

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

CESAR A. PERALES
 Commissioner



[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 85 ADM-4
 [Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Pass-through of the Federal Cost-of-Living Increase to Supplemental Security Income (SSI) Recipients

DATE: January 17, 1985

SUGGESTED DISTRIBUTION: Income Maintenance Staff
 Medical Assistance Staff
 Services Staff
 SSI/SDX Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to Abe Anolik, Division of Income Maintenance, by calling 1 (800) 342-3715, extension 4-4051.

I. PURPOSE

Chapter 527 of the Laws of 1984 authorizes a pass-through of the January 1, 1985 federal SSI cost-of-living increase. This results in the standard of need for most SSI recipients being increased by the amount of the pass-through.

The purpose of this directive is to advise local social services districts about the impact of Chapter 527 and how to budget the statutory increases in the SSI standards of need for Home Relief (HR) purposes.

II. BACKGROUND

Section 1617 of the Social Security Act provides that whenever benefits under Title II are increased by any percentage, the Federal SSI benefit will be increased by the same percentage. Social Security benefits are generally increased yearly based on the Consumer Price Index (CPI). The 1985 increase has been set at 3.5%.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
77 ADM-71 77 ADM-138 80 ADM-46 81 INF-7 81 ADM-33 82 ADM-31 82 ADM-43 83 ADM-36 83 ADM-66 84 ADM-10		352.8	SSL 209 SSL 131-o		SSI State Manual Source Book Section IX-H

DSS-296 (REV. 8/82)

State legislation is required to authorize an actual increase in the total SSI check when State supplementary payments (SSP) are involved. This legislation is commonly referred to as the "pass-through" legislation.

The 1985 pass-through legislation, Chapter 527 of the Laws of 1984, authorizes:

- an increase in the SSI standard of need for all individuals and couples receiving State supplementary payments (see attached chart). For individuals, the increase equals \$11 a month. For couples residing in the community, the increase is \$16. For couples residing in a congregate care facility, the increase is \$22 (i.e., twice the amount of an individual's increase). These increases also apply to persons receiving mandatory State supplementation;
- an increase in the personal needs allowances (PNA) for persons residing in congregate care Level I to \$46.58, in Level II to \$56.93, and in Level III to \$36.23 (for information about the PNA of persons whose SSI benefits are less than the new PNA amounts, see 77 ADM-71); and
- increases in the Medicaid eligibility standards for certain households.

III. PROGRAM IMPLICATIONS

- A. The pass-through of the Federal cost-of-living adjustment will result in increased income for SSI recipients in receipt of SSP. This should further reduce the number of SSI recipients who would be eligible to receive Home Relief (HR) supplementation (see 77 ADM-138).

The increased SSI standards of need for Congregate Care Level I (Family Care) and Congregate Care Level II (Residential Care) will result in higher HR standards of assistance for these facilities effective January 1, 1985.

- B. The increased SSI PNA's will result in higher HR PNA's for HR recipients residing in Level I and Level II facilities.
- C. The impact of the increases in the Medicaid eligibility standards will be covered in another ADM.

IV. REQUIRED ACTION

A. Supplemental Home Relief Cases

1. Local districts are currently required to provide HR to those SSI recipients whose income is less than the applicable HR standard of assistance and who are otherwise eligible for HR. Because of the forthcoming increase in the SSI standards of need, local districts must identify all individuals receiving Home Relief supplementation and rebudget the cases in accordance with instructions set forth in 77 ADM-138.
2. For those SSI recipients who will become ineligible for HR due to the January SSI increase and for new applicants for HR supplementation, increased SSI payments must be counted in the month received, i.e., January 1985. For those SSI recipients who will continue to receive HR supplementation, increased SSI income must be budgeted retrospectively, i.e., applied effective March 1, 1985.

3. In rebudgeting these HR supplementation cases, local districts must use the standards of need summarized below. This updates the standards of need set forth on page 3 of 83 ADM-66. These updated standards of need should be used in determining eligibility of any new applicants for HR supplementation.

