

## 2116 – FORMER SSI-DISABLED CHILD

<b>POLICY STATEMENT</b>	<p>The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed the definition of disability for children. As a result, a number of children were terminated from SSI. The Balanced budget Act of 1997 mandated that for any child who became ineligible for SSI due to the new definition of disability, the State must redetermine Medicaid eligibility using the previous definition of disability. The Act further specified that the disability status of the child must be protected as long as the child remains eligible for SSI but for the change in definition of disability.</p>
<b>BASIC CONSIDERATIONS</b>	<p>To be eligible under the Former SSI-Disabled Child COA, the A/R must meet the following conditions:</p> <ul style="list-style-type: none"> <li>• The A/R was receiving SSI as a disabled child on August 22, 1996, and was terminated as a result of SSA's new definition of disability. This includes those SSI A/R's who, as of August 22, 1996: <ul style="list-style-type: none"> <li>- were in current pay status; or</li> <li>- received a favorable or partially favorable administrative decision from SSA; or</li> <li>- were terminated due to non-cooperation with the disability redetermination process of SSA; or</li> <li>- had a Zebley appeal pending.</li> </ul> </li> <li>• The A/R would be eligible for SSI but for the passage of the new disability decision.</li> <li>• The A/R continues to meet all basic and financial eligibility criteria for SSI.</li> </ul> <p><b>NOTE:</b> Length of Stay (LOS) and Level of Care (LOC) are <b>not</b> requirements for this COA.</p>

**PROCEDURES**

Follow the steps below to determine Medicaid eligibility under the Former SSI-Disabled Child COA:

- Step 1** Use the DMA generated report entitled SSI to Disabled Children (Section 4913) **or** accept an application from any A/R contacting DFCS whose name did not appear on said report. Refer to Section 2752, Continuing Medicaid Determination Reports, for instructions on processing the report.

**PROCEDURES  
(cont.)**

- Step 2** Screen the A/R in the system to determine if they have an active Medicaid case with DFCS.

- Step 3** For A/R's not appearing on the SSI to Disabled Children (Section 4913) Report, verify that the child was receiving SSI on August 22, 1996, and that the SSI was terminated due to the new definition of disability. For children whose names do appear on the report, accept the report as verification for this step.

- Step 4** Using SDX, BENDEX and any other available information, register the case on the system. Prior receipt of SSI is prima facie evidence of disability until the first annual review for all A/R's who were terminated SSI as a result of the new disability decision.

- Step 5** Approve Medicaid, including retroactive months if requested, on the system within 10 days of receipt of the list or application unless available information determines the A/R to be ineligible.

If the A/R is ineligible, see SPECIAL CONSIDERATIONS below. Notify DMA via the form on the GoMail bulletin board entitled *Medicaid Forms* if the A/R is ineligible for any COA.

**Ongoing Eligibility**

The county must complete a full review of eligibility within 12 months of approval or when a change is reported, whichever is earlier.

At the first review of eligibility, submit a disability request to SMEU, specifying that the A/R is a Former SSI-Disabled Child. Redetermine all other points of eligibility using **current** SSI eligibility criteria in order to establish continued ongoing eligibility.

**SPECIAL  
CONSIDERATIONS**

If the A/R was terminated for SSI for any reason other than disability, the A/R is **NOT** eligible for Medicaid under this COA. Complete a CMD. Refer for TANF or Family Medicaid if appropriate. Only request an SMEU decision for another ABD COA if the SSI has been terminated for more than 12 months

If an A/R is approved for but later becomes ineligible for Medicaid under the Former SSI-Disabled child COA for any reason other than disability, the child's disability status remains protected. The child **can** become eligible again under this COA.