income received from a reverse mortgage is exempt. However, the income remaining as of the first of the next month is counted as a resource.

See Chapter 2 for further discussion of the income counting rules.

EXAMPLE

Q. If an applicant has \$1,300 of unearned income, how much is countable?

A. \$1,280 is countable ($\$1,300 - \$20 = \$1,280$).

Q. If an applicant has \$1,300 of earned income, how much is countable?

A. \$618 is countable ($\$1,300 - \$65 = \$1,235/2 = \617.50).

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Medically Needy: Share of Cost

Generally - As discussed above, free Medi-Cal is provided to persons who are automatically eligible, who are eligible as Pickle Persons, or who are eligible under the no-share-of-cost program. For the purposes of this guide, other beneficiaries are eligible under the “medically needy” program and are required to pay—or incur an obligation to pay—a monthly share of cost deductible.

The share of cost is the difference between the person’s countable income and the state’s maintenance allowance. As mentioned previously, the allowance is \$600 for an individual and \$934 for a married couple.

Note the drastic consequences of having income even slightly above the free Medi-Cal eligibility limit. If a person has a countable monthly income of \$1,280, they automatically receive free Medi-Cal with no share of cost under the A&D FPL program. If, however, their income increases by just \$20, to \$1,300 (just \$6.00 over the eligibility limit), their monthly share of cost is \$700 ($\$1,300 - \$600 = \700).

As discussed above, purchasing health insurance, including dental or vision insurance, can be a wise move if the insurance premium reduces the person’s countable income enough to qualify for the free program.

Individuals who pay out of pocket for in-home care can count those payments toward their Share of Cost.

EXAMPLE

Q. Mr. X has \$1,500 in resources. His only income is a monthly pension of \$1,260. Is he eligible for Medi-Cal? Does he have a share of cost?

A. Mr. X is eligible because he has less than \$2,000 in resources. His countable income is \$1,240 ($\$1,260 - \20). His countable income is below the Aged & Disabled Federal Poverty Level ceiling of \$1,294. He does not have a share of cost.

Incurring Debt is Enough for Share of Cost - A share of cost can be met by paying or incurring a debt for health care. It is not necessary that the health care provider be paid at that time, only that the obligation be incurred.

Bunching Health Care Expenses in Same Month - To the extent possible, a Medi-Cal beneficiary with a relatively significant share of cost should try to bunch her health care expenses in the same month.

EXAMPLE

Assume that a beneficiary has a monthly share of cost of \$700. Their payment of \$200 each month for therapy will never meet the deductible by itself. If, on the other hand, she were to pay \$800 for four months of therapy at once, she would meet the deductible, and Medi-Cal at that time would pay for other needed health care expenses in the same month.

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Share of Cost May Be Met By Payment For Healthcare That Would Not Be Covered By Medi-Cal - For purposes of meeting a share of cost, it is irrelevant whether the health care would be covered by Medi-Cal.

Paying a past-due health care bill is one example of a way to spend the share of cost amount on an expense that would not be covered by Medi-Cal. The past-due bill must have been incurred prior to the month in which the beneficiary became Medi-Cal eligible.

This share-of-cost strategy can be very useful in the not uncommon situation where a Medi-Cal beneficiary is saddled with a health care bill that she otherwise would never be able to pay. A Medi-Cal office will know this strategy as the *Hunt v. Kizer* procedure.

The Tardy Medi-Cal Application - It's an unfortunately common situation. An elderly person, usually residing in a nursing home, has had her resources spent down to the brink of Medi-Cal eligibility. If just a bit more of the resources were to be spent on the nursing home bill, (or some other medical expense), their Medi-Cal application would be approved without a problem.

But of course, in the sad story that you hear in your office, the resources were not spent below the Medi-Cal eligibility level, and a Medi-Cal application was not filed on a timely basis. Instead, the son or daughter handling the finances simply quit paying the nursing facility bills and other health care expenses, hoping that some benevolent cosmic force would initiate Medi-Cal eligibility.

Although the son or daughter eventually filed the Medi-Cal application, it was denied summarily by the Medicaid program, because the applicant's resource level was still too high.

When Medi-Cal finally is approved, after the passage of many months, the elderly person has Medi-Cal coverage for future health care expenses, but she has no way to pay the thousands of dollars of health care expenses that were incurred during the time that the son or daughter was stumbling through the Medi-Cal process.

The problem can be moderated somewhat by the availability of three-month retroactive coverage, although retroactivity is only useful if the applicant was eligible during the three months prior to the filing of the application.

