Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	**Family Investment Administration** **ACTION TRANSMITTAL**
Control Number #11-19	**Effective Date:** April 1, 2011 **Issuance Date:** March 14, 2011

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF,
LOCAL HEALTH DEPARTMENTS, DIVISION OF ELIGIBILITY WAIVER SERVICES

FROM: ROSEMARY MALONE, INTERIM EXECUTIVE DIRECTOR, FIA Rosemary Malone
DEBBIE RUPPERT, EXECUTIVE DIRECTOR, DHMH, OES Debbie Ruppert

RE: MEDICAL ASSISTANCE ELIGIBILITY DETERMINATIONS FOR CHILDREN IN AND LEAVING THE CARE AND CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES

PROGRAM AFFECTED: MEDICAL ASSISTANCE

ORIGINATING OFFICE: OFFICE OF ELIGIBILITY SERVICES

BACKGROUND: Medical Assistance (MA) does not pay for services to persons in state institutions. Because of this rule, children in Department of Juvenile Services (DJS) detention cannot apply for MA or receive services under prior MA eligibility when they are waiting to be adjudicated by the Juvenile Court. However, the majority of DJS children go on to be placed in a community setting where the state institution rule does not apply. This Action Transmittal clarifies the circumstances under which children committed to and leaving the custody of DJS may become eligible for MA or have MA eligibility restored, and sets forth procedures to expedite eligibility determinations for these children. This transmittal **obsoletes** AT 00-02.

ACTION REQUIRED: The Local Department of Social Services (LDSS), Local Health Department (LHD) staff, and the Division of Eligibility Waiver Services (DEWS) must promptly follow the procedures outlined in this transmittal when processing MA eligibility determinations for children committed to and leaving DJS custody.

The contact at DJS will be a DJS Case Management Specialist (CMS). The DJS CMS may submit MA applications for children pending placement in a community setting prior to placement or applications for children returning to their home upon release from DJS custody 20 to 60 days prior to their release. All applications received from DJS must be pended upon receipt.

Note: An expedited eligibility decision must be made within 10 days from the receipt of all verifications.

I. Children Entering DJS Custody – Pending Adjudication

A. **Children in detention pending adjudication -** A child placed in detention pending adjudication is not eligible for MA even if the child had MA prior to entering DJS custody.

1 The DJS CMS shall notify the LDSS when a child receiving MA is placed in detention and does not return to their community living arrangement after the initial 10 days of detention.

2 The LDSS case manager shall close the child's MA case and send the appropriate closing notice. Adverse action is not required.

B. Children placed in any other community setting **(group or family home, shelter, independent living, or foster care)** pending adjudication **may** be eligible for MA.

- The DJS CMS may submit applications to the LDSS **prior** to receipt of a decision for this population.

II. Children Committed to DJS Custody – Pending Placement

A. When the juvenile court determines the child's placement is a state owned and operated facility (see Attachment A), the child is not eligible for MA.

B. When the juvenile court determines placement is a community setting (family or group home, independent living, foster care, residential treatment center- RTC, Regional Institutes for Children and Adolescents (RICA) or an Institute for Mental Disease (IMD), **the child may be eligible for MA while in a detention center**. The DJS CMS will file an MA application with the LDSS.

C. The LDSS case manager must:

1 Review the commitment order to verify that the child is eligible for MA because he/she is being placed in a community setting.

2 Review the case for citizenship and identity documentation.

a. The DJS Physical Attributes screen from the DJS ASSIST database is acceptable proof of identity.

b. The Physical Attributes screen must have all data completed.

3. Establish an assistance unit of one when the child is not returning to the parent(s) or caretaker relative(s) other than the parent(s).

4. Enter the DJJ code on the ADDR screen.

5. Enter the DJS CMS as the authorized representative on the AREP screen in CARES to ensure the DJS CMS receives all notices pertaining to the MA eligibility decision.

6. Enter the absent parent information in CARES.

7. Narrate in CARES the circumstances surrounding the case and include:

a. The date the application is received at the LDSS,

b. Where the child shall be residing,

c. The projected date of release or the actual date, if known,

d. Any pertinent family information,

e. Any income or resources of the assistance unit, and

f. Any other information deemed necessary for the MA determination.

D. When the LDSS case manager is notified that a child is absent without leave (AWOL) from a DJS placement, the MA case shall be closed.

1. Since the child's whereabouts are unknown, the child cannot be considered a resident of Maryland, and

2. The case manager shall close the child's MA case and send the appropriate closing notice. Adverse action is not required.

III. Children Committed to DJS – Final Placement

A. Committed children placed in State owned and operated facilities (see attachment) are considered to be inmates of a public institution and are not eligible for MA.

