



CalFresh & Medi-Cal: Sharing Information

There are strict confidentiality laws and rules protecting customers which prohibit Social Services from discussing any aspect of a case, or even acknowledging if a customer has a case. Many customers want or need help with their CalFresh or Medi-Cal benefits; DHHS Social Services meets this need by ensuring that someone can give permission to talk to or work with a person or organization.

Customers Can Designate an Individual or Organization to Assist

They have options: the customer can have someone act as an Authorized Representative or sign a Release of Information. This could even be an organization in some situations.

Authorized Representatives (AR) have the ability to act on behalf of the customer. This includes making updates and changes to a customer's information.

- A customer can have an AR for CalFresh or Medi-Cal or both.
- The AR route is typically better for individuals helping a person, such as the adult child of an elderly customer or a parent of a young adult.
- An AR is an individual, however they can be an individual at an organization. CalFresh has some restrictions on this; contact Social Services if you have questions.
- Being an AR allows the exchange of information and enables the AR to act on behalf of the customer, which could mean being responsible for the validity of information provided. This is why many organizations prefer to use the Release of Information (see below).
- Only competent customers can appoint an AR; if a customer is not able to understand and sign a designation of representative, it's not valid.
- A customer can have multiple ARs if needed; it can be confusing if efforts aren't coordinated.

Acceptable AR forms and Documentation

- On paper applications the customer can appoint an AR for CalFresh, Medi-Cal, or both.
- A hand-written designation of authorization of representative is acceptable for CalFresh.
- A customer can complete an AR Form for Medi-Cal, the "Appointment of Representative" MC382 or MC 383.
- A copy of Power of Attorney paperwork will work.

Releases of Information (ROI) allow Social Services to give information to an individual or multiple individuals at an organization, and is usually related to specific pieces of information. This does not allow the individual or organization to make changes or update information.

- Typically better for organizations to use than Authorized Rep forms.
- Community partners often use an ROI to help a customer with the application process.
- Only competent customers can authorize an ROI.

Acceptable ROI Forms and Documentation:

- DHHS provides the DHHS 46 Release of Information.
- For Medi-Cal, the release does not need to be the DHHS form, but it does need to be Health Insurance Portability and Accountability Act (HIPAA)-compliant.
- CalFresh does not require a HIPAA compliant release. Many cases are combination cases, and using the DHHS 46 is convenient.

Customers Not Able to Act on Their Own

Sometimes customers cannot act on their own behalf. This may be short term, such as an induced coma, or long term, such as a person diagnosed with dementia.

- Some use the term “incompetent”, others use the term “unable to act on their own behalf.”
- The inability of the customer to act for themselves or appoint a representative needs to be verified. A doctor’s note is sufficient.
- Social Services will work with the person acting for the customer as soon as possible. It is best to get the verification of incompetence and required representative forms quickly.

Representative Forms and Documentation:

- Verification of the customer’s inability to act on their own behalf; doctor’s note
- Form DHCS 7068, “Responsibilities of Public Guardians/Conservators or Applicant/Beneficiary Representatives.”
- Call and ask if there is a customer who can’t help themselves, Social Services wants to work with the person who is going to assist and will help determine what forms or documentation would enable that.

How Can Social Services Help?

- If a person who is assisting calls for information and there is no release on file, Social Services can let the caller know what would be needed and offer to mail or fax the needed forms.
- If a release is received that is not acceptable, Social Services contacts the organization or person and lets them know that while the release was received, different documentation is needed.
- Social Services lets the customer know how to give us that permission: “It sounds like getting some of this information together might be a little challenging. If you have a friend or family member who could help you, I can give you the forms needed for us to be able to talk to them.”

Frequently Asked Questions

This customer needs immediate help-can we ignore rules for a second?

We can’t. It may be frustrating, but Social Services staff don’t have the option to break the law, and that’s what violating a customer’s confidentiality would do. It’s also an ethical violation. There may be other ways Social Services can help, such as answer eligibility questions in generalities. Social Services can work with the partner or individual on all the possible options and methods to get the needed documentation to legally share information.

Can a spouse appoint an AR to help the other spouse?

Yes.

How do we make sure confidentiality isn’t a barrier?

Many partners who work with DHHS Social Services customers on CalFresh and Medi-Cal applications routinely have customers sign the ROI if the customer is willing. The customer may sign it along with CalFresh or Medi-Cal application paperwork, or as part of the intake packet for the organization. That way the ROI is on file for when it’s needed.