

**CATEGORICAL FACTORS
MEDICAID EXTENSIONS/CONTINUATIONS**

SECTION 249E OF THE PUBLIC LAW 92-603

Description:

Under Section 249e of Public Law 92-603 A/Rs are entitled to have the amount of their October 1972 social security increase disregarded in the determination of eligibility if they meet the following criteria:

- (1) in August of 1972, they were entitled to Retirement, Survivors and Disability Insurance (RSDI) benefits and eligible for or in receipt of cash assistance under ADC or AABD; **or**
- (2) in August of 1972, they were entitled to RSDI benefits and would have been eligible for ADC or AABD, except that they were in a medical institution or intermediate care facility; and
- (3) they currently meet the categorical requirements for SSI (aged, certified blind/disabled) or ADC-related persons.

Policy:

To determine if an A/R is eligible under 249e:

- (1) determine the amount of the A/R's RSDI benefit in August 1972. This is done by multiplying the A/R's current RSDI benefit by a figure derived from the present and prior percentage increases in RSDI since August 1972. This figure will change each time there is an RSDI cost of living increase. Effective January **2005**, the figure is **.202**;
- (2) using the amount of the August 8, 1972 RSDI benefit and other information provided by the A/R, determine if s/he was eligible for ADC or AABD in August 1972 and was terminated due to the 20% SSA increase of October 1972; if yes,
- (3) determine the A/R's current eligibility, disregarding the 20% Social Security increase received in October 1972. To determine the amount of the current Social Security benefit being considered, multiply the A/R's current RSDI benefit by a figure computed from the present and prior percentage increases in RSDI since 1972. This figure will change each time there is an RSDI cost of living increase. Effective January **2005**, the figure is **.960**.

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PICKLE ELIGIBLE (FORMERLY 503 CASES)

Description: Section 503 of Public Law 94-566, referred to as the Pickle Amendment, protects Medicaid eligibility for all recipients of Retirement Survivors and Disability Insurance (RSDI) who were previously eligible for RSDI and SSI benefits concurrently. These recipients are individuals who would be eligible for SSI, if all RSDI COLAs received since they were last eligible for and receiving RSDI and SSI benefits concurrently, were deducted from their countable income. The RSDI beneficiary may have lost his/her SSI benefit for reasons other than COLAs and still be considered a Pickle eligible.

References:

SSL Sect.	366.2(b) 363-b
Dept. Reg.	360-3.3(c)(10)
ADMs	87 ADM-27 85 ADM-35

Interpretation: To be eligible under the Pickle Amendment, an A/R must meet the following criteria:

- (1) at any time after April 1977 s/he received SSI and RSDI benefits concurrently, and subsequently became ineligible for SSI;
- (2) s/he is currently eligible for and receiving RSDI; and
- (3) s/he would be eligible for SSI, if the RSDI COLAs received by the A/R and his/her spouse, since the last month that the A/R received both RSDI and SSI benefits, are disregarded.

A person eligible under the Pickle amendment must meet the SSI income and resource criteria. An A/R cannot spend down to attain Pickle eligibility.

Eligibility for all individuals who meet the Pickle criteria is initially determined by deducting all COLAs received since SSI eligibility was lost. If the individual's total income (less COLAs) and resources are below current SSI standards, the individual is eligible under the Pickle Amendment.