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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

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Article 8@ RESPONSIBLE RELATIVES AND UNIT DETERMINATION

|-&gt;

Section 50351@ Responsible Relatives

## **50351 Responsible Relatives**

### **(a)**

The responsibility of a relative to contribute to the cost of health care services of a Medi-Cal applicant or beneficiary shall be limited to spouse for spouse and parent for child.

### **(b)**

In determining Medi-Cal eligibility and share of cost, relative responsibility shall be determined in accordance with the following: (1) Relative responsibility shall be spouse for spouse when the spouses are living together in the home. (2) If one or both of the spouses is in LTC or board and care, the spouses income and property shall be considered available in determining each other's eligibility and share of cost in accordance with the MFBU composition provision of Section 50377. (3) If neither of the spouses is in LTC or board and care but the spouses are living apart, the spouses shall have their eligibility and share of cost determined as single persons the day following the separation, if it is known that the separation will not be temporary in accordance with Section 50071(b). (4) Relative responsibility shall be parent for child living in the parent's home and persons specified in (c), except that the parents shall neither be held financially responsible for, nor asked or required to contribute to, or provide other health care coverage for, the cost of minor consent services which the child applies for in accordance with Section 50147.1(a).

**(1)**

Relative responsibility shall be spouse for spouse when the spouses are living together in the home.

**(2)**

If one or both of the spouses is in LTC or board and care, the spouses income and property shall be considered available in determining each other's eligibility and share of cost in accordance with the MFBU composition provision of Section 50377.

**(3)**

If neither of the spouses is in LTC or board and care but the spouses are living apart, the spouses shall have their eligibility and share of cost determined as single persons the day following the separation, if it is known that the separation will not be temporary in accordance with Section 50071(b).

**(4)**

Relative responsibility shall be parent for child living in the parent's home and persons specified in (c), except that the parents shall neither be held financially responsible for, nor asked or required to contribute to, or provide other health care coverage for, the cost of minor consent services which the child applies for in accordance with Section 50147.1(a).

**(c)**

Notwithstanding Sections 50014 and 50030, any person whether living in the home or away from the home, shall be considered a child and his/her parent shall be considered a responsible relative when both of the following conditions exist:

(1) The person is 18 years of age or older but under 21. (2) The parent claims the child as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes.

**(1)**

The person is 18 years of age or older but under 21.

**(2)**

The parent claims the child as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes.

**(d)**

Where, under Section 50373(a)(5), deeming occurs that is not spouse for spouse or parent for child as required under subsection (a), and the family has excess property or a share of cost, or both, the county shall redetermine the budget unit to ensure that each person's available income is deemed only to that person's child or spouse. For the purposes of this subsection, "deeming" is the process by which the income of one person is treated as available to another person.