B. Committed children placed in a Long-Term Care Facility (LTCF) e.g. Institute of Mental Disease (IMD), Residential Treatment Center (RTC), or Regional Institute for Children and Adolescents (RICA), may be eligible for long-term care MA.

C. The DEWS case manager must:

1. Review the MA application to confirm that the child has been placed in a LTCF,

2. Review the case for citizenship and identity documentation,

a. The completed DJS Physical Attributes screen can be used as proof of identity, **AND**

b. The photo on the Physical Attributes screen must be **discernable**.

3. Process the case as an assistance unit of one,

4. Enter the DJJ code on the ADDR screen,

5. Enter the DJS CMS as the authorized representative (code R2) on the AREP screen in CARES,

6. Enter the absent parent information supplied on the MA application into CARES so DJS may file for child support,

7. Narrate in CARES the circumstances surrounding the case and include:

a. The date the application is received at the LDSS,

b. Where the child shall be residing,

c. The projected date of release or the actual date, if known,

d. Any pertinent family information,

e. Any income or resources to the assistance unit, and

f. Any other information deemed necessary for the MA determination.

D. When the LDSS case manager is notified that a child is absent without leave (AWOL) from a DJS placement, the MA case shall be closed.

1. Since the child's whereabouts are unknown, the child cannot be considered a resident of Maryland, and

2. The LDSS case manager shall close the child's MA case and send the appropriate closing notice. Adverse action is not required.

IV. Children Committed to DJS Who Meet the Federal Definition of Foster Care Final Placement

A. A child committed to DJS who was previously eligible in the E-track (a child previously in DSS custody in foster care) and is placed in foster care after adjudication and disposition remains eligible for MA in the **E-track (E01, E02, E03 or E04)**.

B. A child committed to DJS who was not previously in foster care, but is determined to meet the federal definition of foster care after adjudication and disposition, is eligible for MA in the E-track. The same requirements for each coverage group in the E-track apply to DJS children placed in the E-track. The DJS CMS will submit an MA application with Foster Care written across the top of the application.

C. When the LDSS case manager receives an application which includes a DJS Youth in Foster Care memorandum (See Attachment B), the case manager must:

1. Follow the procedures for establishing eligibility for Foster Care MA that can be found in MA Eligibility Manual Policy Alert 03-8.

2. Determine the coverage group for the child. Unless the case manager receives verification of IV-E eligibility, the child is to be considered **Non- IV-E**.

3. Update CARES upon receipt of a change in the DJS CMS to ensure the new DJS CMS receives notices and redetermination forms timely.

4. Give a child leaving Foster Care placement a 90- day extension of MA.

5. Narrate the circumstances surrounding the case on the CARES NARR screen and include:

a. The date the application is received at the LDSS,

b. Where the child shall be residing,

c. The projected date or the actual release date, if known,

d. Any pertinent family information,

e. Any income or resources to the assistance unit, and

f. Any other information deemed necessary for the MA determination.

D. When the LDSS case manager is notified that a child is absent without leave (AWOL) from a DJS placement, the MA case shall be closed.

1 Since the child's whereabouts are unknown, the child cannot be considered a resident of Maryland, and

2 The LDSS case manager shall close the MA case and send the appropriate closing notice. Adverse action is **not** required.

Out-of-Home Placements – Unscheduled Redeterminations – See the Medical Assistance Manual Chapter 3, Policy Alert 03-9, pages 1-6 (MR-108 February 2003). Available at:
http://dhmh.state.md.us/mma/html/medassist_archive.htm#2003

V. Children Co-Committed to DJS Who Meet the Federal Definition of Foster Care Final Placement

A. When the LDSS case manager is notified of co-custody and final placement in foster care, the child remains eligible for MA in the **E-Track, (E01, E02, E03 and E04)**.

B. When notification of custody and final placement is received the LDSS case manager must:

1 Enter the DJJ code on the ADDR screen.

2 Update the new foster care placement address on CARES.

3 Enter the authorized representative on the AREP screen according to the court ordered custody. The order will specify LDSS or DJS as the "lead" in custody.

a. Lead Custodian code- A1

b. Secondary Custodian code- A2

C. When the LDSS case manager is notified that the child is released from custody of DJS and/or DSS the case manager must:

1 When the child is no longer in the custody of DJS:

- Update CARES by removing the DJS CMS contact information from the **AREP** screen
- Enter the LDSS social worker on the **ADDR** screen, and
- Issue a new MA card for the child, or

2. When the child is no longer in the custody of DJS or LDSS, initiate an unscheduled redetermination.

D. When the LDSS case manager is notified that a child is absent without leave (AWOL) from a DJS placement, the MA case shall be closed.