SSI STANDARDS OF NEED
(Total SSI Benefit)

<u>Living Arrangement</u>	<u>Individual</u>	<u>Couple</u>	<u>Supplemental Code (SDX)</u>
Living Alone	\$385.91	\$564.03	A
Living with Others*	\$333.24	\$515.03	B, F

* This category includes individuals who have been determined by the Social Security Administration to be in receipt of in-kind income equal to one-third of the Federal SSI benefit (i.e., \$108.33 for an individual and \$162.66 for a couple). However, for purposes of Home Relief supplementation, the availability of this in-kind income, as with all other in-kind income, must be evaluated in accordance with existent Department guidelines.

4. Recipients must be notified in writing of any change or termination in assistance and their rights to a fair hearing.

B. Home Relief Payments for Individuals Living in Congregate Care Facilities

Since July 1, 1983, in accordance with Department regulation 352.8, local districts are required to provide an allowance for care and maintenance in a congregate care Level I or Level II facility equal to the corresponding SSI rate for that facility. This SSI equivalent rate includes both payment for care and maintenance and an allowance to meet personal needs of the residents. (See 84 ADM-10).

The attached "SSI Benefit Levels: Effective January 1, 1985" chart shows the amount of benefits (before rounding) an HR recipient living in a congregate care facility and having no income would receive. At the bottom of the chart, under "Additional Notes", the PNA amounts are specified. The chart below summarizes these HR standards.

As set forth in 84 ADM-10, the HR standards of assistance for recipients in Congregate Care Level I and II facilities are the SSI Benefit Levels rounded down to the next lower whole dollar. In addition, the total HR cash grant is also to be rounded down.

For purposes of HR budgeting for residents of congregate care facilities, this rule means that the sum of the recipient's PNA plus the grant for care and maintenance must equal a whole dollar amount. Since the 1985 congregate care PNA's are not whole dollar amounts, this will result in two checks not rounded to a whole dollar in those local districts which send out two checks. For those local districts which send out only a single check, that check will be a whole dollar amount.

JANUARY 1, 1985 HR STANDARDS FOR LEVEL I AND II FACILITIES

	<u>HR Standards For Care</u>	<u>PNA's</u>	<u>Total HR Standards of Assistance</u>
<u>Level I - Family Care</u>			
NYC	401.42	46.58	448.00
Rest of State	363.42	46.58	410.00
<u>Level II - Residential Care</u>			
NYC and Nassau County	592.07	56.93	649.00
Rest of State	562.07	56.93	619.00

C. Notification of New Benefits Levels to Facility Operators

Local social services commissioners have received a letter from the Division of Adult Services regarding notification to family-type home operators of the new SSI benefit levels. Residents and operators of DSS certified Level II adult care facilities have also been notified. All three letters were sent out November 19, 1984.

V. WMS SUPPORT

WMS will assist rebudgeting of PA and FS cases affected by the SSI increase by the following:

- An extract in early December identifying Congregate Care cases affected by this increase in both the personal needs allowance and the amount paid for care provided.
- An extract in early December identifying Food Stamp and Supplemental HR cases potentially ineligible due to the SSI increase.
- A "Federal Benefit Increase" Mass Rebudgeting/Reauthorization in January, 1985 of Food Stamp and Supplemental HR cases.
- Automated ABEL budgeting of both the "Standard for Care Amount" and the "PNA" for shelter types 15 (Level I) and 16 (Level II) effective December 10, 1984. Previously, the ABEL calculation automated the PNA only. Budgets stored after December 10, 1984 with a FROM date of January 1, 1985 or later, will therefore include the amounts specified in IV., B.

Forthcoming ABEL Transmittals will explain these in detail.

VI. FOOD STAMP IMPLICATIONS

As with past years, the impact of these increases on Food Stamp budgeting for residents of group living arrangements will be provided to the local districts by means of a chart. The chart and explanation will be included in the December Consolidated Correspondence.

