

SAN MATEO COUNTY
MENTAL HEALTH SERVICES DIVISION

DATE: October 20, 1997

MENTAL HEALTH POLICY NO.: MH 97-11

SUBJECT: Absence from the State for More than 60 Days

AUTHORITY: Welfare and Institutions Code 50321, 50323, 51014

SUPERSEDES: New Policy

PURPOSE

To define a procedure that provides for efficient use of Medi-Cal resources when the consumer is absent for more than 60 days from the state; and to assure that all rights and benefits of the consumer are protected during this process.

LEGAL BACKGROUND

W&I Code 50323. Absence from the State for More Than 60 Days

- (a) Absence from the State for more than 60 days shall be presumptive evidence of the applicant's or beneficiary's intent to change residence from California to a place outside the state unless the person declares in writing both:
 - (1) an intent to return to California;
 - (2) the existence of one of the following circumstances:
 - (A) illness or emergency circumstances which prohibit return to California;
- (b) Unless there is evidence to the contrary, California residence may be considered to be terminated when an applicant or beneficiary leaves California and then takes any of the following actions in another state:
 - (1) purchase, leases, or rents a residence;

- (2) becomes employed;
 - (3) obtains an out-of-state driver's license;
 - (4) applies for aid in another state.
- (c) Medi-Cal shall be discontinued effective the last day of the month in which residence terminated, if the 10-day notice can be given. Otherwise the discontinuance shall be effective the last day of the following month.

MENTAL HEALTH PLAN BACKGROUND

Occasionally, a San Mateo County Medi-Cal beneficiary has required extensive or repeated mental health services that have been provided in another state. Efforts to work with these consumers have not always been successful in returning the consumer to this county for treatment.

POLICY

- A. The treating facility shall confirm that the consumer's health does not prohibit transportation back to California.
- B. The consumer who is absent from California for more than 60 days, and for whom out-of-state reimbursement for mental health services is requested, shall receive written notice (attached) defining:
 - presumptive evidence of his/her intent to change residence to a place other than California;
 - affirming the MHP's responsibility to provide mental health services for San Mateo County residents;
 - offering MHP assistance in arranging return to San Mateo County; and
 - establishing timelines for response.
- C. Any and all appropriate notices of complaint, grievance and fair hearing processes shall be mailed to the consumer by certified or registered mail delivery.
- D. The facility shall receive copies of mailings sent to the consumer pursuant to the exercise of this policy. The Health Plan of San Mateo shall also be notified of pending MHP action.
- E. All above steps shall be completely documented in the client's record.

- F. Upon expiration of the noticed time frame, and absent a pending fair hearing, the MHP shall notify the consumer and the treating facility that the consumer is no longer eligible for San Mateo County mental health services.

Approved: _____
Beverly Abbott, Director
Mental Health Services Division

Approved: _____
Faith Richie, Deputy Director
Mental Health Services Division