Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	Family Investment Administration **ACTION TRANSMITTAL**
	Effective Date: May 26, 2009
Control Number 09-37	**Issuance Date: May 22, 2009**

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS
AND LOCAL FINANCE OFFICERS

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA

RE: ELIGIBILITY DETERMINATION PROCEDURES FOR LONG-TERM DISABLED CUSTOMERS

PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE (TCA), PUBLIC ASSISTANCE TO ADULTS (PAA) AND TEMPORARY DISABILITY ASSISTANCE PROGRAM (TDAP)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

BACKGROUND: The Disability Entitlement Advocacy Program (DEAP) assisted our long-term disabled customers in applying for Social Security benefits. DEAP filed the application for Supplemental Security Income (SSI) and Social Security Disability Income (SSDI) benefits; electronically transmitted the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) form; and submitted the Appointment of Representative form to the Social Security Administration (SSA) for Temporary Cash Assistance (TCA), Public Assistance to Adults (PAA) and Temporary Disability Assistance Program (TDAP) recipients. DEAP also represented customers during the SSA appellate process. The Department of Human Resource's (DHR) Family Investment Administration (FIA) modified the DEAP contract and effective **June 22, 2009**, eliminated all DEAP services **except** representation during the SSA appellate process for current DEAP recipients.

Effective **May 26, 2009**, DEAP will **not**:

- Assist the customer in filing the initial application for Social Security benefits;
- Electronically submit the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) form to the Social Security Administration;
- Submit the Appointment of Representative (SSA 1696 U4) form; or
- Represent new recipients during the SSA appellate process.

Note: Action transmittals 08-31/rev/2, 08-25, 06-35 and 02-78 are obsolete.

<u>ACTION REQUIRED:</u>

I. **Application Process**

<u>Local Department Responsibilities</u>

A. Effective **May 26, 2009**, local department staff must refer new TDAP, TCA and PAA customers with a disability of 12 months or more or expected to result in death, to the Social Security Administration (SSA) to apply for Supplemental Security Income (SSI) benefits if they do not already have a pending claim or have filed an appeal.

   <u>Reminder: Do not send customers to SSA unless claim status cannot be verified through SDX and SVES.</u>

B. During the application process for TCA, TDAP and PAA, the case managers must:

   1. Inform the customer/representative of the requirement to provide proof of application for SSI benefits, or verification of their claim status if an application has been filed. Proof of claim status can be verified by:

      a. An SSA application receipt;

      b. An SSI application date displayed on State Data Exchange (SDX, Inquiry Screen 1);

      c. State On-line Query System (SOLQ, Response Screen 5);

      d. State Verification and Exchange System (SVES, Response Screen 5); or

      e. Receipt showing the customer has an appointment with SSA to file.

   2. Have the customer provide documentation from their representative when the customer states they have other legal representation. Verification must include:

      a. SSA claim status

      b. Name of Representative

      c. Address

      d. Telephone and Fax numbers

      e. Signature of Representative

      f. Date

   3. Explain to the customer the requirement to sign the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) form to receive State benefits.

   4. If the customer has filed a claim with SSA, SVES or SDX shows an application filing date or a date indicating when the customer filed an appeal or a decision is pending.

   5. SDX or SVES also provides information about the Interim Assistance Reimbursement or IAR:

      a. In SDX , check screen 2 for the **IAR** code;

b. In SVES, check screen 6 for the **IAR Reimbursement** code

6. Below is a listing for the meaning of the number codes for the **IAR** and **IAR Reimbursement** fields in SDX and SVES:

   0 = Essential person record. Applicant did not authorize reimbursement

   1 = Total payment amount is being sent or was sent to a locality

   2 = Part of the payment amount is being or was sent to a locality

   3 = Reimbursement is not being made. Applicant is ineligible, or a retroactive payment is not due

   4 = Reimbursable assistance case is pending or denied

   5 = Reimbursable check was returned

   Note: If a number from 1 to 5 is entered, do not have the customer sign a new 340.

