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State of Minnesota
Department of Human Services

Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155

January 10, 1993

Patrick E. Flahaven
Secretary of the Senate
231 State Capitol
St. Paul, Minnesota 55155

Dear Mr. Flahaven:

Submitted herewith is the report to the legislature on Supplemental Security Income (SSI) Conversions as required by Laws of Minnesota 1992, Chapter 513, Article 8, Section 22, Subdivision 5(d). The report details actions taken to implement the legislative provisions, the current status of efforts, and plans to maximize SSI conversions.

Requests for further information about this report should be directed to Patricia Ploumen, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3834, telephone 612/296-6004.

Sincerely,

A handwritten signature in cursive script that reads "Natalie Haas Steffen".

NATALIE HAAS STEFFEN
Commissioner

Enclosure

cc: Legislative Reference Library (6)

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Article 8, Section 22, subd 5(d)
and coded as Mn Stat 256D.06



State of Minnesota
Department of Human Services

Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155

January 10, 1993


Edward A. Burdick, Chief Clerk
Minnesota House of Representatives
211 State Capitol
St. Paul, Minnesota 55155

Dear Mr. Burdick:

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Sincerely,


NATALIE HAAS STEFFEN
Commissioner

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MINNESOTA
DEPARTMENT OF HUMAN SERVICES



**A Report to the Legislature
on
Supplemental Security Income
Conversion**

January 15, 1993

CONTENTS

	Page
Introduction	1-2
State Contracts With Qualified Providers	3-5
Qualified Provider Incentive Payment	6
Screening Residential Services Clients	7
County Agency Review of Clients on GA for Two Years ...	8
Additional Information	9

SUPPLEMENTAL SECURITY INCOME CONVERSION

INTRODUCTION

Supplemental Security Income (SSI) conversion refers to the process of getting general assistance, work readiness, and Minnesota supplemental aid clients on the SSI program. It is also called the interim assistance reimbursement program.

The federally funded SSI program was initiated about 19 years ago, replacing the former federal/state/county funded programs for persons of advanced age, with blindness, and/or with disabilities. Applicants for/Recipients of general assistance (GA), work readiness (WR), and Minnesota Supplemental Aid (MSA) are required to apply for other maintenance benefits, such as SSI, for which they may be eligible.

Over the years a number of initiatives have been implemented to maximize the use of the SSI program. The Laws of Minnesota, 1992, Chapter 513, Article 8, Section 20, Subdivision 17, Section 21, Subdivision 5, and Section 22, Subdivisions 5a-5d introduced additional initiatives to achieve maximal use of the SSI program. Provisions of the 1992 legislation are:

- The Department of Human Services (DHS), in addition to county human service agencies, can contract with qualified providers for services to help GA, WR, and MSA clients with the SSI application process.
- Providers who contract with the county or the state to help GA and WR clients get SSI can be paid 25 per cent of the amount recovered under an interim assistance agreement as an incentive to serve the clients.
- Providers of residential services who contract with counties must screen residents who may be eligible for federal benefits and refer potentially SSI eligible clients to the county.
- DHS must alert county agencies of clients who have received GA for two years or more and the county agency must refer potentially eligible clients for federal benefit application.

DHS issued Instructional Bulletin #92-8F, Subject: 1992 Legislation Impacting Interim Assistance Reimbursement dated June 15, 1992 to inform county agencies of the legislation and to

provide instructions for implementing the legislation. The broad implications of the changes required involvement of staff from many divisions within the DHS Family Self-Sufficiency, Health Care, Social Services, and Community Mental Health Administrations. In addition, several divisions of the DHS Finance and Management Administration, about five county agencies, the Social Security Administration, and Disability Determination Services were consulted regarding implementation of the various legislative provisions. A copy of the bulletin is attached to this report.

