

# Switching from SSI to SSDI When a Parent Retires, Becomes Disabled or Dies – Protecting Your Medi-Cal Benefits

**SSI** - The federal Supplemental Security Income (SSI) program pays cash benefits to people who are disabled and who have limited income and savings.

**SSDI** - Social Security Disability Insurance (SSDI) is a federal program that provides monthly cash benefits to people who are disabled, and who have previously worked and paid Social Security taxes OR is the child or spouse of someone who paid Social Security taxes.

**Medi-Cal** is a program that helps pay medical expenses for people who are disabled, young, elderly, pregnant, or who have low income. Many people receive Medi-Cal benefits because they receive SSI. Medi-Cal is known as Medicaid in other states.

When a person receives SSI and one of their parents retires, becomes disabled, or dies, the person switches from receiving SSI to receiving SSDI. Sometimes a person can receive both SSDI and SSI.

Getting SSDI usually means you'll get more money. When that happens, people are sometimes told that they will lose their Medi-Cal coverage, or that they will have to pay a higher share of cost because their income is too high. Some people are even told by staff at the Social Security Administration or Medi-Cal that they will lose their Medi-Cal.

This is not correct. There are several laws that protect your Medi-Cal benefits.

## Laws that Protect Your Medi-Cal Coverage

- The **Pickle Amendment**. This amendment states that if an individual's monthly income is over the SSI limit simply because they went from receiving the SSI stipend to the higher SSDI stipend, they maintain their eligibility for Medicaid.
- The Employment for Disabled Americans Act of 1986 (Public Law 99-643) requires states to continue Medicaid coverage when an individual who became disabled before age 22 and received SSI becomes eligible for SSDI or has an increase in SSDI benefits. Such disabled adult children continue to be considered SSI recipients for Medicaid purposes.

## Switching from SSI to SSDI does not mean losing your Medi-Cal coverage

- You must apply for SSDI within 30 days of your parent retiring, becoming disabled, or dying.
- SSI is intended to be a program of last resort. This is why people must apply for SSDI when they become eligible for it.
- Minors who would normally be eligible for SSI as an adult but go directly to SSDI as a minor also maintain their eligibility for Medi-Cal.

## Additional Information

### California Working Disabled Program (CWD)

If you have free Medi-Cal and your income goes up because you are working and/or you get more money from SSDI, you might earn too much to get free Medi-Cal. If that happens, you may be eligible to switch to the California Working Disabled (CWD) program. You can earn as little as \$1 a month and be eligible for CWD Medi-Cal if you are disabled and you have limited savings. Medi-Cal workers are required to automatically check to see if you are eligible for the CWD program when your income is too high for free Medi-Cal. If they don't check, you should ask them to. You'll have to begin paying for your Medi-Cal coverage, but the amount you have to pay will be a lot less compared to the income you're earning or the increase in your SSDI.

### Medicare

After you receive SSDI for two years, you will be eligible for Medicare and you will receive a Medicare card. If you are low income, your Medicare premium will be paid by the state. You will then be eligible for both Medi-Cal and Medicare. This is called being "dual eligible."

## What To Do

If your parent becomes disabled, retires or dies and they are or were receiving or could have received social security payments contact the social security office. Tell them what has changed. As soon as you are approved for SSDI because of your parent, contact Medi-Cal and let them know the change in your income. Then ask about what kind of Medi-Cal you will be on. If someone tells you that you will have to pay for Medi-Cal or you are not eligible for Medi-Cal anymore, ask about Pickle Program Medi-Cal, or Aged and Disabled Federal Poverty Level Medi-Cal or California Working Disabled Medi-Cal.

**You can appeal a Medi-Cal denial.** If Medi-Cal says you will not receive free or low cost Medi-Cal anymore because you switched from SSI to SSDI, you can appeal by filing a hearing request. If you appeal within 10 days of receiving the denial or reduction, you will get 'Aid Paid Pending'. This will keep your Medi-Cal the same while you appeal, which gives you time to find out which Medi-Cal program can help you keep your free or low cost Medi-Cal. You can withdraw your hearing request at any time before the hearing when you get your Medi-Cal restored. You always have the right to appeal any Medi-Cal denial within 90 days. You won't get Aid Paid Pending if you take longer than 10 days to appeal the decision.

## For More Information

Disability Benefits 101: Working with a Disability in California - <http://ca.db101.org/>

Disability Rights California - [http://www.disabilityrightscalifornia.org/issues/socialsecurity\\_pubs.html](http://www.disabilityrightscalifornia.org/issues/socialsecurity_pubs.html)

Federal website with comprehensive information on disability - [www.disability.gov](http://www.disability.gov)

Social Security Administration - [www.ssa.gov](http://www.ssa.gov)

Department of Health Care Services (appeals) - <http://www.dss.cahwnet.gov/shd/PG1110.htm>