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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

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Section 50373@ Medi-Cal Family Budget Unit Determination, No Family Member in LTC or Board and Care

50373 Medi-Cal Family Budget Unit Determination, No Family Member in LTC or Board and Care

(a)

The MFBU for a family with no family member in LTC or board and care shall be determined in accordance with the following: (1) Family members who are PA or Other PA recipients, except for persons eligible for four month or nine month continuing eligibility, shall not be included in the MFBU. (2) All family members living in the home, other than those specified in (1), shall be included in the MFBU in accordance with (5) whether or not they are eligible for, or wish to receive, Medi-Cal. Potential members of the MFBU may be excluded in accordance with Section 50381. (3) All family members living in the home, except those children excluded from the MFBU in accordance with 50381 and children who are ineligible for Medi-Cal, shall be considered in determining whether linkage to AFDC exists. Family members also include persons who are PA or other PA recipients. (4) A person who is 18 years of age or older, but under age 21, is claimed as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes shall be included in his/her parent's MFBU. (5) Once the potential members of the MFBU have been identified, the MFBU shall be determined in accordance with the following as modified by Section 50374: (A) Family members living in the home. (B) MFBU 1. Individual adult. 1. Individual adult. 2. Individual, spouse. 2. Individual, spouse. 3. Parent, children. 3. Parent, children.

4. Both unmarried parents, mutual children. 4. Both unmarried parents, mutual children. 5. Both unmarried parents, mutual children, separate children of either or both parents. 5. Both unmarried parents, mutual children, separate children, except that when all the mutual children are excluded in accordance with Section 50381, each unmarried parent and that parent's separate children shall be in a separate MFBU. 6. Parent, spouse, mutual children. 6. Parent, spouse, mutual children. 7. Parent, spouse, mutual children and/or separate child of either or both parents. 7. Parent, spouse, mutual children, separate children or the parent and the separate children of that parent if the conditions of 50375 are met. 8. Minor parent, minor parent's children, the minor parent's parent and that person's spouse and/or children. 8. Two MFBU's: a. Minor parent as an ineligible member, minor parent's children. b. Minor parent, the minor parent's parent and that person's spouse and/or children (MFBU is determined in accordance with (3) through (7)). 9. Unmarried minor parent, second unmarried parent, their mutual children, separate children of either or both, unmarried minor parent's parent and that person's spouse and/or children. 9. Two MFBU's: a. Unmarried minor parent as an ineligible member, second unmarried parent, separate children of either unmarried parents, mutual children. b. Unmarried minor parent, the unmarried minor parent's, parent(s) and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)). 10. Married minor parent, minor parent's spouse, their mutual children, separate children of either or both, minor parent's parent and that person's spouse and/or children. 10. Three MFBU's: a. Married minor parent; married minor parent's spouse and children as ineligible members, and married minor parent's parent and that person's spouse as ineligible member(s). b. Married minor parent as an ineligible member, married child's spouse and children. c. Married minor parent as an ineligible member, married

minor's parent and that person's spouse and/or children. 11. Child living with the child's parents requesting Medi-Cal for minor consent services, whose application is being processed in accordance with Section 50147.1(d) (3) (D), the child's children.

11. Child and the child's children. 12. Sibling children if all other family members are PA or Other PA. 12. Sibling children. 13. Parent, spouse if all children are PA or other PA. 13. Parent, spouse. 14. Sibling children, caretaker relative. 14. Sibling children and caretaker relative, when the caretaker relative chooses to be included.

15. Caretaker relative if all children are PA or other PA. 15. Caretaker relative.

16. Sibling children, caretaker relative, caretaker relative's spouse and/or children.

16. Two MFBUs: a. Sibling children. b. Caretaker relative and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)). 17. Caretaker; sibling children; caretaker's spouse. (Spouse does not want Medi-Cal or is not eligible). 17. Caretaker; sibling children. 18. Caretaker; sibling children; caretaker's spouse; their own children. (Spouse has no linkage. Caretaker has linkage only as a caretaker relative. 18. Two MFBUs: a. Caretaker; sibling children. b. Caretaker and caretaker's spouse as ineligible; their own children.