STATE CONTRACTS WITH QUALIFIED PROVIDERS

In 1983 the Minnesota Legislature, recognizing that many general assistance (GA) clients needed advocacy and assistance to apply for SSI, passed into law several provisions to promote the use of SSI by GA clients. In 1984 similar legislation passed for Minnesota Supplemental Aid (MSA) clients. Rules were promulgated that required county agencies to provide or contract for special services to help clients with the SSI application process. Those with whom the county agencies contract for special services are called qualified providers. Under the 1992 legislation, the commissioner of human services (state agency) may also contract with qualified providers for services to help GA, Work Readiness (WR), and MSA clients through the SSI application process.

The primary focus of state agency contracts with qualified providers is to expand services that will increase early approvals of SSI applications. Potential qualified providers contacted by the state are cautious about making a commitment to provide services to assist interim assistance clients in the early stages of the SSI application. The client universe is nebulous which raises questions about enough clients to make the effort worthwhile and, on the other extreme, more clients than the provider can serve. There is a legitimate concern that some clients will not be approved and no retroactive SSI will be available to pay them or that the reimbursement will not be sufficient to cover the cost of their services and expenses. However, a number of contracts are in effect with others soon to follow.

A contract with Northwest Minnesota Legal Services (NMLS) was signed and executed effective September 30, 1992. This contract developed out of the interest of NMLS and a local community action program to do some SSI outreach in the 22 county area served by NMLS and help potential SSI recipients throughout the SSI application process. After meetings with county human service agencies and others in the area, the project was pared down with the current contract covering one county, only. The contract was delayed by a number of events such as vacations of key legal services personnel and NMLS opening an additional legal services office in Alexandria.

A contract was signed and executed with Disability Specialist, Inc (DSI); Cook, Minnesota effective November 1, 1992. This resource serves clients throughout the SSI application process. Services have been provided primarily in the eastern half of the state but DSI is willing to accept clients from all counties.

The third contract is with Catholic Charities, specifically Mary Hall located in St. Paul effective December 1, 1992. Mary Hall

serves clients who are experiencing multiple difficulties including homelessness, unemployment, family separation, various mental health problems, chemical dependency, etc. The resource has an ideal arrangement with a cluster of services available to help interim assistance clients complete SSI applications. At this time, this contract covers Ramsey county only.

Also effective December 1, 1992 is the contract with Mental Health Resources (MHR) whose corporate offices are in St. Paul. MHR provides a community support program in Hennepin and a variety of other direct client services in Dakota, Hennepin, and Ramsey counties. They are willing to provide SSI application assistance services in the three counties.

Two agencies in Duluth are contracting as qualified providers effective January 1, 1993 serving Duluth, where there is a concentration of clients, and the surrounding area. The Human Development Center provides a community support program and other mental health services for St. Louis County and Central Hillside United Ministry provides drop-in and other services for the county.

Proposals were sent to three additional resources primarily serving Hennepin and Ramsey counties, providing services to clients with multiple problems, including serious and persistent mental illness. All three indicated interest in the possibility of contracting with the state agency to provide special services to interim assistance clients. Follow-up contacts were made and contract discussions continue. The three agencies, with offices located in Hennepin County, are: People, Inc; Vail Place; and Multi Resource Center.

While the main thrust of early effort has been resources serving areas that support large client populations, a number of smaller out-state population hubs have been considered. Proposals have been sent to Catholic Charities in St. Cloud and West Central Community Mental Health Center in Willmar. Information about the Rochester area does not appear to warrant pursuit at this time. Olmsted County is actively involved with assisting interim assistance clients with a staff person assigned to help clients through the SSI application process. Northwest Minnesota Legal Services is working with counties that include the Crookston and Moorhead areas to pursue special services to interim assistance clients throughout the SSI application process.

A number of independent law firms have contacted the state agency about contracting to provide special services to interim assistance clients. State interest in contracting with these resources is low because they usually are not interested in helping clients with the initial application process, are already

contracting as a qualified provider with one or more county agencies, do not have a 'track record' of assisting SSI clients, or other similar reason.

In cooperation with the Social Security Administration and Disability Determination Services, training for state contracted qualified providers is scheduled in mid-January, 1993.

Results of state contracting with qualified providers that can be tracked and will be reported annually includes the history of assistance issued to and general assistance medical care(GAMC)/Medicaid(MA) use by clients served by state contracted qualified providers. The effect on SSI and GA/WR/MSA caseloads cannot be identified precisely.

