218-RICR-20-00-5

TITLE 218 – RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

CHAPTER 20 – INDIVIDUAL AND FAMILY SUPPORT PROGRAMS

SUBCHAPTER 00 – N/A

PART 5 – Supplemental Security Income and State Supplemental Payment Rules and Regulations

5.1 Introduction

5.1.1 Authority

A. The Department of Human Services (DHS) administers the state supplemental portion of monthly Supplemental Security Income (SSI) benefits to eligible residents of Rhode Island. The Social Security Administration (SSA) sends the Federal portion of SSI benefits. The DHS issues a separate payment for the State Supplemental Payment (SSP).

1. DHS is responsible for income eligibility determinations for those who are denied Federal SSI due to excess income (20 C.F.R. Part 416, Subparts K and D Income, Subpart L Resources). DHS is also responsible for disability determinations on those denied Federal SSI due to excess income but eligible for a State Supplemental Payment (SSP). If the individual does not meet the resource limits set in 20 C.F.R. § 416.1205, he/she is not eligible for an SSI payment, Federal or State.

2. Payment levels are established by specific categories which indicate living arrangement.

3. DHS administers the State supplemental portion for the following living arrangements:

    a. Category A - Individual or Couple in Own Household

    b. Category B - Individual or Couple in Another’s Household

    c. Category E - Individual or couple in Title XIX Facility

B. SSA administers the State supplemental portion for SSI recipients in the following living arrangement:

1. Category D - Individual in Residential Care/Assisted Living

2. Category F - Community Supportive Living Program

5.1.2 Legal Basis

A. Supplemental Security Income Program

1. The Supplemental Security Income (SSI) Program, Title XVI of the Social Security Act, established by Pub. Laws 92-603, as amended, provides, on a national basis, a minimum income level for persons sixty-five (65) or over, or blind, or disabled persons who do not have sufficient income and resources to maintain themselves at the Federal minimum income level.

    a. The SSI Program, administered by the Federal government through the Social Security Administration and financed from the General Fund of U.S. Treasury, became effective 1-1-74 and replaced Titles I, X, XIV, and XVI of the Social Security Act which had provided assistance to aged, blind, and disabled persons under state administration.

B. State Supplemental Payments

1. Federal law requires the states to provide a mandatory supplement to those persons who, in December 1973 under the old programs, were receiving a payment greater than the new Federal minimum level. Rhode Island, however, established a level of payment greater than the Federal minimum payment and made it available to all eligible persons.

2. Under the terms of an agreement with the U.S Social Security Administration, all SSI recipients are categorically eligible for Medicaid health coverage under Section 1634 of Title XIX Program. Recipients also receive social services through a Social Services Block Grant.

    a. Assistance is available for moving expenses, needs resulting from an emergency of a catastrophic nature, residence in a licensed sheltered care facility, and for burial when the criteria for these services have been met. Homemaking Services are available to qualified individuals under the Social Services Program (218-RICR-20-00-7, §§ 7.4 and 7.5).

    b. Essential spouses of eligible SSI recipients who were included in the Aid to the Aged, Blind and Disabled (AABD) payment in December 1973 are grandfathered into the SSI program. Essential spouses will be included in the SSI payment of the eligible SSI person as long as his/her eligibility continues.

5.2 Administration and Organization

A. Where to Apply

1. SSI Office - Information relative to eligibility requirements for the SSI Program can be obtained by contacting the appropriate Social Security Administration office. To find the nearest office call the Social Security Office at 1-800-772-1213 or online at www.socialsecurity.gov. Individuals eligible for an SSI benefit are automatically eligible for an SSP.

2. DHS Office - Information relative to eligibility requirements for the SSP Program can be obtained by calling 1-855-MY-RI-DHS (1-855-697-4347).

3. Individuals/couples who wish to apply for a State-Only Supplemental Payment must first apply at the SSA office to determine SSI eligibility.

B. Standards of Assistance

1. The Rhode Island Federal Supplemental Security Income and State Supplemental Payment Rates Table, § 5.6 of this Part, details the payment rates for Federal SSI and the State Supplemental Payment for an individual/couple in each of the approved Federal living arrangements for SSI/SSP.

2. The SSA administers the optional SSP for:

   a. Category D – Individual in an assisted living residential care setting.