The best remedy for this problem is applying the past-due bill towards the person's monthly share-of-cost obligation, for those persons who have enough income to cover the monthly deductible. Assume for example, that a nursing home resident owes \$5,000 for past-due nursing home expenses, and has a monthly share-of-cost of \$500. If the \$500 is designated towards the past-due balance (rather than towards the current month expenses), the Medi-Cal program will pay the entirety of the current month's health care expenses. After ten months, the past-due balance will be paid off, and the resident can resume designating the \$500 towards current monthly expenses.

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Financial Eligibility Rules For Nursing Home Residents

Eligibility for Unmarried Nursing Home Residents

Resource limits for an unmarried nursing home resident is \$2,000 and all the rules for determining countable resources are the same as in the community Medi-Cal programs.

As discussed above, the home is not counted if an unmarried nursing home resident states her intent to return to the home.

The income counting rules for community Medi-Cal programs discussed above do not apply in long-term care Medi-Cal. Instead of applying the unearned and earned income rules, the state instead allows the resident to retain \$35 per month. This amount is based on the Medi-Cal program's assumptions that a resident's basic needs – room and board, plus necessary health care – all are furnished by the nursing home.

SSI Payment When Resident Has No Other Income

In rare instances, a resident will have no income. The SSI/SSP program will provide an income of \$50 per month (assuming that the resident's resources are no more than \$2,000), and the resident automatically will be eligible for Medi-Cal. If, however, an SSI recipient is expected to be in the nursing home for no more than 90 days and needs the full monthly SSI benefits in order to maintain a home, full SSI benefits may be continued on a temporary basis even if the resident's stay ends up exceeding 90 days.

EXAMPLE

Q. Alfredo is a resident in a nursing home. He is single. The nursing home charges \$5,000 each month. Alfredo has savings of \$1,500 and a monthly income of \$700. Is he eligible for Medi-Cal? How much does he pay the nursing home each month? How much will he have to pay monthly if the nursing home is not certified for Medi-Cal?

A. Alfredo is eligible because his resources are under the \$2,000 limit. His monthly share of cost is \$665. ($\$700 - \$35 = \665) If the nursing home is not certified, Medi-Cal will not pay, and he will be liable for the entire \$5,000 each month.

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Maintaining the Home While in Nursing Home

Because \$35 per month is not enough to allow a nursing home resident to keep up with monthly rent or mortgage payments, the Medi-Cal program allows a resident to keep an additional income allocation for home-related expenses if a doctor certifies that the resident will need nursing home care for no more than six months.

However, this allocation is only \$209 per month which is likely not enough to allow a resident to keep up with rent or mortgage obligations.

Tip: If the resident rents their home, the rental income can be applied towards mortgage payments and other house expenses. The resident will not profit because any initial profit will increase the resident's share of cost, but at least the resident can use the rental income to pay expenses.

Financial Eligibility for Married Nursing Home Residents

Resources - Different financial eligibility rules apply when one member of a married couple requires long-term care or Home and Community-Based Services (HCBS) at a nursing home level.

Specifically, the Medi-Cal program allows the spouse remaining in the community ("community spouse") to retain additional resources and income while allowing the spouse who needs long-term care ("institutionalized spouse") to qualify for Medi-Cal.

In 2020, the resource limit for the community spouse is \$128,640, while the institutionalized spouse is allowed to keep up to \$2,000 in their own name. Within 90 days after Medi-Cal eligibility of a married recipient is established, the couple must allocate their resources between themselves so that no more than \$2,000 in available resources is held in the recipient's name. Once this allocation is complete, the recipient will remain eligible for Medi-Cal as long as their available resources do not exceed \$2,000, regardless of the amount of their spouse's resources.

It is important to note that these rules apply even if the "institutionalized spouse" still lives in the home and qualifies for HCBS at a nursing home level. These HCBS programs include IHSS –Community First Choice Option program, Community-Based Adult Services (CBAS), Multipurpose Senior Services Program (MSSP), and several Medi-Cal waiver programs.

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There are also different income rules that allow a community spouse to retain additional income. The community spouse is allowed to keep an individual monthly income of at least their individual monthly income or \$3,216 (for 2020), whichever is greater. Of the couple's remaining income, \$35 is given to the resident as a personal allowance and the remainder is applied to nursing home charges and to certain current and past medical bills. The Medi-Cal program then will pay the remainder of the nursing home charges.

EXAMPLES

Q. Marcus lives in a nursing home; his wife Evelyn lives in an apartment. The nursing home charges \$4,000 per month. Marcus and Evelyn jointly have \$80,000 in savings. Marcus receives \$1,100 monthly from Social Security; Evelyn receives \$900 a month. Is Marcus eligible for Medi-Cal? How much will he have to pay the nursing home each month?