QUALIFIED PROVIDER INCENTIVE PAYMENT

Payment of the advocacy incentive (25% of the interim assistance reimbursement) to outside qualified providers has had little effect to date. It was a positive influence in meeting with potential state contract qualified providers and may have an influence on increasing services to clients in the early stages of SSI applications.

Legal Aid Society, Minneapolis, is considering the possibility of hiring an additional person to do increased SSI outreach and help clients with initial SSI applications. The 25% advocacy incentive may provide the impetus for those added services. The agency currently contracts with Hennepin County.

There has been concern expressed by several counties about making the 25% incentive available to outside qualified providers. It is possible that county agencies that have been claiming the full 25% incentive may have to split it with an outside provider. That could be a disincentive to some county agencies who assist clients, particularly those who have a full/part-time advocate on staff.

The Hennepin County attorney's office has offered the opinion that the amended statute does not mandate that outside qualified providers be paid the advocacy incentive and since the rule has not been amended, there is no rule that requires the incentive payment. No results of that opinion have surfaced to date, but if the opinion is applied to qualified provider bills, questions are expected soon. The matter needs to be pursued and will be resolved by updating the rule which is expected to take a number of months.

SCREENING RESIDENTIAL SERVICES CLIENTS

Instructions to county agencies to implement the requirement that county-contracted residential service providers screen residents who may be eligible for SSI and provide screening results to county agencies were issued in Instructional Bulletin #92-8F (see Attachment A). This matter is very complex due to the multiplicity and diversity of residential services that county agencies contract for. Efforts were also made to avoid duplicate and SSA-irrelevant SSI screening requirements.

The requirement of residential service providers to screen residents for possible SSI eligibility will not show any results for some time. The requirement must be included in the residential services contracts. Most contracts are on a calendar year basis which means that the requirement cannot be implemented until contracts are renewed effective January 1, 1993.

A quarterly client tracking process is described in Attachment A. Results will begin to be available after the first quarter, 1993. There is no reporting system to capture GA savings directly related to this screening requirement.

COUNTY AGENCY REVIEW OF CLIENTS ON GA FOR TWO YEARS

Legislation required the commissioner to modify the MAXIS system to provide information to county agencies on clients who have been on general assistance (GA) for two years or more. MAXIS was programmed to send worker messages about the SSI screening requirement for the specified clients. The messages were programmed to begin August 1, 1992 and annually thereafter at the scheduled eligibility redetermination. The resulting number of messages was negligible. The program was reviewed and found to be correct. Further evaluation by MAXIS staff determined that the lack of clients identified seemed to be tied to eligibility gaps during the two years.

The above program met the letter of the law but produced none of the desired results. The problem was evaluated in consultation with MAXIS, Social Security, and representatives of the county human services agencies in the seven county metro area. The MAXIS program was revised to screen for clients who had been on GA for one year or longer. The change was effective December 1, 1992. As this report is being prepared, the results of the revised programming are not available.

ADDITIONAL INFORMATION

SSI participation by people with disabilities in Minnesota has shown steady increase over the years. The SSI-Disabled caseload increased 13% in the first nine months of 1992 due to the "Sullivan vs Zebley" lawsuit settlement. Additional increases are expected in the remaining months of 1992 and in 1993. This growth will make it more difficult to observe a clear caseload impact from the 1992 legislation.

To assist the SSI coordinator, an assistance payments division staff person was assigned to help with the actual qualified provider contract execution procedures and the billing and payment process.

Results in the interim assistance reimbursement program occur slowly. People who have very low income and who are over 65 or have an obviously severe and continuing disability are on SSI or will be easy to determine eligible in a short period of time. There are, however, large numbers of GA clients whose SSI eligibility determination can take a very long time. Currently, some take up to three years. One of the goals of the legislation is to speed up the SSI approval process. However, the very nature of the problems these clients evidence makes the SSI application process difficult and very time consuming.