      (1) In this category, an individual must be screened, assessed, and certified by DHS, or their agents, to be residing in a residential care/assisted living facility.

      (2) All individuals who received this category payment level in October 1998 or November 1998 are exempt from the screening, assessment, and certification process.

   b. Category F – Individual in an assisted living residential care setting participating in the Community Supportive Living Program (CSLP).

      (1) This category provides enhanced and/or specialized services to an individual who must be screened and assessed to determine whether the person has the level of need for enhanced or specialized services provided by a CSLP certified residential care setting. The EOHHS has been designated as DHS's agent for such purposes.

3. State-Only Supplemental Calculation – State-Only supplemental payments are calculated based on the countable income of the individual or couple.

a. An individual/couple who has countable income over the Federal cap but below the total cap may be eligible for the State-Only Supplemental Payment.

b. Countable income and resources are calculated consistent with provisions established in 210-RICR-40-00-3, §§ 3.2 and 3.5.

c. The amount of the payment for Categories D and F varies depending on countable income. Combined SSI and SSP payments may change annually as results of federal adjustments to the SSI monthly payment. The State optional payment amount is fixed in statute at R.I. Gen. Laws § 40-6-27(a)(1) and is up to $322 per month for Category D and up to $797 for Category F. The SSP amounts do not change annually. The Federal Benefit Rate, which serves as the income eligibility for Category D and F, is the total or combined amount of the SSI monthly rate plus the SSP rate for each Category.

C. SSI/SSP Payment Distribution

1. SSI recipients will continue to receive Federal SSI payments from the SSA in the manner determined by the SSA.

2. SSI/SSP recipients will receive two (2) separate payments; one from the Federal SSI and one from the State for the SSP. Recipients will receive payments in the manner they receive their SSI benefit.

3. State-Only Supplemental payments for new recipients starting January 1, 2011 are distributed in check only.

D. Replacement of State Supplemental Payment Checks

1. Replacement of the Lost Checks

a. When a recipient reports to the agency that s/he has not received an SSP check, or that such check was lost or destroyed after its receipt in the mail, a stop payment order shall be issued after verifying that the bank has not cashed the check.

b. A replacement check is scheduled for the next scheduled monthly payroll.

2. Replacement of Stolen Checks

a. When a recipient reports that they have not received an SSP check and maintains that s/he did not cash or receive money from the check, s/he signs both copies of the Forged Check Affidavit (original signatures only).

b. If the recipient acknowledges having cashed the check or received money from it, the agency begins the process to recover the overpayment and determines if criminal prosecution is warranted.

3. Undeliverable Checks/Checks Returned by the Post Office

a. If the State Supplemental Payment (SSP) is undeliverable to the recipient and is returned by the Post office, the agency will attempt to contact the recipient.

(1) If contact cannot be made with the recipient, the SSP account will be suspended and notice of the closure will be sent to the recipient.

b. In order to have the case re-opened, the applicant/recipient should contact the DHS and fill out a new enrollment form to ensure the recipient qualifies for SSP.

4. Bank Rejection of Direct Deposit

a. Individuals or couples who receive direct deposit for their SSI payment will continue to have direct deposit for their State Supplemental Payment (SSP).

b. Replacement checks are issued in the next scheduled monthly payroll.

E. Retroactive Payments

1. The state will provide retroactive SSP payments back to the date an application for an individual or couple whose eligibility was either improperly denied or reduced in payment.

2. Retroactive payments will not be made for a period exceeding twelve (12) months.

F. Appeal and Fair Hearing

1. An individual or couple applying for or receiving state administered SSP has the right to appeal and have a fair hearing under the Executive Office of Health and Human Services, Appeals Process and Procedures for EOHHS Agencies and Programs (210-RICR-10-05-2).

5.3 Service Provision

A. Eligibility for State Supplemental Payments

1. Individuals or couples receiving SSI are eligible for an SSP and include the following:

    a. Grandfathered SSI recipient – Individuals who received state assistance in December 1973 and became eligible for SSI in January 1974, are called grandfathered clients by the state and a mandatory income level (MIL) client by SSI;

        (1) Such an individual must continue to meet the definition of blind or disabled that was in effect under the state plan in December 1973.

        (2) Individuals who are needed in the home to care for an eligible person are called an essential person. Such an individual is also called a grandfathered client.