A. Marcus is eligible because the couple's joint resources (\$80,000) are less than the resource maximum of \$128,640. He will not have to pay the nursing home anything: the couple jointly is entitled to retain up to \$3,251 ($\$3,215 + \$35 = \$3,251$), and their monthly income is only \$2,000. ($\$1,100 + \$900 = \$2,000$). Evelyn will be allowed to retain the full \$2,000 and Marcus will qualify for free Medi-Cal.

Q. What if Evelyn's monthly income increases to \$2,500 per month?

A. Evelyn will keep her \$2,500 income, and will be allowed to allocate \$716 of her husband's income. Marcus can retain his income allocation of \$35, and he will pay a share of cost of \$349 monthly. ($\$1,100 - \$716 - \$35 = \349)

Q. What if Evelyn's monthly income increases to \$3,500 per month?

A. Evelyn is allowed to keep her entire income. The income allocation of \$3,216 does not limit her income; it just limits the amount of income that she can be allocated from her husband's income. Marcus is allowed to retain his \$35 income allocation, and he must pay a share of cost of \$1,065 ($\$1,100 - \$35 = \$1,065$).

Increased Resource Allocation for Generating Adequate Income

Under certain circumstances, an at-home spouse can obtain an order from a court or an administrative law judge which will allow the at-home spouse to retain additional resources. An order may be granted if the at-home spouse needs the resources in order to generate an adequate income. Specifically, an order can allow the couple to retain more than \$128,640 in available resources, if the income which could be generated by the retained resources would not cause the total monthly income available to the at-home spouse to exceed \$3,216.

This can be an extremely important provision for clients who have low incomes but have managed to save significant amounts of money.

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Increased Income Allocation for Emergency Situations

A court or administrative law judge may increase the spouse's income allocation above \$3,216 if the extra income is necessary "due to exceptional circumstances resulting in significant financial duress." Courts and administrative law judges rarely grant such orders.

Giving Away Resources to Become Medi-Cal Eligible

Giving away resources without receiving anything in exchange can affect Medi-Cal eligibility. Sometimes these gifts have nothing to do with Medi-Cal eligibility – an older person just wants to have the pleasure of giving the gift during their lifetime, rather than waiting after their death, through operation of a will or trust. However, sometimes these gifts are made with Medi-Cal eligibility in mind, such as when an older person who is in a nursing home or expects to enter a nursing home in the near future, gives away resources in order to create or accelerate Medi-Cal eligibility.

For understandable reasons, the Medi-Cal program does not want nursing home residents to give their resources away and immediately apply for Medi-Cal. As explained below, the Medi-Cal program can assess a period of ineligibility if the transfer was made for the purpose of gaining Medi-Cal eligibility. The length of the period of ineligibility is based on the size of a gift.

It is important to note that the relevant law is complicated; more than this short answer suggests. No one should make an eligibility-accelerating give-away without first consulting with a knowledgeable attorney.

Generally, transferring or giving away property will only result in ineligibility if: (1) the property being transferred was not exempt; (2) the individual is institutionalized or applying for institutional care; (3) the property was given away in order to establish Medi-Cal eligibility; and (4) the property was transferred to someone other than a spouse or a permanently disabled child.

In general, giving away resources causes the resident to be ineligible for Medi-Cal reimbursement from the month of the give-away for the amount of time those resources could have paid for nursing home care. (For this calculation, the Medi-Cal program assumes nursing home costs of approximately \$8,841 monthly.) Any transfer of resources for which the resident received adequate compensation is considered a sale, not a give-away, and does not result in Medi-Cal ineligibility.

The lookback period is 30 months. The most important fact is that the period of ineligibility starts in the month in which the give-away was made, even if the Medi-Cal application was not filed until much later.

As shown in the examples on the next page, a period of ineligibility can be essentially irrelevant if it expires before the resident is otherwise eligible for Medi-Cal.

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EXAMPLES

Q. Priscilla lives in a nursing home. She has \$1,400 in savings, and a monthly income of \$1,500. In June 2018, she gave \$63,000 as a cash gift to her daughter. Is she eligible for Medi-Cal today? When could she successfully apply for Medi-Cal?

A. Priscilla is eligible today. The money given away (\$63,000) would have been enough to pay for seven months of nursing home care. The seven-month penalty period began in June 2018, and ended at the end of January 2019.

Q. Frank also lives in a nursing home. In June 2018 he gave \$684,000 to his daughter. When could he successfully apply for Medi-Cal? What would happen if he applied for Medi-Cal today?

A. Frank should not file an application until December 2020. The Medi-Cal program will look back two and a half years, so if an application is filed in December 2020, the look-back will not include June 2018, the month in which the gift was made.

