

## OFFICE OF PATIENTS' RIGHTS

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# MEMORANDUM

TO: Interested Persons

FROM: Darla Rucker, Patients' Rights Specialist

RE: Board-and-Care Residents - Personal Needs Money

DATE: December 28, 2000

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Under Medi-Cal Rules, people who live in board-and-care homes (licensed community care facilities) and whose income was too high for Supplemental Security Income (SSI) had a Medi-Cal share of cost that left them with almost nothing for personal needs. The Medi-Cal medically needy program left them only the \$20 any-income deduction after paying the facility and the share of cost. People who get SSI have about \$100 a month for personal needs.

In a recent lawsuit, *Sloane Pettit v. Diana Bonta and California Department of Health Services*, the court stated that the DHS's procedures for calculating a person's share of cost violated federal Medicaid law. They were in violation because DHS did not allow board-and-care residents to count part of what they pay to the board-and-care home for personal care services and medical and remedial expenses. The court ordered:

DHS develop a new procedure so the board-and-care residents may deduct part of what they pay to the home as medical or remedial expenses and that;  
DHS must tell board-and-care residents about the new procedures;  
Post a notice at each board-and-care resident instructing individuals to contact their eligibility worker if they have Share of Cost (SOC) or had SOC for any month back to April 2000.

Share of Cost Memo  
December 28, 2000

## **Advocacy Role**

Familiarize yourself with the information so that you can direct your clients when you get questions.

- If clients have a SOC and it has not been recalibrate with the new standard deduction they should contact their county Medi-Cal worker and tell them they disagree with the amount of their SOC.
- If they are not happy with what the worker tells them they have a right to appeal the amount of the SOC by requesting a fair hearing. They make this request by filling out the request on back the last SOC notice they received. It should say, “My share of cost is less than this per *Pettit v. Bonta.*”

If you are visiting a board-and-care be aware of whether the information is clearly posted for residents. If it is not, show the operator the attached letter from Health Services.

Find out if your county’s conservators office is aware of this change

Contact the client’s case manager to make sure they are aware of the change and following up with the Medic-Cal worker.

If you receive this by e-mail you can access the letter # 00-56 and more information at:

<http://www.dhs.ca.gov/mcs/mcpd/MEB/ACLs/index.htm>.

As always if you have questions please call our office.