        (3) Individuals who are an essential person must have lived continuously with the eligible person since January 1974.

    b. Individual who is age sixty-five (65) or older who receives SSI;

    c. Individual who is blind and receives SSI;

    d. Individual determined eligible for SSI due to disability; or

    e. Individual who receive SSI as a foster child receiving specific services through the state child welfare agency for part or all of a month and not eligible for foster care reimbursement under Title IV-E of the Social Security Act.

2. An individual or couple, residing in Rhode Island, who has been denied SSI by SSA for excess income may be eligible for a State-Only Supplemental Payment as an SSI “lookalike” and should complete an application at DHS to determine eligibility.

    a. An individual or couple must meet the technical requirements of citizenship, residence and possession of, or application for, a Social Security Number in accordance with the Medicaid rules, as detailed in 210-RICR-10-00-3.

    b. An individual or couple must apply for SSI benefits through the SSA before applying for a State-Only Supplemental Payment.

        (1) The denial letter, or proof of a denial determination, from SSA is required as part of the application process.

        (2) A denial determination from SSA is valid for up to one year for purposes of application for SSP through DHS.

c. Applicants for SSP who have been denied through SSA for excess income will be processed as follows:

(1) State income eligibility will be calculated (countable income must not exceed the combined Federal Benefit Rate (FBR) and applicable SSP).

(2) If applicant is eligible based on income, the DHS will send a referral to the Medical Assistance Review Team (MART) for a disability determination.

(3) Once a determination is made by MART, eligibility for a State-Only payment is processed.

(4) Once eligibility has been determined, benefits will be issued the first of the following month of eligibility.

3. The DHS will notify the individual or each member of the couple of the eligibility determination for the SSP. If the eligibility for the SSP benefit has been approved, the DHS will mail a Benefit Statement to the recipient along with information on how the benefit was calculated. This Benefit Statement may be used as verification of the DHS SSP benefit and will remain valid for one (1) year or until the completion of the twelve (12) month redetermination, provided no subsequent reported or unreported changes affect the amount of the payment.

4. Applicants for SSP who have been denied through SSA based on a disability will not be reevaluated by DHS for disability based solely on the application for SSP. The DHS will review such applications and notify the applicant of his/her ineligibility at application for SSP-Only.

B. Recertification of State Supplemental Payments

1. State-Only SSP Redeterminations

a. Financial Eligibility Reviews: State-Only SSP cases require a twelve (12) month financial redetermination by DHS. The redetermination for State-Only SSP is completed by the DHS and in consultation with EOHHS, as appropriate for individuals receiving Category D or F payments.

2. SSI/SSP Redeterminations

a. Recipients receiving SSI will have redeterminations of both their SSI and State Supplemental Payment consistent with provisions established under the SSA (www.socialsecurity.gov).

3. Benefit Notice

a. Once the redetermination has been completed and continuing eligibility approved, the recipient is provided with a benefit decision notice showing the amount of the state payment and the period of eligibility before the next redetermination. This notice may contain information about eligibility for other State health and human services programs and is valid until the next redetermination date as specified provided there have been no subsequent reported or unreported changes affecting the amount of the payment. Electronic data sources may be used to verify income at the time of initial application, renewal and when changes are reported.

C. Reporting Change in Circumstances

1. SSI/SSP Recipients - Individuals/couples who receive SSI are required to report changes directly to the SSA, refer to www.socialsecurity.gov.

2. State-Only Supplemental Payment - Individuals/couples are required to report changes in income, resources and living arrangement to the DHS within ten (10) calendar days of the occurrence.

D. Representative Payee

1. An SSP is paid to a representative payee if:

a. The SSA determined that a representative payment is applicable under 20 C.F.R. Part 404, Subpart U (relating to representative payment) or 20 C.F.R. Part 416, Subpart F (relating to representative payment).

b. At the time of application for State-Only SSP, the applicant and/or recipient authorizes someone to manage funds and to receive automated notices about the applicant's SSP benefit.

2. For SSI/SSP recipients, a representative payee is responsible for reporting to the SSA any changes in the recipient's circumstances affecting eligibility including changes in income, resources, living arrangement, marital status and address. For State-Only SSP, a representative payee must report an address change to the DHS. All automated notices will be sent to the representative payee.

