

**County of San Diego, Health and Human Services Agency (HHSA)  
Medi-Cal Program Guide Special Notice**

**2022 Federal Poverty Level (FPL) Increase and Statewide Average Private Pay Rate (APPR) for Nursing Facility Level of Care**

**Number  
22-04**

**Page  
1 of 2**

**Effective Date**

3/1/2022

**Background:**

The federal poverty levels (FPLs) are adjusted annually to allow for changes to the cost of living. The Statewide Average Private Pay Rate (APPR) is used when calculating the period of ineligibility for any transfers of non-exempt property which are less than fair market value for institutionalized individuals or if the institutionalization occurred in 2022 and a disqualifying transfer occurred.

**Purpose:**

To provide staff with the 2022 FPL values, the 2022 APPR figure, and procedures.

**Policy:**

**2022 APPR for NFLOC**

Effective January 1, 2022, the APPR for nursing facility level of care (NFLOC) is \$10,933.

- The 2022 APPR figure must not be used to recalculate periods of ineligibility for NFLOC if the date of application or the date of institutionalization occurred before January 1, 2022.

**2022 FPL Increases**

Staff must review all denials and discontinuances for the following groups back to the date specified for each group and re-evaluate eligibility based on the revised FPLs.

- For applicants and beneficiaries of the Medicare Savings Programs (MSP), Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLMB), and Qualified Individual (QI-1) **who do not receive Title II Retirement Survivors and Disability Insurance (RSDI) income**, the new FPL values must be applied retroactively to **January 1, 2022**.
- For MSP customers **who are receiving Title II RSDI income**, apply the new FPL values retroactively to March 1, 2022.
- For individuals who are eligible for Aged, Blind, and Disabled (ABD) FPL programs and 250% Working Disabled Program (WDP), apply the updated FPL values effective **April 1, 2022**.
- For customers whose Medi-Cal eligibility is based upon Modified Adjusted Gross Income (MAGI) methodologies, apply the FPLs retroactively to **January 1, 2022**.

**Procedure:**

- Use the increased 2022 FPL values when determining eligibility for the appropriate programs.
- Process exception case lists. Family Resource Centers (FRCs) will be notified when these lists are placed on the SharePoint website under Medi-Cal Reports.
- Process Notices of Action (NOAs) held in the print queue.

Upon request from the beneficiary, the beneficiary's parent or legal guardian, or the beneficiary's authorized representative, staff must retroactively change eligibility for the following circumstances:

- Optional Targeted Low-Income Children's Program (OTLICP) eligible children who were redetermined to be eligible for free non-premium OTLICP using the 2022 FPL values may be eligible for premium reimbursements. Staff must submit a Premium Refund/Waiver Request on behalf of the beneficiary upon request.
- Advanced Premium Tax Credit (APTC) eligible individuals who did not enroll in a Qualified Health Plan (QHP) or did not pay a premium.

**County of San Diego, Health and Human Services Agency (HHSA)  
Medi-Cal Program Guide Special Notice**

<b>2022 Federal Poverty Level (FPL) Increase and Statewide Average Private Pay Rate (APPR) for Nursing Facility Level of Care</b>	<b>Number</b>	<b>Page</b>
	<b>22-04</b>	2 of 2

- APTC eligible individuals who enroll in a QHP and pay a premium but have MC covered medical or dental expenses that were not covered by their QHP during the retroactive period.
- Individuals with a Share-of-Cost (SOC) who are redetermined eligible to zero SOC or lower SOC when using the 2022 FPLs, who had out of pocket expenses for covered medical or dental services may be eligible for retroactive MC out-of-pocket expense reimbursements (Conlan). Refer to Medi-Cal Program Guide (MPG) 04.02.10J Beneficiary Reimbursement Process for more information.

**Note:** When determining retroactive eligibility for months in 2021, use the FPLs and related charts for 2021.

**Automation Impact:**

The FPL tables were updated in the California Work Opportunity and Responsibility to Kids Information Network (CalWIN) on the weekend of March 5, 2022.

The following case types will be included in the FPL COLA run:

- Non-MAGI.
- Mixed (MAGI and Non-MAGI).
- APTC and Non-MAGI.

The following case types will be excluded from the FPL COLA run:

- MAGI only.
- Mixed (MAGI and APTC).
- Pre-ACA (no evaluation for MAGI completed).

An Exception List will be sent to FRCs for action on cases that did not automatically authorize along with instructions on how to process these cases.

**References:**

ACWDL 22-03, 22-05

**Sunset Date:**

This policy will be reviewed for continuance by 03/31/2023.

**Approval for Release:**



Rick Wanne, Director  
Self-Sufficiency Services