

**CATEGORICAL FACTORS
MEDICAID EXTENSIONS/CONTINUATIONS**

SECTION 249E OF THE PUBLIC LAW 92-603

Description:

Under Section 249E of Public Law 92-603 A/Rs are entitled to have the amount of their October 1972 social security increase disregarded in the determination of eligibility if they meet the following criteria:

- (1) in August of 1972, they were entitled to Retirement, Survivors and Disability Insurance (RSDI) benefits and eligible for or in receipt of cash assistance under ADC or AABD; **or**
- (2) in August of 1972, they were entitled to RSDI benefits and would have been eligible for ADC or AABD, except that they were in a medical institution or intermediate care facility; and
- (3) they currently meet the categorical requirements for SSI (aged, certified blind/disabled) or ADC-related persons.

Policy:

To determine if an A/R is eligible under 249E:

- (1) determine the amount of the A/R's RSDI benefit in August 1972. This is done by multiplying the A/R's current RSDI benefit by a figure derived from the present and prior percentage increases in RSDI since August 1972. This figure will change each time there is an RSDI cost of living increase. Effective January 2000, the figure is .229;
- (2) using the amount of the August 8, 1972 RSDI benefit and other information provided by the A/R, determine if s/he was eligible for ADC or AABD in August 1972 and was terminated due to the 20% SSA increase of October, 1972; if yes,
- (3) determine the A/R's current eligibility, disregarding the 20% Social Security increase received in October 1972. To determine the amount of the current Social Security benefit being considered, multiply the A/R's current RSDI benefit by a figure computed from the present and prior percentage increases in RSDI since 1972. This figure will change each time there is an RSDI cost of living increase. Effective January 2000, the figure is .954.

CATEGORICAL FACTORS**SECTION 249E OF PUBLIC LAW 92-603****References:**

SSL Sect. 366.2(b)
363-b

Dept. Reg. 360-3.3(c)(14)

ADM 85 ADM-3

GIS 99 MA/032

Disposition:

The January 2000 RSDI amount is multiplied by .229 deriving the amount used to determine eligibility for AABD in August 1972. If the person would have been eligible in August 1972, then the .954 factor is used to allow for the disregard of the 20% increase of October 1972. The current RSDI amount is multiplied by .954 to determine the amount, which is considered as income effective January 2000.