If Frank were to apply today, he would be denied because he gave away his money.

Share of Cost if Beneficiary Lives in Residential Care Facility for the Elderly

A resident's payment to a Residential Care Facility for the Elderly (RCFE) is taken into account in the calculation of the Medi-Cal monthly "share of cost."

As discussed above, health care services are provided with no share of cost if a single Medi-Cal beneficiary has a countable monthly income of no more than \$1,294 for 2020. RCFE residents with a countable monthly income of more than \$1,294 generally will have a Medi-Cal share of cost. If however, the resident pays out of pocket for the RCFE, income above the maintenance need level of \$600 paid to the facility is considered unavailable. This can significantly reduce an RCFE resident's Medi-Cal share of cost.

Medi-Cal is now covering care (but not room and board) in RCFEs in several California counties. This includes services for several hundred Medi-Cal recipients in Los Angeles County who otherwise would require care in a nursing facility. The services are being provided under an HCBS waiver called the Assisted Living Waiver. For contact information for Los Angeles and for the other counties, see <http://www.dhcs.ca.gov/services/ltc/Pages/AssistedLivingWaiver.aspx>

EXAMPLE

An RCFE resident has a countable monthly income of \$1,420. In general, she will have a monthly Medi-Cal share of cost of \$800 ($\$1,420 - \$20 - \$600 = \800). If, however, the facility costs \$1,420 monthly, Medi-Cal will consider all income above \$600 unavailable since it is being used to pay the facility. This means that the resident has no available income.

If the facility only charged \$1,370 per month, the resident would have a share of cost of \$30. Because the resident pays the facility \$770 over the \$600 maintenance need level, \$770 of the resident's income is considered unavailable – which leaves the resident with \$50 available income. After the \$20 "any income" deduction, the resident would be left with a \$30 share of cost.

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Medi-Cal Estate Recovery

Medi-Cal Estate Claims

After a resident's death, the Medi-Cal program may bill the resident's estate to repay the Medi-Cal program for benefits paid on behalf of the resident. However, there are significant limits on which beneficiaries and for which services the Department of Health Care Services can seek estate recovery.

The Medi-Cal estate recovery rules changed significantly for those who die on or after January 1, 2017. Generally Medi-Cal recovery is limited to:

- Those 55 years and older or those who were permanently disabled and living in institutional care;
- For nursing home and home and community-based services and related care;
- Assets subject to California probate law;
- Beneficiaries or heirs who are not a surviving spouse, registered domestic partner, minor child or disabled child.

There are additional exemptions to estate recovery claims and hardship waivers that can be applied for if necessary. For additional information about estate recovery rules, see: CANHR, "The New Medi-Cal Recovery Laws" at http://www.canhr.org/publications/PDFs/Medi-Cal_Recovery.pdf.

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Medi-Cal Services

Medi-Cal Managed Care

Over the last decade, California has been moving most populations eligible for Medi-Cal benefits from fee-for-service into managed care. Today, approximately 10.8 million Medi-Cal beneficiaries residing in 30 counties receive their medical services through health plans mirroring traditional health maintenance organizations (HMOs). The movement of Medi-Cal only beneficiaries into managed care began in 2011. Los Angeles County uses a two-plan model where there is one Local Initiative plan (LA Care) and one commercial plan (HealthNet).

Under Medi-Cal managed care, a beneficiary is enrolled in a plan to receive her Medi-Cal benefits. In Los Angeles, beneficiaries can also choose to enroll in a partner plan. LA Care partners with Anthem Blue Cross, Care1st, and Kaiser. Health Net partners with Molina. The plan is paid a single rate from the State to deliver a beneficiary's health care services. Plans contract with providers, including doctors, specialists, hospitals, and pharmacies to develop a "network." Individuals enrolled in a managed care plan will be assigned a primary care physician who is responsible for referring the beneficiary to other care providers. Unlike fee-for-service where a provider obtains approval through the Treatment Authorization Request (TAR) process, under managed care the health plan must approve services.

In Los Angeles County, dual eligibles, those enrolled in Medicare and Medi-Cal, generally have to be enrolled in a Medi-Cal plan for their Medi-Cal benefit. The Medi-Cal managed care plan primarily covers their long-term services and supports and services not covered by Medicare (e.g. transportation and supplies). This is because as a dual-eligible, their medical care is generally covered by Medicare. Medi-Cal is known as the payer of last resort. The Medi-Cal plan is also responsible for paying any co-insurance payable after Medicare has paid. A dual eligible's Medicare provider does not need to be contracted with their Medi-Cal plan in order to provide treatment because Medicare is primary.