E. Scope of Services

1. Persons in Rhode Island who are eligible for either the Federal SSI payment and State Supplemental Payment, or the State-Only share of the SSP payment, may be eligible for Medicaid, Social Services, and for assistance to meet the following needs according to specified criteria:

a. Food Assistance

(1) In the event of un-received, lost, stolen or destroyed SSI checks and/or lost or stolen cash, the applicant/recipient is encouraged to complete an application for expedited food assistance through the Supplemental Nutrition Food Assistance Program.

(2) Applications for SNAP can be obtained at DHS Offices listed at www.dhs.ri.gov, or online at www.healthyrhode.ri.gov/.

2. Moving Assistance

a. Payment for in-state moving, within cost guidelines, is provided for recipients of SSI when the move is determined to be socially desirable, the move cannot be provided by the city or town or other community resources, and the recipient requests vendor payment for the move.

b. The agency makes no provision to meet the cost of out-of-state moves, refer to the DHS Social Services rules (Part 7 of this Subchapter).

3. Homemaker Services

a. Homemaker Service is a social service available through DHS to recipients of SSI.

b. Refer to the DHS Social Services rules (Part 7 of this Subchapter), for the criteria, determination of eligibility, cost and procedures for the authorization of Homemaker Service.

4. Burial Expenses

a. The cost of burial can be met through General Public Assistance funds for any person who dies leaving no or insufficient resources to meet the expense.

b. Refer to General Public Assistance Program rules as detailed in § 3.22 of this Subchapter, for the cost standards and conditions under which funeral and burial expenses can be met.

5. Emergency Assistance in the Event of a Catastrophe: Funds for shelter, clothing, food, essential household equipment, and furnishings, if necessary, are provided in the event of a catastrophe when all of the following conditions are met:

a. An emergency is defined as the occurrence of a catastrophe caused by fire, flood, lightning, or severe wind. Compensable fire damage is further restricted to that caused by flame, smoke, and

subsequent secondary water damage where there is damage to the dwelling.

(1) The incident must be reported immediately to the fire department.

(2) Other specific exclusions under any circumstances are destruction for which a landlord can be held responsible, willful destruction or willful neglect by the recipient or a member of his/her family, damage covered by insurance policies, and isolated mechanical or electrical failures where there is no secondary damage.

b. Coverage is limited to possessions of the recipient or those of another member of the assistance unit.

c. For active cases, the catastrophe or disaster must have occurred at the address recorded in the case record, or, if it occurred at a different address, the recipient must demonstrate that s/he had moved and was living there prior to notifying the agency.

(1) Acceptable evidence of residence may include a moving bill, rent receipt, or statement from a utility company attesting to the recipient's responsibility for service on the date and at the address in question.

d. To be considered, the incident must be reported by the recipient within ten (10) calendar days of the date the loss to the DHS.

e. Community resources must first be explored and utilized, whenever possible.

f. Whenever reasonable, a partially destroyed item of household goods or furnishings must be repaired rather than replaced. If replacement is required, the purchase of used items must be considered before funds for new items can be authorized.

g. Any repairs to the basic structure of a recipient-owned dwelling, such as roof, stairs, septic systems, plumbing, wiring, siding, etc., are specifically not covered regardless of the reason for the repair.

h. Thefts of clothing, food, and household furnishings and equipment are specifically not covered.

i. If repeated emergencies occur for one case, or the circumstances are questionable, payment may be denied.

6. Items Provided in Event of Catastrophe

a. Emergency shelter, on a temporary basis, will be provided only where the damage to cooking or heating or plumbing facilities is severe enough to prevent their use in a minimally acceptable manner or the existing damaged structure either cannot provide adequate protection from the elements or is not safe to occupy. Approval for use of emergency shelter must be made on a daily basis by the social worker assigned to help the recipient relocate to permanent shelter.

b. Initial food and transportation for each recipient are provided from the date of the catastrophe through the fifth working day (or to the date of the next recurring SSI check, if earlier).

c. Initial clothing, if an individual recipient's clothing has been destroyed, can be authorized only to meet immediate clothing need.

7. Medical Care

a. The SSI recipient is certified for Medicaid concurrent with the determination of eligibility for SSI and may be eligible if receiving the State-Only Supplemental Payment.

F. Estranged Spouses Receiving SSI as a Couple

1. Persons eligible for and receiving SSI benefits less than the appropriate GPA Standard of Need due to Federal SSI regulations which treat estranged spouses as a couple for SSI purposes until the month after the month they begin living apart are eligible for cash assistance, if they meet the financial criteria outlined in General Public Assistance Program rules (§§ 3.18 and 3.19 of this Subchapter).

