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Authorized Signature

Number: SS-IM-09-016

Issue Date: 03/16/2009

Topic: Medical Benefits

Subject: SSP Medical Program Pursuit of UC Policy

Applies to (check all that apply):

- | | |
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| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): CAF SSP only |

Message: On November 3, 2008, the SS-IM-08-036 *SSP Medical Program Pursuit of UC Questions and Answers* transmittal was distributed. This transmittal replaces SS-IM-08-036. The pursuit of UC policy is being revised for OHP applicants and recipients.

OHP related text revisions are bolded.

CAF SSP medical program clients are required to pursue available assets. One key asset is unemployment compensation (UC). Most clients applying for or receiving EXT, MAA, MAF, OPC, CHP, OPP and OPU are required to pursue UC if it could be an available asset.

“Pursuing UC” means applying for UC and, if eligible for UC, meeting the Employment Department work search (or other) requirements necessary to receive the UC benefits.

Individuals who do not have good cause not to pursue UC are not eligible for SSP medical program benefits.

Pregnant women and pursuit of UC

- Unless JOBS exempt, require pregnant women at initial MAA, MAF and OHP application not yet receiving Medicaid benefits to pursue UC.
- Do not require ongoing pregnant Medicaid recipients to pursue UC as part of their eligibility for Medicaid. Once a pregnant woman is receiving Medicaid, she cannot be penalized for refusing to pursue UC.

Applicants

- If an MAA or MAF applicant lets you know they choose not apply for UC, determine if the client has good cause for not applying. If they do not have good cause, deny just the applicant who refuses to apply. Do not deny anyone else in the filing group such as the children or second parent.
- If you have pended the MAA or MAF applicant to pursue UC and the applicant does not respond to the pend notice, the entire filing group is denied assistance. You can let the CM system deny everyone on the application for failure to complete the application process (“DD” or “AP” denials). *The denial is not for failure to pursue UC, but because the client did not complete the application process.*

NOTE: *For OHP only, if the adults are not applying for OHP for themselves or if they are applying for OHP-OPU and ineligible because they are new applicants, do not pend the adults for pursuit of UC. Unless there is good cause, require new OPP applicants to pursue UC.*

Recipients

For EXT, MAA, MAF and OHP, if a recipient notifies you that they choose not to apply for UC, determine if the client has good cause for not pursuing. If no good cause:

- Send a 10-day close notice and the DHS 462A and end the recipient’s medical benefits. Do not end the benefits for anyone else on the case because the recipient refused to apply for UC. If the recipient is pregnant, do not require her to pursue UC as part of her medical redetermination.

When pending a client at redetermination, add the BED coding and send the pend notice to require the client to pursue UC.

- If there is more than UC pended and the client does not respond to the redetermination pend notice, let the CM system send the 77B BED close notice and end benefits for everyone in the household for failure to complete the redetermination process. The CM system will not end benefits for clients who have protected eligibility, such as AENs or women still in their protected eligibility period. ***The closure is not for failure to pursue UC, but because the client did not complete the redetermination process.***

NOTE: *For OHP only, if there is an ongoing OHP-OPU client and the only item to pend is UC, recertify everyone else in the household. Pend the ongoing OHP-OPU client for UC and add the BED coding. Do not update the STD need/resource end date.*

For ongoing medically eligible clients not at redetermination:

- If an ongoing EXT, MAA or MAF client reports a change that indicates they might be eligible for UC, pend the client for UC, unless pregnant. If they do not respond, send a 10-day notice and DHS 462A and end their benefits.

NOTE: If there is no ongoing OHP-OPU client, do not pend the adults for UC.

Good Cause

For EXT, MAA, MAF and OHP, if the client has been pended for pursuit of UC and contacts the Department within the 45 day pend period with concerns about applying for UC, consider if the client has good cause for not pursuing UC before denying or ending benefits.

- To qualify as good cause, there must be a circumstance beyond the client's control for not pursuing.
- For example, pregnant applicants are not automatically exempt from pursuing UC unless also in JOBS and determined to be JOBS exempt. However, a pregnant client with health concerns may have good cause not to pursue UC.
- For example, attending college is not sufficient good cause. However, a teen parent in high school through the JOBS program may have good cause not to pursue UC.

The following is a list of questions and answers regarding pursuit of unemployment compensation when determining eligibility for EXT, MAA, MAF, OHP and SAC:

Question 1: For DV applicants, can we open medical without having them apply for UC?

Answer 1: Yes, you can give them good cause not to apply if it appears they are not available to look for work because of DV issues.

Question 2: I have a MAA/TANF client in JOBS. She is attending high school and you are telling me she has to apply for UC?

Answer 2: JOBS exempt clients do not have to pursue UC (it is in rule 461-120-0330).