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Fee-For-Service Prior Approval

Though rare, some individuals do still access their Medi-Cal through a fee-for-service model. Fee-for-service Medi-Cal requires prior approval for some services and medications. No prior approval is needed for emergency care, most physician services, or for up to six per month of medications on Medi-Cal's formulary (list of medications).

To obtain prior approval, health care providers submit a Treatment Authorization Request (TAR). If a TAR is denied, the Medi-Cal program should send a Notice of Action to the health care provider and the beneficiary, with an explanation of the denial and information about appeal rights.

Except TARs for medical transportation, the Medi-Cal program will look only at the documents submitted by the provider in support of the TAR. Many TARs are denied because the medical justification is not complete. Before a beneficiary appeals a denied TAR, they should look at the packet submitted to Medi-Cal to see if there was enough information to show that the item was really needed, and that the Medi-Cal medical necessity definition had been met. The Medi-Cal program covers services, medicines, supplies and devices necessary to protect life, prevent significant illness or disability, or alleviate severe pain. The standard is much more limited than a commonsense definition of necessity.

Physician documentation can be essential. For instance, for medications not on the Medi-Cal formulary, the beneficiary's physician should write a letter explaining why medications on the formulary are inadequate, and what could happen if the beneficiary did not receive the medication. The pharmacist then can fax the physician's letter together with the TAR form for review by the Medi-Cal program.

Medication TARs that are not acted on by the close of the next business day are automatically approved. Other TARs are automatically approved if they are not acted on within 30 days of the date of receipt by the Medi-Cal program.

Appeals of Denied TARs in Fee-For-Service

The reality is that TAR denials often are not sent to beneficiaries. The Medi-Cal program will often wrongly treat TAR-related matters as private correspondence between Medi-Cal and the provider.

Don't be shy in requesting copies of documents (including TARs and TAR denials) from the health care provider. Also, of course, don't be shy in filing appeals of denied TARs. If you were not sent a denial notice, an appeal probably will be timely even if it is submitted more than 90 days after the denial.

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Services Provided

The Medi-Cal program covers a range of services. These services include the following:

- Doctor visits;
- Hospital inpatient and outpatient care;
- Nursing home care;
- Medications (although Medicare Part D covers medications for many Medi-Cal beneficiaries);
- Home health care;
- Personal care services, including In-Home Supportive Services;
- Hospice care;
- Physical therapy;
- Hearing aids;
- Ambulance services;
- Medical transportation to and from medical appointments;
- Durable medical equipment, including wheelchairs, suctioning machines, shower chairs, oxygen, ostomy supplies, etc.;
- Specialty mental health services including psychiatric services through local Mental Health Plans;
- Drug and alcohol treatment programs;
- Dental benefits fully restored as of January 1, 2018, and
- Non-Medical Transportation: as of July 2017, health plans became responsible for providing transportation to medical services by any mode (e.g. car, bus, train, etc.)

Medical Need for Nursing Home Care

In contrast to the Medicare program, the Medi-Cal program does not have restrictive medical requirements for the coverage of nursing home care. It is only required that the resident require nursing home care; it is irrelevant whether the nursing home care is considered skilled care or custodial care.

Medi-Cal Will Pay for Care in a Residential Care Facility for the Elderly (RCFE)

In Los Angeles County and selected other counties

Medi-Cal, under a waiver, pays for several hundred slots in Los Angeles County RCFEs. Also, both the Medicare and Medi-Cal programs can pay for certain health care services provided in a Residential Care Facility for the Elderly by licensed health care professionals. Generally these services are provided through an outside agency - a home health agency or, in the case of a terminally- ill resident, a hospice agency. For more information, see www.dhcs.ca.gov/services/ltc/pages/AssistedLivingWaiver.aspx.

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Community Based Adult Services (CBAS)

Community Based Adult Services (CBAS), formerly known as Adult Day Health Care (ADHC), can be provided to Medi-Cal beneficiaries who have intensive health care needs. Center-based services provided can include medical and nursing services; physical, occupational and speech therapy; psychiatric and psychological services; social services; recreational and social activities; hot meals; nutritional counseling; laundry; bathing; and transportation to and from the center.

Provision of CBAS under Medi-Cal requires a doctor's authorization and subsequent approval by the Medi-Cal program/plan. Participants must meet the criteria for Nursing Facility-A Level of care, or have certain mental or cognitive impairments, as well as CBAS eligibility and medical necessity criteria.

For more information about the new CBAS program, see <https://www.aging.ca.gov/programsproviders/adhc-cbas/>.