1 Since the child's whereabouts are unknown, the child cannot be considered a resident of Maryland, and

2. The case manager shall close the child's MA case and send the appropriate closing notice. Adverse action is not required.

Out –of-Home Placements – Unscheduled Redeterminations – See the Medical Assistance Manual Chapter 3, Policy Alert 03-9, pages 1-6 (MR-108 February 2003). Available at:
http://dhmh.state.md.us/mma/html/medassist_archive.htm#2003

VI. **Children Returned Home Upon Release from DJS Custody**

A. When the DJS CMS provides the LDSS with an MA application, the LDSS case manager must:

1 Initiate an unscheduled redetermination based upon the information on the MA application, and:

2. Provided the application was received 20 to 60 days prior to release and all verifications were received, determine eligibility **within 10 days of the child's release.**

B. For applications received less than 20 days prior to release, determine eligibility as soon as possible, but not later **than 30 days from receipt of application**. Follow denial of eligibility and reactivation procedures.

C. Once the case is completed, if necessary, the case manager will transfer the MA case to the appropriate LDSS jurisdiction.

D. When a DJS CMS contacts the LDSS case manager and indicates the child is returning or has returned home but does not submit an MA application, the LDSS case manager must:

1. Request the name and address of the caretaker of the child,

2. Send a redetermination package to the caretaker.

3. Upon receipt of the redetermination packet, initiate and complete the redetermination, and, if a customer is determined eligible, transfers the case to the appropriate LDSS.

VII. **Unscheduled Redeterminations Prior to Adjudication - Detention**

A. When the child is released from detention in 30 days or less and the LDSS case manager:

1. Receives notification from the DJS CMS that the child is returning home to his/her parents, guardian, caretaker relative(s), or non related caretaker, the case manager must :

- Verify that the child is returning to the same address and in the care of the same parent(s), caretaker relative(s) other than the parent(s), or non-related caretaker if questionable, and
- Reopen the MA case.

2. When the LDSS case manager receives an application:
   - Pend the case on CARES,
   - Enter as much information as possible, and
   - Transfer the case to the appropriate LDSS jurisdiction if needed.

B. When the child is released from detention after more than 30 days and the LDSS case manager receives an application the case manager must:

1. Pend the case on CARES,
2. Enter as much information as possible, and
3. Transfer the case to the appropriate LDSS jurisdiction if needed.

Foster Care Placements Returning Home – See the Medical Assistance Manual Chapter 3, Policy Alert 03-9, pages 1-6 (MR-108 February 2003). Available at: **http://dhmh.state.md.us/mma/html/medassist_archive.htm#2003**

INQUIRIES: Please direct policy inquiries to the DHMH Division of Eligibility Policy at 410-767-1463 or 1-800-492-5231, select option 2 and request extension 1463.Direct inquiries pertaining to DJS procedures to Barbara Guzman at 410-230-3340.

cc: DHR Executive Staff
DHMH Executive Staff
DJS Executive Staff
DHR Help Desk
FIA Management Staff
DHMH Management Staff
DJS Management Staff
Constituent Services

Attachment A

STATE OWNED AND OPERATED FACILITIES
Alfred D. Noyes Children's Center
Baltimore City Juvenile Justice Center
Charles H. Hickey, Jr. School
Cheltenham Youth Facility
J. DeWeese Carter Center
Lower Eastern Shore Children's Center
Thomas J.S. Waxter Children's Center
Victor Cullen Center
Western Maryland Children's Center
William Donald Schaefer House
THE YOUTH CENTERS
Meadow Mountain Youth Center
Savage Mountain Youth Center
Backbone Mountain Youth Center
Green Ridge Youth Center

Maryland Department of
Juvenile Services
Treating ● Supporting ● Protecting

Memorandum

Anthony G. Brown
Lt. Governor

Martin O'Malley
Governor

Donald W. DeVore
Secretary

DJS Youth in Foster Care

(Form to Accompany Medicaid Application)

DATE: _____

TO: MA Case Worker

FROM: _____
(DJS Case Manager and phone number)

RE: _____ DOB: _____
(Name of Youth)

PLACEMENT: _____
(Name of facility)

_____
(Address and phone number)

TYPE of PLACEMENT: _____

DATE of PLACEMENT: _____

DJS CASE MANAGER: _____
(Signature)

MAILING ADDRESS: _____

_____

COMMENTS: _____

_____

One Center Plaza / 120 West Fayette Street / Baltimore, MD 21201
410-230-3333 / Toll Free: 1-888-639-7499 / TDD: 1-800-735-2258
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