Technically, mandatory JOBS clients need to pursue UC, but I can see why you would not want a teen parent to have to do so as part of her medical eligibility. You can give her good cause for not applying for UC if it would interfere with her JOBS plan. Remember to narrate your decision. (It could turn out to be a QC error if you do not narrate it.)

Question 3: Why do we need to pend an OHP client for UC? It doesn't matter for them because it can't be a part of the 3 month income average.

Answer 3: At field request, to streamline eligibility, we are no longer requiring OHP applicants who would be denied as a new clients ("no program available") or not applying for benefits to apply for UC.

Question 4: What if my client tells me he is not going to pursue UC?

Answer 4: If he is a new applicant and refuses to apply for UC, we do not need to pend him for pursuit, but we do have to consider whether he must be denied MAA or MAF. First, consider if he has good cause. If he does not have good cause for refusing to apply for UC, deny just him (just the person who refuses to apply for UC) and open the children and the second parent on the case, if there is one. (The penalty for failure to apply for UC only applies to the person that does not apply for UC). Send him a denial notice explaining the UC issue and a 462A. The person who refused to pursue UC is still in the need group; his income and resources still affect the family's eligibility.

If he is an ongoing MAA/MAF client at redetermination and he refuses to apply, send him a close notice and a 462A and continue the review process for the rest of the family.

If he is an MAA or MAF client, let him know he can change his mind, pursue UC and get back on MAA/MAF at any time. However, if he is an OHP Standard client, he will be treated as a new eligible and will not be able to get back on OHP Standard.

Question 5: My MAA client is pregnant. Does she need to pursue UC?

Answer 5: Yes, she does at initial application (unless she is exempt from JOBS participation. JOBS-exempt clients do not have to pursue UC). If she has health concerns or is unable to look for work, you can give her good cause not to apply for UC, but for medical only clients, it is usually better to have clients apply for UC and let the Employment Department make a decision about whether the client is available to look for work. The good news is it is a prudent person (common sense) decision, so you can pretty much do what you want as long as it makes sense and you narrate it. If you are not sure, ask your lead or a policy analyst.

Do not pend pregnant clients already receiving Medicaid to apply for UC. Technically, they are required to pursue UC, but since they have protected eligibility status, we cannot end their benefits because they refused to apply for UC. Rather than create extra workload, the policy decision is not to require pregnant recipients to apply for UC.

Question 6: Why make MAA/MAF clients apply for UC if their WBA (weekly benefit amount) will not affect their medical anyway?

Answer 6: We called an Employment Department trainer about WBAs. The trainer said that WBA calculations expire and that we cannot know for sure what the current WBA amount is. It is better to have the client apply, let the Employment Department figure it all out and then make a decision.

Question 7: My MAA client is working part time and I know they are not eligible for UC because their earnings are over the WBA amount. I do not need to make them apply, do I?

Answer 7: Yes, have them apply for UC. Let the Employment Department make the decision. There are lots of ins and outs about UC that we do not know (just like they do not know all our rules).

Question 8: My MAF client is a college student. Why make him jump through hoops and apply for UC just to be denied?

Answer 8: We called an Employment Department trainer about this issue. The trainer said that the Employment Department does not automatically deny UC just because the UC applicant is a student. He needs to apply for UC. If he refuses, deny his medical with a denial notice and 462A and open for the rest of the family.

Question 9: My MAA client quit work to go to school. Do I still need to make him apply for UC?

Answer 9: For EXT, MAA, MAF and OHP clients, quitting a job does not automatically make the client ineligible for UC, but if there were no other issues except that he wanted to quit in order to attend school, you do not need to make him apply. However, if he refuses to apply for UC, he will no longer be eligible for CAF SSP medical. Send a 10-day close notice and a 462A and end his medical benefits. Narrate your decision.

Question 10: My MAA client applied for UC and I opened the case, but then he did not follow up on the UC.

Answer 10: If he does not have good cause, send a 10-day close notice and a DHS 462A and end his benefits.

Note: *Frequently, there is a time lag from the time the client initially applies for UC and the time the medical is opened. Before opening, check on the UC screens to see if the client is actually pursuing the UC. If not, then determine if the client has good cause. If no good cause, deny just the person who did not pursue UC.*

Question 11: What if my MAA client does not want to look for work right now?

Answer 11: This is a single parent MAA only client (not JOBS exempt)? If so, unless she has good cause for not looking for work, send her a pend notice. If she does not start pursuing UC, send a 10-day notice of reduction and DHS 462A and end her medical. (Do not end medical for anyone else in the filing group.)

Question 12: My MAA CWM client just lost his job. Do I need to pend him for UC?

Answer 12: Yes, but only if he could be eligible for UC. Do not pend if UC is not an available asset. For example, if he is using someone else's SSN or does not have a work permit, it is not an available asset and there is no reason to pend him. Narrate why you did not require him to apply.

If you have any questions about this information, contact:

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