In addition, starting in October 2012, CBAS participants who are in counties where Medi-Cal managed care is available must enroll in the Medi-Cal managed care plan in order to get CBAS. They can continue to see their Medicare doctor for Medicare services.

COVID-19 ALERT - It should be noted that during the COVID pandemic, CBAS services have been converted to an alternative model that offers services outside of the normal congregate setting.

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Transportation

The Medi-Cal program provides emergency transportation as well as transportation to and from routine medical appointments. Payment for non-emergency transportation is only authorized for beneficiaries who are physically or mentally unable to use other forms of private or public transportation.

Prior authorization is not required for emergency transportation to the nearest qualified facility. However, prior authorization is generally required for non-emergency medical transportation.

Since July 2017, the Medi-Cal program pays for Non-Medical Transportation (NMT) to medical services. This includes transportation or reimbursement for transportation by car, bus, train, etc.

Multipurpose Senior Service Waiver Program (MSSP)

The MSSP waiver provides social and health care management for seniors who are certifiable for placement in a nursing home, but who wish to remain in the community. An MSSP client must be 65 years of age or older, live within an MSSP site's service area, and have health care needs that would qualify them for nursing home admission.

The word "waiver" refers to a waiver of the federal Medicaid law that generally requires that all Medicaid services be available equally across a state. MSSP services are limited; each MSSP site has only a certain number of waiver slots and many maintain waiting lists.

The MSSP waiver includes an "institutional deeming" feature. That means that for the member of the couple who is a senior and who would qualify for nursing facility care, eligibility for Medi-Cal will be made as if they were living in a nursing facility. The MSSP waiver is a means by which the spouse who would otherwise qualify for Medi-Cal funded nursing facility care may qualify for Medi-Cal while living at home, sometimes with no share of cost.

MSSP waiver services can include:

- Intensive medical case management, including nursing and psychosocial assessments;
- Attendant care and homemaker services;
- Transportation;
- Nutritional supplements and home delivered meals;
- Counseling;
- Durable medical equipment and supplies;
- Adult day care;
- Housing assistance (i.e., replacement of stove or refrigerator) and modifications;
- Money management and assistance with bill paying;
- Protective supervision; and
- Respite care (care in facility, to provide respite to regular caregivers).

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Other Waiver Programs

Persons with disabilities and seniors with a very high need for services may be eligible for services under other waiver programs.

Both the In-Home Operations (IHO) waiver and the Home and Community-Based Alternatives (HCBA) waiver, like the MSSP waiver, apply the spousal impoverishment rules described above.

The services available under these waivers include home nursing, intensive case management, home modifications for accessibility, as well as waiver personal care services that can be combined with personal care services authorized by IHSS.

Getting Services for Persons Eligible for Medi-Cal and Medicare

For services covered by both Medi-Cal and Medicare, the Medi-Cal program defers to the Medicare program's more common-sense definition of medical necessity. Usually billings are sent electronically to Medicare and then are sent electronically to Medi-Cal. When a dual eligible is enrolled in a Medi-Cal plan (as is the case now for almost all dual eligibles residing in Los Angeles County), Medicare providers will submit the bill to Medicare and then separately submit the claim to the dual eligible's Medi-Cal plan. Technically, Medi-Cal will supplement the 80% of reasonable cost that Medicare pays (see Chapter 4) up to the amount that Medi-Cal would pay were it the sole payor. Practically however, that amount is usually zero given that Medi-Cal reimbursement rates are generally lower than the Medicare rate.

The one area where different rules apply is with respect to durable medical equipment, especially custom or power wheelchairs. With respect to wheelchairs, the Medicare and Medi-Cal standards are incompatible because of Medicare's "homebound" rule for home health care (see Chapter 4). Under Medicare, a beneficiary receives the wheelchair that she needs to get around the house. Under Medi-Cal, she receives a wheelchair that allows her also to travel in the community.

If a dually-eligible person needs a power wheelchair or wheelchair with any kind of custom feature, she should get a good assessment from an outpatient rehabilitation facility like Rancho Los Amigos or Northridge Hospital. Their outpatient programs know how to put together a report explaining what the person needs and why. These outpatient programs also will be able to help them find a provider who will accept someone with both Medicare and Medi-Cal.

The person's physician can prescribe the equipment recommended by the outpatient program. The person then brings the following documents to the durable-medical-equipment-provider: the physician's letter, the assessment report, and any other medical records – such as a hospital discharge summary describing disability-related limitations. The provider submits a Treatment Authorization Request (TAR) to the Medi-Cal program or a prior authorization to the Medi-Cal plan.

