

TO: Physicians, Independent Clinics, and
Hospitals - Chief Executive Officer

ROUTE TO: Hospital Social Services, Billing, Finance, and
Accounting Departments

SUBJECT: Medicaid and Social Security Income (SSI) Eligibility for
Low Birth Weight Babies

EFFECTIVE: Immediately (Retroactive to February 11, 1991)

PURPOSE: To notify all Medicaid providers of the changes in the

BACKGROUND: A change to childhood disability regulations was recently
for Supplemental Security Income (SSI) payments. This new step provides that,
if a child's impairment does not meet or equal any of the medical listings
based solely on medical evidence, SSA must determine if the impairment is
functionally equivalent to any of the medical listings.

ACTION: Supplemental Security Income (SSI) payments and Medicaid eli-
disabled, even if no other medical impairment(s) exists. The following examples
are provided to illustrate the functional equivalence in the application of
these rules:

"Premature infants (i.e., 37 weeks or less) weighing less than 1200 grams
at birth, until attainment of 1 year of age"; and

"Premature infants weighing at least 1200 grams but less than 2000 grams
at birth, and who are at least 4 weeks small for gestational age, until
attainment of 1 year of age."

While any infant born below this birth weight is considered disabled under the SSI disability provisions, SSI cash payments are only possible if the parent or legal guardian files an SSI application with the SSA on behalf of the child. High income and resources of the child's parents will not initially prevent SSI eligibility and are not considered in determining SSI eligibility until the month following the month in which the child leaves the hospital and begins living with his or her parents.

While SSI payments are never retroactive to the date the SSA is contacted to file SSI benefits, coverage under Medicaid (Title XIX) may be retroactive for 3 months prior to the date of filing for SSI. Therefore, it is imperative that the parent or legal guardian contact the SSA as soon as possible after the birth to file for SSI benefits and retroactive Medicaid benefits, if necessary, whenever a newborn child meets the low birth weight criteria.

Typically, after an SSI disability application is filed, it takes several months before a disability determination is made by the Disability Determination Services (DDS), a State agency under contract with the SSA. However, in May 1993, the SSA issued new policy instructions allowing the local SSA offices to make presumptive disability decisions/payments for newborn children meeting the low birth weight criteria for up to 6 months. Subsequent final disability determination will be made by DDS. Such determinations which result in SSI eligibility automatically convey MEDICAID coverage for the child in New Jersey.

For further information or questions, contact the Department of Health and Human Services (DHHS), Health Care Financing Administration (HCFA), Regional Office, at (212) 264-2775 or Ronald Klein, Office of Eligibility Policy and Operations, Disability Review Section, Division of Medical Assistance and Health Services, Mail Code #32, CN-712, Trenton, New Jersey, 08625-0712, at (609)-588-2934.

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