



Maternal and Child Health Access

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Good News About “Deemed Eligible” Infants And the CHDP Gateway

All County Letter (ACL) 04-02 (February 13, 2004)

On February 13, 2004, the State Department of Health Services (DHS) **instructed the County Departments of Social Services to review their case files to try to identify “deemed eligible” infants who have begun receiving Medi-Cal through the CHDP Gateway.**

These instructions are in **All County Letter (ACL) 04-02** at pages 3-5. They were adopted under the Court’s Order in ***Baby Armando Doe, et al. vs. California Department of Health Services, et al.*** A copy of ACL 04-02 is attached, and it is also available at:

www.dhs.ca.gov/mcs/mcpd/MEB/ACLs/PDFs/ACWDLs/2004ACLs/01thru09/c04-02.pdf

As soon as a “deemed eligible” infant can be identified, Counties are to:

- **Stop the infant’s termination** from Medi-Cal before Gateway coverage ends (in up to 60 days); and
- **Reinstate** “deemed eligible” infants who have already been cut off Gateway Medi-Cal.

Both groups of infants must be approved for **Medi-Cal retroactively to the birth month.**

Important New Rule for Minor Consent Program: Infants whose mothers are covered by the Medi-Cal **Minor Consent Program, Aid Code 7N**, now also qualify for “deemed eligibility.” This is a **new** rule: see ACL 04-02, page 4. The Counties’ reviews for “deemed eligibility” must include the babies of Minor Consent moms.

Reminder: What is “deemed eligibility”?

- “Deemed eligible” infants are infants under the age of one year whose **mothers had Medi-Cal coverage for the delivery and who lived with the mother in California during the birth month.**
- A “deemed eligible” infant **automatically qualifies for Medi-Cal** *without* an application or any verifications (things like birth certificates, social security numbers, proof of family income, etc.) **at least until the first birthday.**
- An infant **can be referred to the County for “deemed eligibility” any time during the first year of life.** Medi-Cal for “deemed eligible” infants goes back to the birth month, no matter when during the infant’s first year the Medi-Cal card is issued.
- A comprehensive discussion about “deemed eligibility” is set out in ACL 03-49 (October 6, 2003), available at:

www.dhs.ca.gov/mcs/mcpd/MEB/ACLs/PDFs/ACWDLs/2003ACLs/40s/c03-49.pdf

MCH Access has also prepared a summary of this ACL, available on request. Please contact Lucy@Quacinella.com or (415) 731-2767 or Lynn Kersey at lynnk@mchaccess.org or (213) 749-4261.

DHS lists being sent to the Counties: To help the counties find “deemed eligible” infants who started receiving Medi-Cal through the CHDP Gateway, State DHS is sending each County two different **lists:**

- **Infants Who Still Have Gateway Medi-Cal:** One list has the names and family contact information of infants under the age of one year who started receiving Medi-Cal through the CHDP Gateway. This list will be updated daily. The counties are to use this information to try to determine whether the infant’s mother had Medi-Cal in the birth month. If she did, and if the mother and infant lived together during the birth month, the infant is “deemed eligible” for Medi-Cal until the first birthday. **The County is to stop the Gateway computer from cutting off Medi-Cal for the “deemed eligible” infants it can identify.**
- **Gateway Infants Who Have Already Been Cut Off from Medi-Cal:** The second list will be a list of infants who enrolled in the Gateway at any time since August 1, 2003 and have already been cut off from Medi-

Cal. As with the first list, the counties will try to find out whether, in the birth month, the mother of an infant on this list had Medi-Cal and the two lived together: if so, **the county is to reinstate the infant's Medi-Cal retroactive to the date of birth.**

The new procedures required by the *Baby Doe* ACL (No. 04-02) will be used until the CHDP Gateway application form and computer are fixed. When this happens, the form and computer will ask and process the answers to two basic questions that will identify deemed eligible infants: i.e., did the mother have Medi-Cal when the baby was born, and did she and the baby live together in the birth month? **After these changes are made, the Medi-Cal cards that deemed eligible infants get from the Gateway will be valid until the first birthday, and the families will not have to submit a regular Medi-Cal application after a CHDP visit to prevent the Gateway from cutting off the infants' benefits.** This is an extremely important improvement!

The State initially told the Court it would be fixing the Gateway by April 1, 2004, but it seems unlikely now that DHS will meet this deadline.

**Make Sure Your "Deemed Eligible" Infant Clients or Patients
Keep their Medi-Cal or Get It Reinstated**

The two lists the County Departments of Social Services receive from DHS will include the name of the infant's mother and the family's phone number and address (among other things.) The county will have to look in its existing files to try to find out whether the mother had Medi-Cal in the birth month.

In many cases, the county will already have the necessary information and will be able to protect the infants who are currently on Gateway coverage from being cut off and to reinstate the infants whose Gateway coverage has already ended. Larger counties should be able to find half or more of the "deemed eligible" infants just by searching in their existing records. And the 36 smallest counties should be able to find an even higher percentage through information already available to them.

But **in other cases, the County will need more information** from the family to find the mother's Medi-Cal case, to match the infant to the mother's Medi-Cal records, or to confirm that the infant and mother lived together in the birth month.

Special notes:

- If the County can match the infant to the mother's Medi-Cal records, and if the **mother's address in her Medi-Cal records is the same as the**

address for the infant in the Gateway file, the county must **enroll the infant right away**. See **ACL 04-02, p. 4**.

- If the mother’s address in the birth month as it appears in her Medi-Cal records is **different from her current address** with the infant, you will also need to have her **confirm that she lived with the infant in the birth month**.
 - You can do this by submitting a Newborn Referral Form to the County.
 - Alternatively, the County has the option of accepting something simpler, such as a sentence in writing from the mother that she and the baby lived together in the birth month, so you may wish to **ask the Medi-Cal Supervisor if your County will use a simpler process**.
 - We are hoping the State will issue a **follow-up ACL with uniform instructions** on this, but in the meantime, you will have to check with the County directly about the best process to use.

Meet with your county Medi-Cal Eligibility Supervisor to find out the steps your county will be taking under the *Baby Doe* ACL 04-02 (February 13, 2004), and how it is already implementing ACL 03-49 (October 6, 2003), which sets out the basic rules for “deemed eligibility.” This will let the county know you will be **monitoring**; it will also give the county the opportunity to let you know **how you can help**.

MCH Access will be preparing separate **fact sheets for additional steps** you may want to take. There will be a fact sheet for:

- Community Groups and WIC Agencies
- CHDP Providers
- Local CHDP Program Staff
- Hospitals
- Health Plans

Trainings

If you or your organization would like additional information, or on-site trainings, please contact Lucy@Quacinella.com or (415) 731-2767 or Lynn Kersey at lynnk@mchaccess.org or (213) 749-4261.