

2113 – PICKLE (PUBLIC LAW 94-566)

POLICY STATEMENT	Pickle (PL 94-566) is a class of assistance (COA) that provides for an individual or couple who correctly received RSDI and SSI or a Mandatory State Supplement (MSS) concurrently and became ineligible for SSI or MSS for any reason but is currently ineligible for SSI because of RSDI COLAs.
BASIC CONSIDERATIONS	<p>To be eligible under the Pickle COA, the A/R must meet the following conditions:</p> <ul style="list-style-type: none"> • The A/R previously and correctly received RSDI and SSI or MSS concurrently.* • The A/R's SSI or MSS was terminated after 4/77 for any reason. • The A/R is eligible for SSI or MSS if the RSDI COLAs received by the A/R and/or his/her spouse since the A/R last received SSI or MSS are disregarded. • The A/R meets all basic and financial eligibility criteria. <p>*EXCEPTION: In couple situations, only one spouse needs to have received RSDI and SSI or MSS concurrently. However, each individual must have previously received SSI or MSS in order to establish eligibility under this COA. In order for one member of the couple to be exempt from the requirement of having received SSI and RSDI concurrently, the couple must have been married at the time of the loss of SSI eligibility.</p> <p>NOTE: Length of Stay (LOS) and Level of Care (LOC) are not requirements for this COA.</p> <p>Individuals who receive a SSI and RSDI payment in the last month of the waiting period on initial entitlement to RSDI disability benefits are not considered to have received SSI and RSDI concurrently.</p>
PROCEDURES	<p>Follow the steps below to determine Medicaid eligibility under the Pickle COA.</p> <p>Step 1 Accept the A/R's Medicaid Application.</p> <p>Step 2 Obtain verification from SSA to verify the following:</p> <ul style="list-style-type: none"> • The date SSI benefits were terminated. • The current amount of the A/R's and/or his/her spouse's RSDI.

**PROCEDURES
(cont.)**

- The amounts of all RSDI COLAs the A/R and/or his/her spouse have received since SSI was terminated.
- Step 3** Determine all basic eligibility criteria except LOS and LOC. Refer to Section 2200, Basic Eligibility Criteria.
- Step 4** Determine all basic eligibility using the current SSI income and resource limits. Refer to Section 2500, ABD Financial Responsibility and Budgeting, to determine the following:
- Whose income and resources to consider.
 - Which SSI income and resource limit (individual or couple) to use
 - Which eligibility budget to complete.
- Step 5** Determine the A/R's countable income by disregarding the following amounts of RSDI income.
- The COLA that caused SSI termination
OR
The first COLA received after SSI was terminated for a reason other than receipt of a COLA, such as a resource ineligibility
AND
 - All subsequent COLAs.
- NOTE:** The COLAs of the A/R (individual or couple) and the A/R's ineligible spouse can be disregarded in determining eligibility under the Pickle COA.
- Step 6** Approve Medicaid on the system using the Pickle COA if the A/R meets all the above eligibility criteria, including retroactive months if needed.
- NOTE:** Do **not** approve Medicaid using the Pickle COA for any month for which the A/R was eligible for and received a SSI payment.