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YOU MAY BE ELIGIBLE FOR MEDICAID AND NOT EVEN KNOW IT: MEDICAID THROUGH THE PICKLE AMENDMENT 2015

There is a type of Medicaid available for some individuals who are currently receiving Social Security or Social Security Disability Insurance (Old Age, Survivors or Disability Insurance (OASDI)), and who at some point in the past also received Supplemental Security Income (SSI). This type of Medicaid was made possible by a law called the Pickle Amendment. It provides **full** Medicaid benefits, including Centennial Care's community benefits.

The Pickle Amendment requires that an individual be deemed an SSI recipient (which in New Mexico means automatic Medicaid eligibility) if he or she:

1. Was simultaneously entitled to receive both OASDI and SSI in some month after 1977;
2. Is currently eligible for and receiving OASDI;
3. Is currently ineligible for SSI; and
4. Receives income that would qualify him for SSI after deducting all OASDI cost of living adjustments (COLA) received since the last month in which he was eligible for both OASDI and SSI, and meets the other eligibility requirements for SSI.

The **Tennessee Justice Center (TJC)** developed a quick and easy screening tool to help determine whether an individual is eligible for Medicaid through the Pickle Amendment.¹ SCLO has adapted the **TJC** tool here for New Mexico. Whether you are screening for yourself or for someone else, if you find someone who might be eligible using this tool, please contact SCLO and let us know. The screening process is as follows:

Step 1: Are you now receiving a Social Security or Social Security Disability check? If the answer is no, you cannot be Pickle eligible. If the answer is yes, go on to the next step.

Step 2: After April 1977, did you ever receive an SSI check at the same time that you received Social Security, or did you receive SSI in the month just before your Social Security started?² If the answer is no, you cannot be Pickle eligible. If the answer is yes, go on to step 3.

¹ Bonnyman, Screening for Medicaid Eligibility Under the Pickle Amendment, posted <http://www.healthlaw.org/publications/browse-all-publications/2015-Pickle#>

² You need not literally receive both SSI and OASDI checks in the same month, but need only be entitled to both for the same month. There is a one-month lag in OASDI payments, which are not disbursed until the month after entitlement, while SSI

Step 3: What is the last month in which you received SSI?

Step 4: Look up the month in which you last received SSI in the following table. Find the percentage that applies to that month. Multiply the present amount of your (and/or your spouse's) Social Security (OASDI) benefits by the applicable percentage.

Step 5: You have just calculated your countable Social Security income under the Pickle Amendment. Add the figure that you have just calculated to any other countable income you may have. If the resulting total is less than the current SSI income criteria of \$733 plus the \$20 income disregard, or **\$753 for an individual or \$1,100 for a couple for 2014**, you are Medicaid eligible, from the standpoint of income. You must still meet all other eligibility requirements for SSI, including being aged, blind or disabled, and having assets of less than \$2,000 for an individual or \$3,000 for a couple (over and above your house, car and personal belongings).

Example

Mrs. Ima Gherkin received both Social Security and SSI checks in 1976-78. However, her SSI was terminated in March 1978 because she started receiving a private pension that, added to her Social Security benefits, raised her income to an amount above the 1978 SSI income limits. There have been gradual increases in her income since 1978. She now receives a Social Security benefit of \$1,328 per month, which happens to be the average monthly benefit for retired workers. Her private pension is \$275 a month, giving her a total income of \$1,603 monthly. In 2015, the income limit for SSI (taking into account a \$20 general income disregard) is \$753 for an individual. Thus, Mrs. Gherkin's income is over twice the SSI income limit.

You screen Mrs. Gherkin for Pickle eligibility as outlined above. Determining that the last month in which she received both Social Security and SSI was March 1978, you look up that time period in the following table and find the corresponding reduction factor (.260). You multiply Mrs. Gherkin's current Social Security benefit of \$1,328 by that factor, to determine her current countable "Pickle" income.

$$\$1,328 \times .260 = \$345 \text{ ("Pickled" Social Security income, rounded downward)}$$

\$345 countable Social Security income + \$275 private pension = \$620 total countable "Pickle" income.

