



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

**FIA ACTION
TRANSMITTAL**

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TO: DIRECTORS, LOCAL DEPARTMENT OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS/ELIGIBILITY STAFF

Charles E. Henry for
FROM: ROBERT J. EVERHARD, EXECUTIVE DIRECTOR, FIA
JOSEPH MILLSTONE, DIRECTOR, DHMH/MCPA *Jmm*

RE: PICKLE AMENDMENT

PROGRAM AFFECTED: MEDICAL ASSISTANCE

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY: The Federal Law known as the Pickle Amendment establishes Medical Assistance Eligibility for former Supplemental Security Income (SSI) recipients who received both SSI and Social Security Benefits (SSB) and would have maintained eligibility for SSI payment if their income were reduced by the total amount of the Social Security Cost Of Living Adjustments (COLA).

Individuals included in this provision are those persons who lost SSI for any reason, but who would now be eligible for a SSI payment **but for** the COLAS received since SSI termination. The phrase "**but for**" means that the COLAs are the only reason the person is not currently eligible for a SSI payment.

Individuals must meet the following criteria for eligibility under the Pickle Amendment:

- A. Currently receiving Social Security benefits (SSB) as an Aged, Blind or Disabled person.
- B. Terminated from SSI at any time since April 1977 (regardless of reason for termination).
- C. Concurrently received both SSI and SSB at time of termination. The SDX document, SSI termination and SSB award letters, or a combination of these may verify the concurrent receipt of SSB and SSI.

- D. Currently meets the SSI resource standard.
- E. Currently meets all non-financial requirements for SSI, and
- F. Would currently be eligible for a SSI payment if the amount of the COLAS received since SSI termination were deducted from the gross income.

The purpose of the Pickle Amendment is to protect former SSI recipients from losing their status as Categorically Needy for Medical Assistance. "**Categorically Needy**" includes Aged, Blind or Disabled persons who meet the income and resource standards of the SSI Program and are therefore eligible for Medical Assistance. This means, that even though the person's income may exceed the MNIL (Schedule MA-1), the individual will not be required to spenddown because the person's eligibility is to be based on the **higher** SSI income standard.

To insure compliance with the court order, the States were mandated to complete a one-time review in 1984 of all active Aged, Blind or Disabled (ABD) cases. Once this review was completed and the cases determined to have Potential Pickle Eligibility were identified and an eligibility determination for Pickle had been completed, the local departments were to maintain those cases that were Potentially Pickle Eligible (PPE) in a separate file for future consideration. The cases that were determined Pickle Eligible (PE) were to receive twelve month certifications and also be labeled (PE) and maintained separately.

The locals were also charged with applying the new interpretation to all applications and redeterminations; complete an annual review of all active Medical Assistance cases labeled "**PPE**" (Potentially Pickle eligible) and provide public notification directed to potentially eligible persons. [**Note: Implementation of CARES no longer requires separation of cases**].

ACTION REQUIRED: Local Department Of Social Services (LDSS) shall identify PPE individuals by:

REDETERMINATIONS

- ◆ All SSI terminations will have a redetermination to consider eligibility under this provision.
- ◆ If scheduled or unscheduled redeterminations result in the loss of Pickle status, determine eligibility as medically needy applying the medically needy income and resource standards.

PUBLIC NOTICE

- ◆ Current SSB recipients receive notification from the SSA informing the individual to contact the LDSS if interested in applying for Medical Assistance under the Pickle Amendment.

CARES PROCEDURES

To determine eligibility for an individual or couple that may be PPE, the person(s) must be screened as Aged, Blind or Disabled in the S04 Coverage group.

Reminder: The ABD coverage group consists of one or two person units.

- ◆ The case manager shall select Option "J", (screening) to test case for Pickle eligibility.
- ◆ On the Informed Choice (INCH) screen, the case manager must manually add the S04 coverage group since CARES does not know the customer is "PPE". The system automatically defaults to the S98 coverage group.
- ◆ **Unless a Pickle Amendment Eligibility Determination is specifically requested, the case manager must screen for both the S04 and S98 coverage groups (if the customer does not have ABD medical assistance).**
- ◆ While in Interview (Option "O") the case managers **must** address the mandatory fields. To determine Pickle eligibility, the fields on the screens listed below are **required** to capture the information pertinent to each PPE household.

A. Demographic 1 (DEM1) screen

Living Arrangement (Entering the appropriate living arrangement code (See Valid Values) enables the system to determine the appropriate standard for determining eligibility).

VALID VALUES

- 1) LI - Living Independently**
- 2) CP - Child living with Parent**
- 3) IH - Individual living in another household**
- 4) LL - Living in LTC
- 5) SL - Couple in LTC
- 6) LS - Couple living Independently**
- 7) LA - Couple living in household of another**

** Valid values for community medical assistance

B. Demographic 2 (DEM2) screen

If disability is a determining factor, address the appropriate disability fields.

C. Assets (AST1, AST2 and AST3) screens

Enter all reported resources (Liquid assets, life insurance, vehicles, real property, and other countable property).

D. Earned Income (ERN1/ERN2) screens.

Complete employment and earnings screen(s) as necessary.

- E. Unearned Income (UINC) screen **must** be completed as follows:
1. Enter a "Y" in the Pickle Potential Field (SSI/ SSA Combo).
 2. Enter the gross amount of all sources of unearned income.
 3. Enter the following information in the fields indicated located at the bottom of the UINC screen:
 - a) **Application Type** "SI" (SSI)
 - b) **Status** "T" (Terminated)
 - c) **Date** Indicate date SSI terminated

[Note: Completion of fields (a, b and c) provide data for CARES to determine the COLAs to be deducted from the current income reported].

- ◆ Case managers shall complete Options "P" and "Q" (Process and Finalization) for the S04.
- ◆ If the individual(s) met the non-financial eligibility criteria, the **MAFI** screen will indicate financial eligibility based on the SSI Resource and Income Standards.
- ◆ The current gross income will be displayed and the net income will reflect the **deducted** COLA's based upon the reported SSI termination date.
- ◆ If the individual(s) are determined ineligible **AND** meet the medically needy criteria, an eligibility determination for the **S98** **must** be completed. **[Note:** System prompts to test for ABD when customer is determined ineligible for Pickle].
- ◆ Generate system notices.
- ◆ **Narrate all case activity.**

INQUIRIES: Local departments may direct questions to Deborah Weathers, FIA Program Analyst on (410) 767-7994, systems inquiries directed to Pat Bailey on (410) 767-7318.

cc DHR Executive Staff
DHMH Executive Staff
DHMH Management Staff

FIA Management Staff
FIA Trainers
Constituent Services