



CDSS

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June 12, 2008

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

ALL-COUNTY INFORMATION NOTICE NO: I-46-08

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY IAR PROGRAM MANAGERS
ALL COUNTY CAPI PROGRAM MANAGERS

SUBJECT: REVISIONS TO IAR FORMS: SSP 14 (IAR AUTHORIZATION) AND SSP 18 (NOTICE AND RIGHT TO REQUEST STATE HEARING FOR IAR PAYMENT PENDING CASES)

REFERENCE: ALL-COUNTY INFORMATION NOTICE NO. I-62-07

This notice is to inform counties that the Interim Assistance Reimbursement (IAR) authorization form SSP 14 has been revised to reflect changes in federal requirements, add language that speaks to retroactive payments restricted by law (payment pending cases), and provide clarification regarding the IAR reimbursement process. Additionally, this notice is to inform counties that the IAR form SSP 18 State Hearing Notice for IAR payment pending cases has been revised. The revision to the form SSP 18 amends federally required language regarding the distribution of an IAR client's retroactive Supplemental Security Income/State Supplementary Payment (SSI/SSP) benefits.

BACKGROUND

A revised IAR Agreement between the Social Security Administration (SSA) and the California Department of Social Services (CDSS) was executed on August 10, 2006. It requires that the State's Interim Assistance (IA) agencies (counties) use SSA's revised authorization form to obtain an SSI/SSP applicant's written permission for SSA to reimburse the IA agency from either the applicant's initial SSI/SSP payment or initial SSI/SSP post eligibility payment. The IAR authorization form must include specific language and be approved by CDSS and SSA.

The following provides a summary of the revisions made to the SSP 14:

- In the past SSA typically sent an applicant's entire initial SSI/SSP payment to the applicable IA agency as a lump sum. The IA agency then reimbursed itself pursuant to IAR rules and sent the balance of the retroactive SSI/SSP payment to the applicant. An exception to this process would occasionally occur when an applicant's initial retroactive benefit amount exceeded twelve times the maximum monthly SSI/SSP payment amount. In these cases, the applicant's retroactive benefits were paid in installments. *These occasions were rare and the previous SSP 14 form did not speak to them.* A federal law change in 2006 (Public Law 109-171) requires that any past due monthly SSI/SSP benefits that exceed *three* times, instead of twelve times, the maximum monthly SSI/SSP payment must be paid in installments. As a result, IAR retroactive payments are now more likely to be issued under SSA's payment pending procedure. The revised SSP 14 form now includes language that speaks to the alternate IAR procedure for these cases.
- Language has been added that clarifies that an IA agency cannot use the same signed IAR authorization form for both an initial and a post-eligibility payment of SSI/SSP benefits.
- Definitions regarding the use of the terms "state" and "SSI/SSP benefits" have been added to the form.
- Language that clarifies that the IA agency can reimburse itself for the months up to and *including* the month the individual's SSI/SSP benefits begin has been added. Current language is unclear in that it appears to say that the IA agency cannot reimburse itself for the first month that the applicant's payments began.
- Language has been added that clarifies how the form serves as a protective filing for SSI/SSP benefits and provides information regarding protective filing.
- Language has been added that specifies that the authorization will be void if it is not received by SSA from the IA agency within a specific time period and that it must be signed and dated.
- Language has been added that clarifies applicants' appeal rights by informing them that the IA agency must send them a notice explaining the IA agency's reimbursement decisions and the applicant's right to a State Hearing.

Regarding the SSP 18, SSA has revised their language in the form's first paragraph to clarify their procedure for the disbursement of retroactive benefits for IAR payment pending cases. Specifically, SSA has clarified that instead of immediately disbursing any balance owed to the recipient, it will send the recipient a notice that will explain how the individual will receive the balance of their retroactive benefit amount.

Camera ready copies of the new SSP 14 IAR authorization form and the new SSP 18 State Hearing Notice for IAR payment pending cases are now available.

- [Authorization For Reimbursement Of Interim Assistance Initial Payment Or Initial Post Eligibility Payment \(SSP 14\)](#)
- [Notice of Action To Request A State Hearing On Interim Assistance For Payment Pending Cases \(SSP18\)](#)

COUNTY IA AGENCY RESPONSIBILITIES

- Effective immediately, all IA agencies must use the new attached IAR authorization form SSP 14 and the new attached SSP 18 IAR State Hearing Notice for IAR payment pending cases. SSA will no longer accept the previous versions of these forms.
- Manual IA agencies must forward their completed SSP14 IAR authorization forms to SSA within thirty (30) calendar days of the date they are signed by the applicants. If this requirement is not met, the authorization is not binding and SSA will not forward the applicants' initial payments to the IA agency. Instead, SSA would release the money, as appropriate, to the SSI/SSP applicant and the IA agency would have to recoup any money owed to it directly from the applicant without SSA's assistance.
- Automated IA agencies must notify SSA about the authorizations electronically within thirty (30) days. The thirty (30) calendar daytime limitation will not begin until the day of the month that SSA requires the IA agency to transmit the electronic notification that it has obtained a signed authorization. Failure to notify SSA in a timely manner will result in SSA's release of the retroactive payments directly to the applicants, as explained above.

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Any questions regarding these policy instructions should be directed to the current IAR Specialist, Operations and Technical Assistance Unit or to Marshall Browne, Manager, Operations and Technical Assistance Unit, at (916) 229-3494.

Sincerely,

Original Document Signed By:

EVA L. LOPEZ
Deputy Director
Adult Programs Division

c: CWDA