If the authorization is approved, the provider delivers the equipment and then submits billing to the Medicare plan. The Medicare program pays 80% of what it says is the reasonable cost (see Chapter 4), and then sends the claim to the Medi-Cal program, which pays the other 20%. Then the provider bills the Medi-Cal program separately for the difference between what Medi-Cal would pay were it the sole payor, and what the provider (cont'd on next page)

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received jointly from Medi-Cal and Medicare in the crossover electronic billing system. This procedure is known as the Charpentier procedure based on a case, *Charpentier v. Kizer*.

Of course, the most common overlap between Medi-Cal and Medicare involves the payment for medications by Medicare Part D. This topic is covered in detail in Chapter 5.

Appeals

From the date listed on a Notice of Action, an applicant or beneficiary generally has 90 days in which to appeal an adverse action by the county. The applicant or beneficiary should follow the directions on the Notice of Action, but generally a person just needs to fill out the form appeal on the back of the Notice of Action and indicate that they disagree with the decision.

If a Notice of Action is not available, an appeal request should be mailed to Office of the Chief Administrative Law Judge, State Hearings Division, Department of Social Services, 744 "P" Street, Mail Station 9-17-37-95814, Sacramento, California 95814. The applicant or beneficiary should indicate that she is asking for a Medi-Cal fair hearing, and should list her name and Social Security number. Alternatively, an appeal request can be made by calling (800) 952-5253, or faxing an appeal request to (916) 651-5210 or (916) 651-2789.

It is recommended that a faxed request also be mailed. You can also mail a copy to your county office.

Tip: When making an appeal by phone (the fastest way to preserve aid paid pending) call: (800) 952-5253, then

1. press 1 for English when prompted
2. then press 1 for state fair hearing
3. then press 1 for hearing info
4. then press 3 and hold for a live person (8-12, 1-5 on weekdays except holidays).

Continuation of Benefits While Appeal is Pending (Aid Paid Pending)

If an appeal is requested within 10 days of the Notice of Action or before the adverse action takes effect, existing benefits will continue at least until the hearing decision is issued. This is called "aid paid pending." It is helpful to write "aid paid pending" on the top of the appeals form.

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Appeal Hearings

Appeals are somewhat informal, and are conducted by an Administrative Law Judge, also known as a hearing officer, employed by the state. Although Medi-Cal beneficiaries can represent themselves, representation by an attorney or advocate is often helpful.

Appeal in Managed Care

If a Medi-Cal managed care plan denies, reduces, or terminates services, a beneficiary has appeal rights. A beneficiary must first file an internal appeal with the health plan. If it is denied, the beneficiary can then request a state fair hearing (the same process as in FFS Medi-Cal) or an Independent Medical Review (IMR), or both.

If the appeal is made within 10 days of the Notice of Action reducing or terminating ongoing services, the plan must provide aid paid pending. A request for a fair hearing must be made within 90 days of the Notice of Action from the plan unless there is a good reason that the deadline was missed (e.g., the notice was not received). An IMR must be requested within six months of the plan's internal appeal decision. A beneficiary cannot get an IMR if she has already received a state fair hearing decision. However, a beneficiary can ask for a state fair hearing after an IMR if she does not receive a favorable decision, as long as the request for a fair hearing is still within 90 days of the original decision denying, reducing, or terminating services.

For all other complaints, the beneficiary should file a grievance with the plan.

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Billing the Beneficiary

Medi-Cal Must Be Accepted As Payment In Full

A provider can accept Medi-Cal payments only after being certified. A certified provider must accept Medi-Cal as payment in full.

A beneficiary can be asked to pay only the monthly share of cost (if any) and some nominal co-payments for medications.

Prohibition Against Balance Billing- Pursuant to state and federal law, providers cannot bill Medi-Cal beneficiaries, including dual eligibles, for medically covered services. If your client has received a bill, the bill should be disputed. For sample letters and resources on balance billing, Justice in Aging has a toolkit for advocates available at <http://www.justiceinaging.org/balance-billing-toolkit-for-advocates/>

Coordinated Care Initiative

The Coordinated Care Initiative (CCI) is a California program that changed the delivery of Medi-Cal, Medicare and long-term services and supports to dual eligibles and Medi-Cal recipients living in seven demonstration counties, including Los Angeles County. The CCI included three changes:

1. Medi-Cal beneficiaries, including dual eligibles, who do not currently receive their Medi-Cal benefit through managed care have to enroll in a Medi-Cal managed care plan to receive their Medi-Cal benefits.
2. Long-Term Supports and Services (LTSS) are added to the Medi-Cal managed care benefit package, including Community-Based Adult Services (CBAS), Multipurpose Senior Services Program (MSSP) and nursing facility care. In-Home Support Services (IHSS) under the CCI was a pass-through managed care benefit until January 2017. IHSS is now a carved out benefit and the funding is not passed through the health plans.
3. Dual eligible beneficiaries, those with both Medicare and Medi-Cal, have the option to enroll in a new health plan called Cal MediConnect that is responsible for both their Medicare and Medi-Cal benefits.