VII. ADDITIONAL INFORMATION

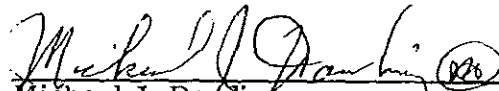
In accordance with Chapter 909 of the Laws of 1984, residential substance abuse treatment (RSAT) programs are considered to be certified Level II facilities effective July 1, 1984 for facilities in the City of New York and effective January 1, 1985 for facilities in the rest of the state. As such, HR recipients residing in such facilities are budgeted in accordance with the procedure set forth in 84 ADM-10 as of the effective date of the Level II certification. A separate ADM on the impact of Chapter 909 is forthcoming.

As RSAT programs are certified as Level II programs, they will be accreted onto the NYS Congregate Care Directory. These facilities are coded:

- "U" in field 4 indicating the facility is an RSAT program,
- "3" in field 5 indicating the facility is certified by the Division of Substance Abuse Services, and
- "D" in field 6 indicating that residents of the facility are eligible for payments at the Level II rate.

IX. EFFECTIVE DATE

This directive is effective January 1, 1985.



Michael J. Dowling
Deputy Commissioner
Division of Income Maintenance

SSI BENEFIT LEVELS: EFFECTIVE January 1, 1985

FED L/A CODE	STATE SUPP. CODE	LIVING ARRANGEMENT	FEDERAL BENEFIT RATE		STATE SUPPLEMENTATION RATE		COMBINED PAYMENT LEVEL	
			IND.	COUPLE	IND.	COUPLE	IND.	COUPLE
A	A	Living Alone	325.00	488.00	60.91	76.03	385.91	564.03
A,C	B	Living with Others	325.00	488.00	8.24	27.03	333.24	515.03
(B)	(F)	(Living in Household of Another ^{1/})	(216.67)	(325.34)			(224.91)	(352.37)
A	C	Level I - Family Care						
		a) DSS Certified Family Type Homes						
		b) OMH or OMRDD Certified Family Care Homes						
		New York City	325.00	488.00	123.96	409.92	448.96	897.92
		Rest of State	325.00	488.00	85.96	333.92	410.96	821.92
A	D	Level II - Residential Care						
		a) DSS Certified Adult Care Facilities						
		b) OMH, OMRDD, or DAAA Certified Community Residences						
		New York City & Nassau County	325.00	488.00	324.86	811.72	649.86	1,299.72
		Rest of State	325.00	488.00	294.86	751.72	619.86	1,239.72
A	E	Level III - Schools for the Mentally Retarded						
		New York City	325.00	488.00	482.96	1,127.92	807.96	1,615.92
		Rest of State	325.00	488.00	458.96	1,079.92	783.96	1,567.92
D	Z	Title XIX (Medicaid Certified) Institutions ^{2/}	25.00	50.00	1/	1/	1/	1/
A	Z	(See ^{4/} below)	325.00	488.00	0	0	325.00	488.00

- ^{1/} The "living with others" category includes recipients whose federal benefit has been reduced by the "value of 1/3 reduction (VTR)" due to the federal determination that they are: a) living in someone else's household, and b) receiving some amount of both free food and free shelter (support and maintenance). The VTR is ^{3/108.33} for an individual and ^{4/62.66} for a couple.
- ^{2/} Applies when the recipient spends a full calendar month in the institution and Title XIX (Medicaid) pays for at least 50% of the cost of care.
- ^{3/} Recipients in certain Title XIX Institutions (those licensed by the Health Department) receive an additional grant of \$15 per month called a State Supplemental Personal Needs Allowance (SSPNA). The SSPNA check is issued directly to the recipient by the NYS Department of Social Services.
- ^{4/} Applies when the recipient spends a full calendar month in a Title XIX Institution and Medicaid pays for less than 50% of the cost of care, or when the recipient resides in certain publicly operated community based residential facilities.

Additional Notes: 1) The minimum personal needs allowance for Level I: \$46.58; for Level II: \$56.93; for Level III: \$36.23

2) An essential person receives \$163.00