7. If there is a 0 entered, review and complete the DHR/FIA 340 and obtain the customer's signature, and:

   a. Give the **Goldenrod** copy to the customer;

   b. Batch the **Yellow** copy to your LDSS finance office;

   c. Retain the **Pink** and **White** copy in the **permanent** section of the case record, and

   d. Enter the date the customer <u>**signed**</u> the 340 form in the IAR date field on the DEM2 screen.

      Note: **The 340 form is sent to SSA via a system download. Do not send a copy to SSA.**

II. **Eligibility Determinations**

<u>Applications for All programs TCA, TDAP AND PAA</u>

A. During the initial interview, case managers must review program requirements and request all documentation required to determine eligibility.

B. Upon receipt of all required verifications <u>including</u> proof of the customer's SSI application or claim status:

   1. Code the CARES screens;

      a. Ensure disability codes and IAR date are entered on the DEM2 screen; and

      b. Enter Application Status codes for SSA (SI) and DEAP (DE) on the UINC screen.

   2. When the customer meets technical and financial requirements, certify the case for 12 months.

Reminder: TDAP customers are <u>**automatically**</u> referred to the Primary Adult Care (PAC) program and do not require a separate PAC application for Medical Assistance.

C. At application, if verification of SSI claim status is not received:

1. **For TDAP customers:**

   If verification of the Social Security claim status is not received by the <u>60</u>th day but the customer verifies an appointment with SSA, and the customer has a 402B stating they will be disabled for 12 months or the disability is expected to result in the customer's death:

   a. Certify the customer for 12 months.

   b. Enter the disability dates and IAR date on the DEM2 screen and have the customer complete the 340.

   c. Set up a **745 alert** to follow up with the customer after their appointment with SSA to ensure that the customer has applied for SSI.

      - If the customer did not keep their appointment with SSA or file an SSI claim with Social Security, at follow up, send out a notice of adverse action and close the case.

2. **For PAA customers:**

   If verification of the Social Security claim status is not received by the <u>30</u>th day, deny the application for failure to cooperate with the eligibility process and send appropriate notice.

3. **For TCA customers**:

   a. Customers must apply for <u>all potential benefits</u> prior to their TCA application being approved; and

   b. They must provide proof they filed an application for SSI or they have an existing claim pending a decision.

   c. If the customer has submitted a 402B stating they have a 12 month disability and provides proof they tried to apply and SSA could not give them an appointment within the 30-day application processing time :

      i. Approve the TCA case for 12 months.

      ii. Have the customer complete and sign the 340. Enter the disability dates and the IAR date on the DEM2 screen.

      iii. Complete a **mandatory 745** alert to follow up within 3 months to ensure that the customer has filed a claim with Social Security.

         - If the customer does not comply during the 745 follow up process, initiate a 30 day conciliation period. If customer fails to comply during the conciliation period, send the notice of adverse action on the 20th day of the conciliation period and close the case at the end of the 10 day adverse action period

III. Redeterminations for TCA, TDAP and PAA Programs

<u>Redeterminations</u>

A. Review the case to determine if the recipient meets program requirements;

B. Check SDX and SVES to verify the customer's SSI claim status,

- If unable to verify via SDX or SVES, request verification from the customer or their representative

C. If the customer meets technical and financial requirements and has a pending SSA claim that has not been withdrawn or denied, certify the customer for 12 months.

Note: No new 402B is required for TDAP Type 2 customers

Additional Information for TCA reconsideration

D. If the customer does not provide proof of their SSI claim:

1. Initiate the 30 day conciliation and sanction process
2. Send an adverse action notice after the 20th day of the conciliation period, and
3. Close the TCA case at the expiration of the adverse action period if the customer fails to provide proof of their SSI status.

Note: TCA recipients **who become long-term disabled** at redetermination or interim change must apply for all benefits they are potentially eligible for including SSI. If the customer fails to verify an application for SSI implement conciliation and sanction.

INQUIRIES: Please direct TDAP and TCA policy questions to Gretchen Simpson at 410-767-7937 or gsimpson@dhr.state.mdus, PAA policy questions to Deborah Weathers at 410-767-7994 or dweather@dhr.state.md.us.

cc: DHR Executive Staff
FIA Management Staff
Constituent Services
DHR Help Desk
DEAP