Automatic enrollment into Cal MediConnect began in July 2014 and ended in June 2015. While automatic enrollment ended, dual eligibles can voluntarily enroll in the program at any time. Those dual eligibles enrolled in Cal MediConnect will receive their Medicare, Medi-Cal (including LTSS) and additional benefits including vision, transportation, and care coordination through a Cal MediConnect plan. Care1st, CareMore, Health Net, L.A. Care, and Molina act as Cal MediConnect plans in L.A. County.

Cal MediConnect enrollment is voluntary, but all Medi-Cal beneficiaries including dual eligibles, with few exceptions, must be enrolled in a Medi-Cal plan to receive their Medi-Cal benefits. **(Cont'd on next page)**

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Justice in Aging has published an “Advocates’ Guide” to the CCI that describes the CCI in detail available here: <http://www.justiceinaging.org/wp-content/uploads/2017/12/Advocates-Guide-to-Californias-Coordinated-Care-Initiative-Version-6.pdf?eType=EmailBlastContent&eld=474754a8-4d6c-4d56-9b0a-88393485b3ca>

There are also additional resources available at: www.calduals.org/dualsdemoadvocacy.org/california

Supplemental Materials

| | |
|--|------|
| Medi-Cal Legal Resources | 6-29 |
| Other Information about the Medi-Cal Program | 6-30 |

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Medi-Cal Legal Resources

California Statutes

General - Welfare & Institutions Code §§ 14000- 14685

Mental Health Services – Welfare & Institutions Code §§ 5775- 5780, 14680- 14685

Drug Treatment Programs – Health & Safety Code §§11758.14- 11758.47

Website for statutes: www.leginfo.ca.gov/calaw.html

California Regulations

General – California Code of Regulations, Title 22, §§ 5000- 5660

Mental Health – California Code of Regulations, Title 9, §§ 1700- 1850.505

Drug Treatment Programs – California Code of Regulations, Title 9, §§ 9000- 9444

Website for regulations: www.oal.ca.gov

California Department of Health Care Services Publications

All-County Letters – <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/ACWDLMasterIndex.aspx>

Provider Manuals and Bulletins – <http://www.medi-cal.ca.gov/publications.asp>

Statistics – http://www.dhcs.ca.gov/dataandstats/statistics/Pages/RASD_Default.aspx

Federal Information from the Centers for Medicare and Medicaid Services (CMS)

CMS letters to State Officials About Medicaid – <https://www.cms.gov/SMDL/>

California's state Medicaid plan and state Medicaid plan amendments – <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-State/california.html>

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Other Information about the Medi-Cal Program

www.healthconsumer.org – This is the website for the Health Consumer Alliance, including the Los Angeles County HCA office with Neighborhood Legal Services. Useful information includes a Medi-Cal Manual plus information about Medi-Cal for consumers, including information about different Medi-Cal programs. The Medi-Cal consumer information is in multiple languages. The manual (2008) can be found at: <http://healthconsumer.org/publications.htm#manuals>.

www.disabilityrightsca.org – Disability Rights California has a good handout on the new Mandatory Enrollment of Seniors and Persons with Disabilities in Managed Care: <http://www.disabilityrightsca.org/pubs/549501.pdf>. DRC also has extensive resources on mental health issues: <http://www.disabilityrightsca.org/pubs/PublicationsMentalHealth.htm>

www.healthlaw.org – The National Health Law Program’s website includes general information about Medicaid along with information unique to California.

www.canhr.org/medcal/index.html – California Advocates for Nursing Home Reform offers an overview of Medi-Cal for long-term care.

www.chcf.org/publications/ – Medi-Cal publications start with #170 on this website of the California Health-Care Foundation. The main website links to statistical information about the Medi-Cal program.

www.disabilitybenefits101.org – This website includes information about benefits for persons with disabilities who are attempting to work.

www.justiceinaging.org – This is the website of Justice in Aging. Relevant publications include The Baby Boomer’s Guide to Nursing Home Care, and 20 Common Nursing Home Problems—and How to Resolve Them, and a recent issue brief “Medicaid Block Grants: Attacking the Safety Net for Low-Income Older Adults.” Justice in Aging also has extensive resources on the Coordinated Care Initiative.

www.wclp.org – The Western Center on Law & Poverty. Click onto the Health page.

www.calduals.org - This website includes materials and resources regarding the Coordinated Care Initiative.