19. Caretaker; sibling children; other related sibling children. 19. Two MFBUs: a. Sibling children. (Caretaker has linkage only as a caretaker relative). b. Other sibling children; Caretaker or c. Sibling children; caretaker. d. Other sibling children. 20. Caretaker; sibling children; caretaker's spouse is PA. (Caretaker has linkage only as a caretaker relative). 20. Caretaker; sibling children. 21. Caretaker; sibling children are PA; caretaker's spouse; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own). 21. Two MFBUs: a. Caretaker. b. Caretaker as ineligible; spouse; his/her own children. 22. Caretaker; sibling children; caretaker's spouse is PA; their own children. (Caretaker has linkage only

as a caretaker relative or chooses to be linked to related children other than his/her own). 22. Two MFBU's: a. Caretaker; sibling children. b. Caretaker as ineligible member; his/her own children. (C) Family members, not living in the home. (D) MFBU 1. Person 18 to 21 when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation. 1. Person and parents in accordance with (A). 2. Person 18 to 21, person's spouse and children, and person's parent(s) when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation. 2. Three MFBU's. a. Person claimed as a tax dependent; person's spouse and children as ineligible members, and person's parent(s) as ineligible members(s). b. Person claimed as a tax dependent as an ineligible member, person's spouse and children. c. Person claimed as a tax dependent as an ineligible member, person's parent(s). 3. Child in foster care. 3. Child. 4. Sibling children in foster care. 4. Each sibling child is in his/her own MFBU even if placed in the same foster home. 5. Child detained or placed by a court or court designated agency under Welfare and Institutions Code Sections 300 or 601. 5. Child. 6. Child not living with a parent or relative for whom a public agency is assuming financial responsibility in whole or in part. 6. Child. 7. Child not living with a parent or caretaker relative when parents or public agencies have been contacted to determine whether they will accept legal responsibility for the child. 7. Child.

(1)

Family members who are PA or Other PA recipients, except for persons eligible for four month or nine month continuing eligibility, shall not be included in the MFBU.

(2)

All family members living in the home, other than those specified in (1), shall be

included in the MFBU in accordance with (5) whether or not they are eligible for, or wish to receive, Medi-Cal. Potential members of the MFBU may be excluded in accordance with Section 50381.

(3)

All family members living in the home, except those children excluded from the MFBU in accordance with 50381 and children who are ineligible for Medi-Cal, shall be considered in determining whether linkage to AFDC exists. Family members also include persons who are PA or other PA recipients.

(4)

A person who is 18 years of age or older, but under age 21, is claimed as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes shall be included in his/her parent's MFBU.

(5)

Once the potential members of the MFBU have been identified, the MFBU shall be determined in accordance with the following as modified by Section 50374: (A) Family members living in the home. (B) MFBU 1. Individual adult. 1. Individual adult. 2. Individual, spouse. 2. Individual, spouse. 3. Parent, children. 3. Parent, children. 4. Both unmarried parents, mutual children. 4. Both unmarried parents, mutual children. 5. Both unmarried parents, mutual children, separate children of either or both parents. 5. Both unmarried parents, mutual children, separate children, except that when all the mutual children are excluded in accordance with Section 50381, each unmarried parent and that parent's separate children shall be in a separate MFBU. 6. Parent, spouse, mutual children. 6. Parent, spouse, mutual children. 7. Parent, spouse, mutual children and/or separate child of either or both parents. 7. Parent, spouse, mutual children, separate children or the parent and the separate children of that parent if the conditions of 50375 are met. 8. Minor parent, minor parent's children, the minor parent's parent

