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STATE RELATIONSHIP WITH SSI AND MEDICARE

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SPECIAL HANDLING OF SSI CASES

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**A. ELIGIBILITY DETERMINATIONS FOR DECEASED APPLICANTS**

In cases where the SSI applicant dies before the eligibility decision is rendered on the SSI application, the following-procedure is followed in order for the deceased applicant to establish Medicaid eligibility.

**1. Disability Applications**

Currently, SSA is required to complete all disability applications, establishing Medicaid eligibility via the Emergency Medicaid Card Certification procedure which is handled through the State Office. Therefore, the Regional Offices will not handle SSI disability applications for deceased applicants unless a retroactive application is filed, whereby the Regional Office would determine eligibility under ongoing policy.

**2. Aged or Blind Applications**

SSA is not required to complete the SSI application on an aged or blind applicant who dies prior to the eligibility decision. Of course, if SSA has already determined all factors of eligibility, request SSA to establish Medicaid eligibility by preparing an Emergency Medicaid Card Certification. However, if SSA does not have sufficient information in the SSI record to make a decision, Medicaid eligibility can be established only by the filing of a MAO application. Handle a deceased SSI applicant as a retroactive application and determine eligibility from the month of application for SSI to the month of death as well as determine retroactive eligibility for the 3 months prior to the month of application for SSI if requested by the applicant's representative.

**B. POTENTIAL SSI ELIGIBLES IN A TITLE XIX FACILITY**

Usually, an individual with income less than the FBR for an individual in a Title XIX institution is referred to SSI for application and handling. However, SSI cannot consider someone in a public institution eligible unless substantial Medicaid payments (more than 50% of the cost of care) are to be made for the individual. If the institution is receiving or will receive more than 50% of the cost of care from a source other than Medicaid, the individual is not eligible for SSI benefits.

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If SSI will not complete or accept an SSI application on an institutionalized individual due to the substantial Medicaid payment provision, a MAO application must be processed instead. An application for MAO cannot be refused because an individual appears to be SSI eligible in an institution.

**C. SSI ELIGIBLES  
IN A TITLE XIX  
FACILITY**

Individuals who receive SSI while institutionalized are divided into two categories:

**1. SSI Only**

These are individuals who remain SSI eligible while institutionalized who receive an SSI payment based on their "D" living arrangement. The handling of SSI only cases by the Regional Office is explained in Section I, Institutionalization.

**2. SSI to MAO**

These are individuals whose income exceeds the institutional SSI FBR (LA-D) who must apply for MAO in order for Medicaid to continue. Although these individuals have SSI eligibility upon entry into the facility their SSI eligibility will not continue. The handling of SSI to MAO cases is explained in Section I, Institutionalization.

**D. SSI RECIPIENT  
MOVES OUT  
OF STATE**

When a SSI recipient moves out of Mississippi, he/she may continue to receive a Mississippi Medicaid Card for several months after actually moving out of state. This is due to time lapses in processing SSI actions and receipt of SDX reports from SSA and the requirement for advance notice before the closure of Mississippi Medicaid. The termination notice is issued to the Mississippi address and if the client has not left a forwarding address with the Post Office, it will be returned to the Medicaid fiscal agent. The client must call the fiscal agent and provide the new address to obtain the card.

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When the SSI recipient moves from Mississippi to another state which covers all SSI recipients, the SDX information reporting the change of address is transmitted to both states simultaneously with the former state terminating and the new state approving Medicaid automatically.

When the SSI recipient moves from Mississippi to another state which does not automatically cover all SSI recipients, it is necessary that the recipient make application for Medicaid in that state. In some instances those states will request verification of termination of Mississippi Medicaid before approving in the new state. Request for this verification should be referred to the Eligibility Division of the State Office.

**E. SSI COVERAGE OF  
CERTAIN DISABLED  
CHILDREN  
LIVING-AT-HOME**

Section 8010 of Public Law 101-239 amended the Social Security Act to waive the SSI income and resource deeming rules for severely disabled children who were eligible for SSI benefits while in a medical institution, and who qualify for the Home and Community Based Services Program, and who would not be eligible for SSI under the parental deeming rules. These children are eligible to receive a \$30 SSI payment as if they were institutionalized. This provision of federal law is effective June 1, 1990.

There is no direct Division of Medicaid involvement with these children; however, if a disabled child applies with the Regional Office for Medicaid at-home, a referral to SSI may be appropriate if the child has been SSI eligible in an institution and is returning home.

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**F. SSI TRANSFER  
OF RESOURCES  
FOR MEDICAID  
PURPOSES**

Transfer for less than fair market value authorized after June 1988 do not affect SSI eligibility. However, since transfers could result in Medicaid ineligibility for nursing home services, SSI must notify the State Medicaid agency of any transfers by an SSI recipient made known to SSI. This notification is required in the event the recipient enters a nursing home whereby the Medicaid transfer penalty could apply.

SSI will notify the Medicaid State Office of any known transfers. This information will be forwarded to the appropriate Regional Office for future reference if a nursing home application is filed within 36 months from the date of the transfer.

**G. TRUSTS - SSI  
ELIGIBLES**

When SSI discovers a trust or similar legal device which is not a resource for SSI purposes but may affect Medicaid eligibility, the trust must be referred to the State for a Medicaid determination.

SSI will identify SSI recipients who are the beneficiary of a possible trust by an indicator on the SDX. When this code appears, a notice entitled "Request for Medicaid Information" will be generated by the fiscal agent. While this code appears on the SDX, the SSI eligible will not be eligible for Medicaid.

The notice instructs the individual to take all legal documents pertaining to the trust to the Regional Office shown on the notice. When the Regional Office receives any such documents, they should be forwarded to the State Office Eligibility Division for review along with the copy of the "Request for Medicaid Information." If the letter to the recipient is not available, the Regional Office must obtain identifying information on the SSI recipient and include this with the trust.

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If the trust or similar legal device results in the SSI eligible not being eligible for Medicaid, the individual will be so notified. If the trust does not result in ineligibility for Medicaid, the State Office will notify the appropriate SSA Office to change the indicator on the SDX so as to allow Medicaid eligibility retroactive to the appropriate begin date.

**H. 12 MONTHS  
CONTINUOUS  
ELIGIBILITY**

The Balanced Budget Act of 1997, P.L. 105-33, gives states the option to provide continuous eligibility to children under age 19 as follows:

1. After eligibility for Medicaid is determined or redetermined, eligibility will continue for 12 months regardless of changes in circumstances. The only exceptions to the 12 months of continuous eligibility would be
  - child reaches age 19
  - child moves out of state or is admitted to a public institution
  - child dies
  - family requests voluntary closure