Data will be available in the 1994 report on the number of people served by contractors and the outcomes. DHS will also provide descriptive data on the past use of public assistance and state medical programs by the clients served.



State of Minnesota
Department of Human Services

Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155

INSTRUCTIONAL BULLETIN #92-8F

June 15, 1992

TO: Chairperson, Board of County Commissioners
Attention: Director

Chairperson, Human Services Board
Attention: Director

SUBJECT: 1992 Legislation Impacting Interim Assistance
Reimbursement

I. PURPOSE

The purpose of this bulletin is to inform county agencies of 1992 legislation affecting interim assistance and to provide instructions for implementing the legislation.

II. BACKGROUND

As a condition of eligibility, general assistance (GA) clients must apply for other maintenance benefits for which they may be eligible. Supplemental Security Income (SSI) is one of the benefits for which many GA clients are eligible. GA is issued as interim assistance while a client's application for SSI is being processed or a disability determination is being made. These clients must sign an interim assistance reimbursement agreement that authorizes the Social Security Administration to send the initial SSI check to the county agency so the interim assistance can be recouped.

Many clients need help completing the SSI application process as well as reconsiderations and appeals of denied applications. In the early 1980s, legislation was passed and rules were promulgated that required county agencies to provide or contract for special services to eligible clients to help them with the SSI application and eligibility determination process. In addition to recovering the county share of interim assistance issued and actual expenses, the

county agencies could keep an additional 25 per cent of the interim assistance as an incentive payment if the agency acted as an advocate helping GA clients to apply for SSI.

The 1992 Legislature passed several provisions to assist county agencies with the interim assistance reimbursement process and to maximize the appropriate use of the SSI program for GA clients. Legislative changes implemented with this bulletin are as follow:

- The Department of Human Services (DHS), in addition to county agencies, will contract with qualified providers for services to help clients with the SSI application process.
- Providers who contract with the county or the state to help General Assistance and Work Readiness clients get SSI will be paid 25 per cent of the amount recovered under an interim assistance agreement as an incentive to serve the clients.
- Providers of residential services must screen residents who may be eligible for federal benefits and refer potentially SSI eligible clients to the county.
- DHS will alert county agencies of clients who have received General Assistance for two years or more and the county agency must refer potentially eligible clients for federal benefits application(s).

III. LEGAL REFERENCES

Minnesota Statutes, section 256D.06, subdivisions 5 and 5a
Minnesota Statutes, section 256D.54
1992 Laws of Minnesota, Chapter 513, sections 21, 22 and 25

IV. ACTION REQUIRED

A. STATE CONTRACTS WITH QUALIFIED PROVIDERS

Under new legislative provisions, the commissioner of human services (state agency) or the county agency may contract with qualified providers for services to help GA, Work Readiness (WR), and Minnesota Supplemental Aid (MSA) clients through the SSI application process.

A "qualified provider" means:

1. a nonprofit legal assistance organization;
2. an agency that employs licensed practitioners or accredited counseling staff or staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;
3. a private attorney at law; or
4. another organization or person determined by the state or county agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

County agencies may continue and are encouraged to contract with qualified providers that actively pursue SSI eligibility for clients. In ranked order, the state agency is most interested in contracting with:

1. additional qualified providers who will help clients with the initial SSI application process and reconsiderations, as well as appeals when necessary,
2. qualified providers in counties that have county agency-provided special services but are unable to serve all interim assistance clients through the SSI application process, and
3. qualified providers that have current contracts with a county agency and the state and county agree that a state contract would facilitate the interim assistance reimbursement process.

The state will pursue contracts with known qualified providers with emphasis on expanding services to increase early approval of SSI applications and approvals at the reconsideration level. County agencies should send referrals in the three priority areas listed above to the state SSI coordinator (see Section V of this bulletin). DHS will send state contracted qualified provider lists to counties served by the providers. This information must be given to interim assistance clients referred for SSI application.