and that person's spouse and/or children. 8. Two MFBUs: a. Minor parent as an ineligible member, minor parent's children. b. Minor parent, the minor parent's parent and that person's spouse and/or children (MFBUs are determined in accordance with (3) through (7)). 9. Unmarried minor parent, second unmarried parent, their mutual children, separate children of either or both, unmarried minor parent's parent and that person's spouse and/or children. 9. Two MFBUs: a. Unmarried minor parent as an ineligible member, second unmarried parent, separate children of either unmarried parents, mutual children. b. Unmarried minor parent, the unmarried minor parent's, parent(s) and his/her spouse and/or children (MFBUs are determined in accordance with (3) through (7)). 10. Married minor parent, minor parent's spouse, their mutual children, separate children of either or both, minor parent's parent and that person's spouse and/or children. 10. Three MFBUs: a. Married minor parent; married minor parent's spouse and children as ineligible members, and married minor parent's parent and that person's spouse as ineligible member(s). b. Married minor parent as an ineligible member, married child's spouse and children. c. Married minor parent as an ineligible member, married minor's parent and that person's spouse and/or children. 11. Child living with the child's parents requesting Medi-Cal for minor consent services, whose application is being processed in accordance with Section 50147.1(d) (3) (D), the child's children. 11. Child and the child's children. 12. Sibling children if all other family members are PA or Other PA. 12. Sibling children. 13. Parent, spouse if all children are PA or other PA. 13. Parent, spouse. 14. Sibling children, caretaker relative. 14. Sibling children and caretaker relative, when the caretaker relative chooses to be included. 15. Caretaker relative if all children are PA or other PA. 15. Caretaker relative. 16. Sibling children, caretaker relative, caretaker relative's spouse and/or children. 16. Two MFBUs: a. Sibling children. b. Caretaker relative and his/her spouse and/or children (MFBUs are determined in accordance with (3) through (7)). 17. Caretaker; sibling children;

caretaker's spouse. (Spouse does not want Medi-Cal or is not eligible). 17. Caretaker; sibling children. 18. Caretaker; sibling children; caretaker's spouse; their own children. (Spouse has no linkage. Caretaker has linkage only as a caretaker relative. 18. Two MFBUs: a. Caretaker; sibling children. b. Caretaker and caretaker's spouse as ineligible; their own children. 19. Caretaker; sibling children; other related sibling children. 19. Two MFBUs: a. Sibling children. (Caretaker has linkage only as a caretaker relative). b. Other sibling children; Caretaker or c. Sibling children; caretaker. d. Other sibling children. 20. Caretaker; sibling children; caretaker's spouse is PA. (Caretaker has linkage only as a caretaker relative). 20. Caretaker; sibling children. 21. Caretaker; sibling children are PA; caretaker's spouse; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own). 21. Two MFBUs: a. Caretaker. b. Caretaker as ineligible; spouse; his/her own children. 22. Caretaker; sibling children; caretaker's spouse is PA; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own). 22. Two MFBUs: a. Caretaker; sibling children. b. Caretaker as ineligible member; his/her own children.

(C) Family members, not living in the home. (D) MFBUs

1. Person 18 to 21 when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation. 1. Person and parents in accordance with (A).
2. Person 18 to 21, person's spouse and children, and person's parent(s) when the person is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation. 2. Three MFBUs.
 - a. Person claimed as a tax dependent; person's spouse and children as ineligible members, and person's parent(s) as ineligible members(s).
 - b. Person claimed as a tax dependent as an ineligible member, person's spouse and children.
 - c. Person claimed as a tax dependent as an ineligible member, person's parent(s).
3. Child in foster care. 3. Child.
4. Sibling

children in foster care. 4. Each sibling child is in his/her own MFBU even if placed in the same foster home. 5. Child detained or place by a court or court designated agency under Welfare and Institutions Code Sections 300 or 601. 5. Child. 6. Child not living with a parent or relative for whom a public agency is assuming financial responsibility in whole or in part. 6. Child. 7. Child not living with a parent or caretaker relative when parents or public agencies have been contacted to determine whether they will accept legal responsibility for the child. 7. Child.