



DAVID MAXWELL-JOLLY
Director

State of California—Health and Human Services Agency
Department of Health Care Services



ARNOLD SCHWARZENEGGER
Governor

December 28, 2009

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 09-62
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALIST/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY PICKLE COORDINATORS

SUBJECT: RETROACTIVE SOCIAL SECURITY (RSDI) TITLE II BENEFIT
PAYMENTS.

The purpose of this letter is to inform counties of a change to the exemption of retroactive Title II Retirement, Survivors and Disability (RSDI) payments.

Retroactive RSDI payments are normally not issued until the following month for which they were intended. Therefore, the payment for January will not be issued until February and would not be considered to be retroactive. Retroactive RSDI payments are those received more than a month after the calendar month for which they are paid.

Pickle, Disabled Adult Child(ren)s and Disabled Widow(er)s Programs

The Social Security Act, as amended by the Social Security Protection Act of 2004 (Public Law 108-203), increased the exemption period for the SSI program from six months to nine months following the month of receipt. (They are excluded in the month of receipt.) The effective date is the date of enactment which is March 2, 2004.

Due to the delay in implementing this change, the county shall rescind any discontinuance or denial due to excess property as a result of applying only a six-month exemption. The county shall redetermine eligibility and share-of-cost (SOC) as appropriate and issue corrected notices-of-action (NOA) whenever:

- A case is known to the county to have been denied or discontinued in error, or
- As soon as a case is brought to the county's attention, or
- When reopening a case which was closed since March 2, 2004.

**Medically Needy Program/Medically Indigent Program and Other Programs
Following Medically Needy Property Rules**

Currently, California Code of Regulations Title 22, Division 3, §50455 provides that retroactive Title II payments are exempt for six months following the month of receipt. The Social Security Act, as amended by the Social Security Protection Act of 2004 (Public Law 108-203), increased the exemption period from six months to nine months following the month of receipt. (They are excluded in the month of receipt.) The effective date is the date of enactment which is March 2, 2004.

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- A case is known to the county to have been denied or discontinued in error, or
- As soon as a case is brought to the county's attention, or
- When reopening a case which was closed since October 1, 1990.

Section 1931(b) Program

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If you have any questions regarding this letter, please contact Mr. Bob Laederich at (916) 552-9486 or Mr. Harold Higgins at (916) 552-9522.

Original Signed By

Robert Sugawara, Acting Chief
Medi-Cal Eligibility Division