The state will directly contract with qualified providers, monitor contracts and pay the providers for services given to interim assistance clients. County agencies must continue to provide other functions in the interim assistance reimbursement program, including the interim assistance authorization agreement, calculation of interim assistance reimbursement, and completion of social security and DHS reports. In addition, the county agency must take the following steps:

1. When a client chooses services from a state contracted qualified provider, notify the state SSI coordinator of the client's name, case number, name of qualified provider chosen and the date of client referral to the provider. Send this information via MAXIS E-mail to "HELP", subject: "SSI Qualified Providers".
2. When interim assistance reimbursement is calculated, send one copy of the *CLIENT NOTICE* form DHS-2993 and one copy of the *SUPPLEMENTAL SECURITY INCOME NOTICE OF INTERIM ASSISTANCE REIMBURSEMENT* form SSA-8125 to the state SSI coordinator (see Section V of this bulletin).

This information is necessary for monitoring and assuring correct payment to the state contracted qualified providers.

For county agency reference, see these procedures in MAXIS, POLI-TEMP under Interim Assistance.

B. QUALIFIED PROVIDER SERVICE INCENTIVE

As an incentive for counties to provide special services to interim assistance clients applying for SSI, county agencies can retain 25 per cent of the interim assistance reimbursement in addition to recovering actual costs of services provided. This 25 per cent incentive is available to all other qualified providers who provide special services to GA and WR clients applying for SSI effective with SSI eligibility decisions made on and after July 1, 1992. The incentive is available to qualified providers in addition to their fees for service and other related costs.

The intent of this incentive is to encourage:

1. more qualified providers to help interim assistance

- clients through the SSI application process; and
2. provider involvement at the beginning of the process to facilitate positive SSI decisions before the appeal stage.

County agencies should strongly encourage interim assistance clients to accept qualified provider help with SSI applications.

Attachment A of this bulletin is a contract addendum for qualified provider contracts. This addendum must be deemed to be part of the *CONTRACT - PROVISION OF SPECIAL SERVICES TO SSI CLIENTS* form DHS-2697 and substitute county contracts or agreements with providers of special services. This addendum will be merged with the DHS form at next printing and must be merged with county contracts or agreements upon their renewal or initiation.

C. RESIDENTIAL SERVICE PROVIDER RESIDENT SCREENING FOR SSI

1992 legislation requires that county contracts for residential services shall require the service providers to screen residents who may be eligible for SSI and provide screening results to county agencies. Residents must be screened on or before the annual anniversary of admission. The county agency must include SSI screening requirements in adult residential service contracts that are initiated or renewed on and after July 1, 1992.

Clients who must be screened for potential SSI eligibility by the provider are those whose residential services are funded by GA and who do not receive SSI or have an SSI application pending. Providers must send the county a list of residents screened each month and refer potential SSI-eligible clients to the county agency. The provider's referral must cite the client's impairments and functional abilities which call for subsequent county agency referral of the client to apply for SSI. Providers shall document each screening in the respective client's file.

For purposes of this requirement, residential services are those programs which provide food and lodging and may provide additional services to adults on a 24-hour a day basis outside of the person's own home. Residential services include Rule 36, Rule 35, Rule 34, Rule 18, Group Residential Housing (formerly Negotiated Rate Facilities) such as Board and Lodging, Board and Care, and Adult Foster

Care. Residential services which receive medical assistance payment for client care are excluded from this requirement.

Attachment B of this bulletin is a one page SSI screening guide. Distribute the guide to providers of residential services for their use in the screening process. Provider training about SSI eligibility is available to help them develop effective screening methods. Refer training requests to the SSI coordinator (see Section V).

The state agency will issue quarterly Request Bulletins asking county agencies for information about the number of residential services clients screened by providers, the number of potential SSI eligible clients referred to the county, the number referred by the county for SSI application, and the number approved for SSI.

The addition of the requirement for residential services providers to screen residents for federal benefits eligibility does not change the county agency responsibility to determine a GA client's potential eligibility for other maintenance benefits. Further, this provider screening does not replace or change the requirement that the county agency must develop or approve a plan for an individual who lives in group residential housing due to illness or incapacity.

D. COUNTY AGENCY SCREENING OF GA CLIENTS

DHS will inform the county agency about clients who have received GA for two years or more. The county agency must screen those clients for potential SSI eligibility.