2. When there is an initial SSI application or an SSI reinstatement following a period of ineligibility, and the couple is not living together on the date of the application or date of request for reinstatement, the SSI regulations treat each member of the couple as an individual as of the date of the application or request regardless of how recently the separation occurred. Such individuals are not eligible for cash assistance from DHS.

3. Termination of Assistance

a. Starting in the month after the month of the separation, each estranged spouse is treated as an individual claimant by the SSA for SSI payment purposes.

b. Termination of program eligibility will, therefore, occur at the end of the month of separation.

5.4 State Payment to Assisted Living Facilities Not Eligible to Receive Title XIX Funding of the Social Security Act

A. For Supplemental Security Income recipients who reside in a state licensed assisted living facility that is not eligible to receive funding under Title XIX of the Social Security Act (42 U.S.C. § 1381 *et seq*.), an established monthly payment will be made to the facility for disabled and elderly individuals who, on or after July 1, 2012, receive the state supplementary assistance payment for an individual in state licensed assisted living residence under R.I. Gen. Laws § 40-6-27.

1. State payments to non-Medicaid assisted living facilities are made directly to the facility on a monthly basis.

2. This payment is equal to two-hundred and six dollars ($206) per individual per month subject to available funding. The Department of Human Services is authorized to implement these payments subject to funding made available through the Rhode Island General Assembly.

3. Facilities will be required to provide a notarized certified statement to the Department documenting the number of residents that meet the eligibility criteria for this payment, within ten (10) business days of the first of each month.

4. The State shall make retroactive payments back to July 1, 2012 to facilities that provide the necessary documentation regarding eligible residents.

5.5 State Subsidy Payment to Selected Assisted Living Residences

A. In accordance R.I. Gen. Laws § 40-6-27.2, the DHS provides a monthly State subsidy for each optional State Supplement Category D recipients residing in one of the State licensed assisted living residences that were initially financed, prior to January 1, 2006, by the RI Housing and Mortgage Finance Corporation.

B. The DHS also provides the monthly State subsidy payment to licensed assisted living residences for each Category D recipient that is not receiving Medicaid-funded long-term services and supports under Title XIX of the Social Security Act. Such a monthly payment shall not be made on behalf of persons residing in a CSLP who receive the optional State Supplemental Payment under Category F as authorized under R.I. Gen. Laws § 40-8.13-12.

1. State subsidy payments for selected assisted living residences are made directly to the residence on a monthly basis.

2. The State subsidy is equal to two-hundred and six dollars ($206) per individual per month subject to available funding. The Department of

Human Services is authorized to implement these payments subject to funding made available through the Rhode Island General Assembly.

3. Assisted living residences are required to provide a notarized certified statement to the Department documenting the number of residents that meet the conditions for this payment established under R.I. Gen. Laws § 40-6-27.2 within ten (10) business days of the first of each month.

4. The subsidy payment to the selected assisted living residences is not treated as income for the purposes of determining eligibility for State and Federal means-tested programs including SSI, Medicaid, optional or mandatory SSPs and/or SNAP.

5.6 Rhode Island Federal Supplemental Security Income (SSI) and State Supplemental Payment Rates

	Maximum Combined Federal/State		Federal		Maximum State Supplemental Benefit	
Living Arrangement	Individual	Couple	Individual	Couple	Individual	Couple
Category A Living in Own Household	$~~822.92~~ 833.92	$~~1,254.38~~ 1,270.38	$~~783.00~~ 794.00	$~~1,175.00~~ 1,191.00	$39.92	$79.38
Category B Living in Household of Another	$~~573.92~~ 581.26	$~~880.64~~ 891.30	$~~522.00~~ 529.34	$~~783.34~~ 794.00	$51.92	$97.30
Category D Assisted Living Residential Care Setting	$~~1,115.00~~ 1,126.00	N/A	$~~783.00~~ 794.00	N/A	$332.00	N/A
Category E Title XIX Facility	$50.00	N/A	$30.00	N/A	$20.00	N/A

Category F Community Supportive Living Program	$~~1,580.00~~ 1,591.00	N/A	$~~783.00~~ 794.00	N/A	$797.00	N/A