

DEPARTMENT OF HEALTH SERVICES

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November 2, 2001

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons
All County Health Executives
All County Mental Health Directors
All County RAMOS Coordinators
All County MEDS Liaisons

Letter No.:01-59

**CONTINUATION OF MEDI-CAL BENEFITS FOR INDIVIDUALS WHO ESTABLISH
TEMPORARY MEDI-CAL ELIGIBILITY BASED UPON A PRESUMPTIVE DISABILITY
(PD) DECISION OF AN SUPPLEMENTAL SECURITY INCOME/STATE
SUPPLEMENTARY PAYMENT (SSI/SSP) CLAIM**

Ref.: All County Welfare Directors Letter (ACWDL) No. 99-27

The purpose of this ACWDL is to reiterate the process for continuing Medi-Cal eligibility when PD cash benefit is temporarily granted on an SSI/SSP claim, and the Social Security Administration (SSA) ultimately denies the claim after further review of all evidence submitted.

BACKGROUND

PD decisions allow certain individuals with severe medical conditions to temporarily receive SSI/SSP cash benefits and SSI-based Medi-Cal (up to six months from date PD is granted) while SSA makes a formal disability determination.

If SSA determines that the claimant is disabled, Medi-Cal benefits continue without interruption. Conversely, if SSA determines that the claimant is not disabled, he or she is notified of the denial decision and informed that they can no longer receive SSI/SSP cash benefits based on the PD decision. The person is informed that Medi-Cal benefits will also be terminated based on the SSI/SSP denial. (This is a denial of the SSI claim instead of a discontinuance because the beneficiary was never formally determined as disabled.) SSA's denial notification letter also informs the claimant of their SSI appeal rights.

When an SSI/SSP applicant is granted PD and is subsequently denied upon a formal disability determination, and, a timely appeal is requested, SSI-based Medi-Cal should be extended throughout the entire SSA appeal process. In the past, the Medi-Cal Eligibility Data System (MEDS) was not able to automatically identify and track the SSI appeal of these individuals, consequently, Medi-Cal eligibility was not automatically extended for these former SSI-PD individuals.

NEW MEDS FIELD

With the recent updates to MEDS, an SSI claimant who is granted PD can now be identified. Counties can now check the MEDS INQX screen for this information. Under DISABL-PAYMENT-CD there will be a letter "P" if the individual was granted PD by SSA. In addition, on the MEDS INQM screen, there should be eligibility showing from one to six months under Aid Code "60."

The MEDS INQP screen should show a recent denial date and denial reason for these individuals. Although the SSI appeals information is not automatically tracked for these individuals, it should be visible on the MEDS INQP screen under the APPEAL-LEVEL field with a corresponding current appeal date if the person requested an appeal with SSA. The appeal date for this population should be a date that is after the date of the denial. For example, if there is a denial reason of N32 and a denial date of August 1, 2001, if the individual had requested an appeal with SSA, the appeal date should usually be within 65 days of the denial date. (In this instance, it would be from August 2, 2001, possibly through October 2001.)

COUNTY RESPONSIBILITY

Whenever the county becomes aware of a former SSI beneficiary who was granted PD by SSA, but subsequently denied upon a formal disability determination, and has an appeal pending with SSA, counties should contact the State Department of Health Services (DHS) immediately in order to restore SSI-based Medi-Cal eligibility. Counties may contact the Medi-Cal Eligibility disability unit at (916) 654-0630 to have DHS restore Medi-Cal eligibility.

When the SSA appeal decision becomes final, e.g., the individual decides not to appeal to the next appeal level, or the Appeals Council renders an unfavorable decision, the individual will no longer be eligible for extended SSI-based Medi-Cal. However, if the final decision of SSA is favorable he or she will retain Medi-Cal benefits and SSI/SSP disability cash benefits will be restored by SSA. If the final decision is that the individual is not disabled, DHS will send the former SSI-PD recipient a notice with redetermination forms, instructing the individual to complete and mail the forms to the county RAMOS coordinator. This is the same procedure that was given to process the SSI/SSP no longer disabled individuals.

If Retroactive Eligibility Is Requested

When Medi-Cal benefits are continued through the SSI appeals process for former SSI-PD beneficiaries who had requested a retroactive-period of eligibility on the Medi-Cal only case, the retroactive issue must remain pending until the final outcome of the SSI appeal is decided. If the SSI appeal results in an approval of disability, the county must retroactively redetermine eligibility according to guidelines outlined in the Medi-Cal Eligibility Procedures Manual and submit a full disability packet to State Programs-Disability and Adult Programs Division for a disability determination of the retroactive period. If the final decision of the SSI appeal is a denial, the denial will have a controlling affect on the Medi-Cal retroactive period.

DEPARTMENT OF HEALTH SERVICES RESPONSIBILITY

Whenever the county, the former SSI-PD beneficiary, or an authorized representative contacts DHS regarding an individual in the above situation, DHS will restore Medi-Cal eligibility and send the former SSI-PD beneficiary a notice informing him or her that SSI-based Medi-Cal eligibility has been restored. During the period that the SSI appeal is pending with SSA, Medi-Cal eligibility will be under State control. Again, if the beneficiary receives a final decision from SSA that he or she is not disabled, the beneficiary will be sent a notice with redetermination forms instructing him or her to complete the forms and return them to the county.

There are future plans to fully automate this process. Until this takes place, the above individuals will need to be processed in a semi-manual fashion as instructed above. When MEDS has been programmed to fully automate this process, as it has for the SSI/SSP no longer disabled persons, counties will be notified in a future ACWDL.

If you have questions regarding the PD process or the contents of this letter, please contact Mr. Terry Durham of my staff at (916) 657-2701.

Sincerely,

ORIGINAL SIGNED BY

Shar Schroepfer, Chief
Medi-Cal Eligibility Branch