

A Quick and Easy Method of Screening for Medicaid Eligibility under the Pickle Amendment

The Pickle Amendment requires that an individual is to be deemed an SSI recipient (which in most states means automatic Medicaid eligibility)¹ if he or she:

1. Was simultaneously entitled to receive both Social Security [Old Age, Survivors or Disability Insurance (OASDI)] and Supplemental Security Income (SSI) in some month after April 1977;²
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.

Screening for Medicaid eligibility under the Pickle Amendment is quick and simple. The screening process will eliminate the great majority of those who are not eligible without the necessity of performing any mathematical calculations. For those who survive the initial screening and for whom mathematical calculations are required, the table below provides a simple formula for performing the necessary calculations.

The screening process is as follows:

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

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

Step 3: Ask the person, “What is the last month in

which you received SSI?”

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

Step 5: You have just calculated the person’s countable Social Security income under the Pickle Amendment. Add the figure that you have just calculated to any other countable income the person may have. If the resulting total is less than the current SSI income criteria in your state, the person is Pickle eligible, from the standpoint of income, for Medicaid benefits. (The person must still satisfy separate Medicaid resource and non-financial requirements.)

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 \$1,294 per month, which happens to be the average monthly benefit for retired workers. Her private pension is \$275 a month, giving her a total of \$1,569 monthly.

In 2013, the income limit for SSI (taking into account a \$20 general income disregard) is \$741 for an individual. Thus, Mrs. Gherkin’s income is over twice the SSI income limit, which her state has adopted as the Medicaid limit for persons who are aged, blind or disabled.

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 (.264). You multiply Mrs. Gherkin's current Social Security benefit of \$1,294 by that factor, to determine her current countable "Pickle" income.

$\$1,294 \text{ multiplied by } .264 = \341 ("Pickled" Social Security income, rounded downward)

$\$341 \text{ countable Social Security income} + \$275 \text{ private pension} = \$616 \text{ total countable "Pickle" income.}$

Since \$616 is less than the current SSI income limit (including the standard \$20 disregard) of \$741, Mrs. Gherkin is eligible for Medicaid, even though she is ineligible for SSI.

Reduction Factors for Calculating Medicaid Eligibility Under the Pickle Amendment During 2014

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 2014 OASDI income by:³</i>	<i>If SS was terminated during this period:</i>	<i>Multiply 2014 OASDI income by:</i>	<i>If SSI was terminated during this period:</i>	<i>Multiply 2014 OASDI income by:</i>
May – June 1977	.249	Jan. 1989 – Dec. 1989	.511	Jan. 2001 – Dec. 2001	.736
July 1977 – June 1978	.264	Jan. 1990 – Dec. 1990	.535	Jan. 2002 – Dec. 2002	.756
July 1978 – June 1979	.281	Jan. 1991 – Dec. 1991	.564	Jan. 2003 – Dec. 2003	.766
July 1979 – June 1980	.309	Jan. 1992 – Dec. 1992	.585	Jan. 2004 – Dec. 2004	.782
July 1980 – June 1981	.353	Jan. 1993 – Dec. 1993	.603	Jan. 2005 – Dec. 2005	.803
July 1981 – June 1982	.393	Jan. 1994 – Dec. 1994	.618	Jan. 2006 – Dec. 2006	.836
July 1982 – Dec. 1983	.422	Jan. 1995 – Dec. 1995	.636	Jan. 2007 – Dec. 2007	.864
Jan. 1984 – Dec. 1984	.437	Jan. 1996 – Dec. 1996	.652	Jan. 2008 – Dec. 2008	.883
Jan. 1985 – Dec. 1985	.452	Jan. 1997 – Dec. 1997	.671	Jan. 2009 – Dec. 2011	.935 ⁴
Jan. 1986 – Dec. 1986	.466	Jan. 1998 – Dec. 1998	.685	Jan. 2012 – Dec. 2012	.969
Jan. 1987 – Dec. 1987	.472	Jan. 1999 – Dec. 1999	.694	Jan. 2013 – Dec. 2013	.985
Jan. 1988 – Dec. 1988	.492	Jan. 2000 – Dec. 2000	.712		

¹ In 11 states, known as 209(b) states, SSI eligibility does not automatically confer Medicaid eligibility: CT, HI, IL, IN, MN, MO, NH, ND, OH, OK, and VA. *See Noland v. Shalala*, 12 F.3d 258 (D.C. Cir. 1994).

² The person 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 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).

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.