MAXIS will produce a "DAIL" message for the financial worker indicating that a GA client must be screened for referral for an SSI application. Clients already receiving SSI or RSDI and clients to whom interim assistance reimbursement does not apply will be excluded from the daily message system. Each client identified in "DAIL" must be screened by the agency SSI advocate, financial worker, or other designated person(s) for referral to apply for SSI.

In screening potential referrals for SSI application, look for clients:

1. who have not been referred to SSI in the past,

2. who are not required to pursue SSI benefits under the current basis of GA eligibility but meet another basis of eligibility that requires SSI referral, or
3. who have had a change in circumstances that indicates possible SSI eligibility.

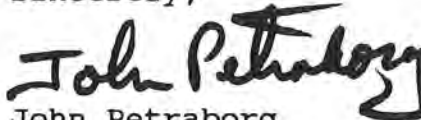
The one-page SSI screening guide for residential services providers (see Attachment B) can be used by county agencies to assist in the screening process. SSI eligibility training is available for county staff who are responsible for screening GA clients for referral to SSI. Requests for training should be directed to the SSI Coordinator (see Section V).

V. QUESTIONS

Direct questions about this bulletin to:

Patricia Ploumen, DHS/SSI Coordinator
Assistance Payments Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3834
(612) 296-6004

Sincerely,



John Petraborg
Assistant Commissioner
Family Self-Sufficiency Administration

PROVISION OF SPECIAL SERVICES TO SSI CLIENTS

CONTRACT ADDENDUM

This addendum shall be construed as part of the *CONTRACT - PROVISION OF SPECIAL SERVICES TO SSI CLIENTS* form DHS-2697 and substitute county contracts or agreements with providers of special assistance to general assistance clients in their attempts to obtain Supplemental Security Income (SSI). This addendum shall be effective with SSI decisions reached on and after July 1, 1992.

II. CONSIDERATION AND TERMS OF PAYMENT: ADDENDUM

- A. Consideration (continued). In addition, County shall pay Provider 25% of the interim assistance reimbursement as an advocacy incentive for each applicant or recipient assisted under this agreement who subsequently is determined eligible for and receives an initial payment of SSI benefits from the Social Security Administration, subject to the limitations and conditions listed in part II.A.2 of the contract and in accordance with Minnesota Rules, part 9500.1256, or any successor to those rules.

SUPPLEMENTAL SECURITY INCOME (SSI) SCREENING GUIDE

SSI is a federal program that makes monthly payments to the elderly, the blind, and people with disabilities, including children who have limited income and resources. The following guidelines are used for making referrals to file for SSI.

- IF THE CLIENT IS AGED - Age 65 or older
- BLIND - 20/200 vision in better eye with glasses or field of vision 20%
- DISABLED - Physical or mental disability that keeps a person from performing any gainful work for 12 months or longer

IF THE CLIENT MEETS THE FOLLOWING GUIDELINES, REFER

INCOME LIMITS - Income other than earnings (RSDI, pensions, etc), if amount is less than \$442 a month

Earnings, if client disabled and earning under \$500 a month

RESOURCE LIMITS - \$2000 for individual, \$3000 for a couple
Exclusions: A home a person lives in, a car depending on use or value, burial plot and burial funds up to \$1500, life insurance with \$1500 face value

CITIZENSHIP/RESIDENCY - U.S. citizen or lawful permanent resident or alien with lawful claim to remain in U.S.

This screening guide does not replace information on SSI contained in Minnesota Department of Human Services Bulletins or publications distributed by the Social Security Administration.

USE THIS GUIDE TO SCREEN CLIENTS THAT MAY NOT HAVE BEEN REFERRED TO FILE FOR SSI IN THE PAST OR WHOSE CIRCUMSTANCES MAY HAVE CHANGED. ALL GENERAL ASSISTANCE CLIENTS WITH SIGNIFICANT IMPAIRMENTS SHOULD BE CONSIDERED FOR REFERRAL INCLUDING CLIENTS IN RESIDENTIAL SERVICES PROGRAMS.