Since \$620 is less than the current SSI income limit of \$753, Mrs. Gherkin is eligible for Medicaid (assuming she meets all other eligibility requirements for SSI), even though her income is over the limit for SSI.

payments are paid in the month of entitlement. It is common for a person to receive SSI while awaiting receipt of OASDI payments. Once her monthly OASDI begins, if it exceeds the SSI rate, she receives just OASDI thereafter. In such circumstances, even though the person never actually received simultaneous payments from both programs in a single month, she meets the first Pickle requirement. This is true even if income from a retroactive OASDI payment exceeds the SSI benefit level for all months in which SSI was received. For this reason, you should ask not just if the person received both SSI and OASDI in the same month, but did he receive SSI immediately before his OASDI payments began. See 42 C.F.R. §435.135 and 51 Fed. Reg. 12326 (April 10, 1986). For more information, see "Medicaid Eligibility in a Time Warp", 22 Clearinghouse Review 120 (June 1988).

Reduction Factors for Calculating Medicaid Eligibility Under the Pickle Amendment During 2015

If the last month a person received SSI while, or immediately prior to, receiving Social Security (OASDI) was in any of the periods below, multiply the present amount of her Social Security by the corresponding factor.

<i>If SSI was terminated during this period:</i>	<i>Multiply 2015 OASDI Income By:³</i>	<i>If SS was terminated during this period:</i>	<i>Multiply 2015 OASDI Income by:</i>	<i>If SSI was terminated during this period:</i>	<i>Multiply 2015 OASDI income by:</i>
May – June 1977	.245	Jan. 1989 – Dec. 1989	.503	Jan. 2001 – Dec. 2001	.724
July 1977 – June 1978	.260	Jan. 1990 – Dec. 1990	.526	Jan. 2002 – Dec. 2002	.743
July 1978 – June 1979	.276	Jan. 1991 – Dec. 1991	.555	Jan. 2003 – Dec. 2003	.753
July 1979 – June 1980	.304	Jan. 1992 – Dec. 1992	.575	Jan. 2004 – Dec. 2004	.769
July 1980 – June 1981	.347	Jan. 1993 – Dec. 1993	.593	Jan. 2005 – Dec. 2005	.790
July 1981 – June 1982	.386	Jan. 1994 – Dec. 1994	.608	Jan. 2006 – Dec. 2006	.822
July 1982 – Dec. 1983	.415	Jan. 1995 – Dec. 1995	.625	Jan. 2007 – Dec. 2007	.849
Jan. 1984 – Dec. 1984	.429	Jan. 1996 – Dec. 1996	.641	Jan. 2008 – Dec. 2008	.868
Jan. 1985 – Dec. 1985	.444	Jan. 1997 – Dec. 1997	.660	Jan. 2009 – Dec. 2011	.919 ⁴
Jan. 1986 – Dec. 1986	.458	Jan. 1998 – Dec. 1998	.674	Jan. 2012 – Dec. 2012	.953
Jan. 1987 – Dec. 1987	.464	Jan. 1999 – Dec. 1999	.683	Jan. 2013 – Dec. 2013	.969
Jan. 1988 – Dec. 1988	.481	Jan. 2000 – Dec. 2000	.700	Jan. 2014 – Dec. 2014	.983

³ Due to Social Security's rounding rules, the adjustment factors in the table produce an approximate, rather than exact, figure. Because a discrepancy of one cent may mean the difference between Medicaid eligibility as a Pickle case and inadequate access to health care, advocates should obtain exact information from the Social Security Administration if the figure produced by the screening method results in a determination that the client is over the eligibility limit by a small amount (i.e., \$20 or less).

⁴ The cost of living did not increase for two years after 2008, and there was no Social Security COLA in 2010 or 2011. The Pickle reduction factor is therefore the same for individuals who lost SSI in 2009-2011.

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