

# Implementation Guide: Medicaid State Plan Eligibility Eligibility Groups – Mandatory Coverage Working Individuals under 1619(b)

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## Working Individuals under 1619(b)

### **POLICY CITATION**

**Statute:** 1902(a)(10)(A)(i)(II)(bb), 1905(q), 1619(b)

**Regulation:** 42 C.F.R. §435.120(c), 42 C.F.R. §435.121(b)(3)

### **BACKGROUND**

#### **Overview**

This reviewable unit (RU) describes the Medicaid eligibility group for working individuals under section 1619(b) of the Social Security Act (the Act). It provides the criteria under which such individuals must be covered under this group.

Congress enacted section 1619 of the Act to encourage individuals eligible for SSI based on blindness or a disability to participate in the workforce. Section 1619 includes two provisions that extend SSI status to working individuals. Under section 1619(a), working individuals whose earned income exceeds SSI's substantial gainful activity (SGA) limit, but whose total countable income is otherwise below the SSI federal benefit rate, may continue to receive SSI benefits. Under section 1619(b), working individuals who subsequently become income-ineligible for SSI (including SSI under section 1619(a)) due to earned income, or a state supplement where applicable, but who are determined unable to afford to replace the value of their SSI and Medicaid benefits, may continue to retain SSI status for purposes of Medicaid eligibility.

#### **Characteristics**

The working individuals placed by the Social Security Administration (SSA) in 1619(b) status form a mandatory Medicaid eligibility group, codified in the Medicaid statute at sections 1902(a)(10)(A)(i)(II)(bb) and 1905(q) of the Act. This group covers individuals who:

- Received SSI or a state supplement AND were eligible for Medicaid under the state plan in the month preceding the month of qualification for this group;
- Continue to have blindness or the physical or mental impairment that served as the basis for a finding of disability;
- Meet all non-disability related requirements for SSI/state supplement eligibility, except for earned income;
- May not be able to continue working if their Medicaid eligibility is terminated; and
- Have earnings that are insufficient to replace the value of SSI or the state supplement received, as well as the individual's Medicaid benefits (including personal care assistance).

The SSA uses a threshold amount to measure whether a person's earnings are high enough to replace his or her SSI/state supplement and Medicaid benefits. The threshold is based on:

- The amount of earnings which would cause SSI cash payments to stop in the person's state; and
- The average Medicaid expenses in that state.

The threshold amounts are updated annually and can be found on the SSA website.

An individual who meets the requirements of section 1619(b) of the Act will no longer receive a cash benefit, but the SSA still considers such individuals to be SSI recipients. In 1634 and SSI criteria states, the individual will continue to be eligible for Medicaid as if he or she was still receiving SSI or a state supplement.

In 209(b) states, if an individual was eligible for Medicaid in the month prior to placement by SSA in 1619(b) status, the individual maintains eligibility for Medicaid; the state's more restrictive eligibility requirements do not apply.

## **INSTRUCTIONS**

### **A. Characteristics**

There are statements (**A.1.** through **A.6.**) describing the characteristics of this eligibility group.

### **B. Additional Information (optional)**

Except in limited circumstances, this field remains blank. Please consult with CMS before adding any additional information concerning this RU.

## **REVIEW CRITERIA**

No specific review criteria are needed.