

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY DISABILITY ASSISTANCE MANUAL
CHAPTER II: APPLICATION	COMAR 07.03.05.05
SECTION 3: ELIGIBILITY DETERMINATION	

REQUIREMENTS

A. Eligibility Decision

1. The local department shall make the decision on the application within the regulations for processing and timeliness according to COMAR 07.03.01. (See Section 1 of this Chapter).
2. Conduct an interview with the individual at the time of application as detailed in Section 2 of this Chapter.
3. Verify all factors of:
 - (a) Impairment;
 - (b) Resources; and
 - (c) Income

B. Period of Eligibility

1. The local department determines the period of eligibility from the estimated duration of the disability on the completed medical report (DHR/FIA 402B), or as modified by the State Review Team (SRT) on the DHR/FIA 707 form.
2. The eligibility period may be less than the estimated recovery time indicated on the medical report (DHR/FIA 402B); and
3. The eligibility period may not exceed the estimated recovery time shown on the medical report.
4. Certify an applicant whose 402B shows an incapacitation of at least 3 months but less than 12 months for up to but not more than 9 months in a 36-month period.
5. For an applicant who is determined to be impaired and unlikely to recover in less than 12 months:
 - (a) Certify for not more than 9 months in a 36-month period pending a determination of disability by SRT,
 - (b) Refer to the SRT for further evaluation.
 - (c) Require acceptance by and cooperation with DEAP

C. Referral to Disability Entitlement Advocacy Program (DEAP)

Customer Has Not Received 9 Months of TDAP Benefits.

1. For TDAP customers who submit a completed DHR/FIA 402B form that shows the customer is disabled from working for 12 months or more, or will result in death (if less than 12 months), the LDSS case manager will:
 - (a) Make two copies of the completed DHR/FIA 402B, 4204 forms and other medical documentation submitted. One copy for the local office case file, one copy for DEAP, the original for SRT.
 - (b) Refer the case to the State Review Team (SRT) (Include the original completed DHR/FIA 402B, 4204 forms and other medical documentation).

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2. When the customer who submits a 402B that shows a 12-month disability (or will result in death if less than 12 months) and has not received 9 months of TDAP benefits in the 36-month countable period **meets** all technical and financial eligibility requirements, the LDSS case manager will:

- (a) Determine eligibility as a Type 1 TDAP case (9 months or less of benefit eligibility).
- (b) Complete DEAP Referral and Notification Form (DHR/FIA 1183). See Attachment A.
- (c) Attach DHR/FIA 1183 to DEAP referral packets. See Attachment B for the contents of a complete DEAP referral packet.
- (d) Forward the case to the individual responsible for batching and submitting referrals to DEAP. The referral batch process described in Action Transmittal 05-18 will remain in effect. Forward batches **daily** to the DEAP Client Advocate(s) located in your office

3. DEAP Client Advocate Responsibility

The DEAP Client Advocate will schedule the customer for a face-to-face interview upon receiving the referral packet from the LDSS to begin the Social Security benefit application process. During the appointment with the customer the DEAP Client Advocate will:

- (a) Explain DEAP services to the customer.
- (b) Explain the Social Security Administration Appointment of Representative (SSA-1696 U4, version1-2005) form. Remind the customer that their representative for the Social Security benefit claim(s) may be anyone of their choosing including self-representation. Secure a SSA-1696 U4 form from the customer.
- (c) Explain the requirement to reimburse the State if found eligible to receive Supplemental Security Income (SSI). Complete the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340 revised 10/2001) form with the customer
- (d) Complete all electronic and hard copy forms needed for the Social Security Administration benefit(s) application process with the customer.
- (e) Using the DHR/FIA 1183 form, notify the LDSS case manager within 3 days after the scheduled appointment date with the customer the results of the appointment. If the appointment was kept attach a copy of the signed DHR/FIA 340.

4. Outcome of DEAP Client Advocate Appointment With Customer

Using the DHR/FIA 1183 form, the DEAP Client Advocate will notify the LDSS case manager of the results of the interview.

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- For customers that fail to comply with DEAP, the LDSS case manager will send the appropriate timely and adequate notice to the customer regarding their failure to comply.
- If appointment is kept, using the DHR/FIA 1183 form, the DEAP Client Advocate will notify the LDSS case manager of the results of the interview and attach a copy of the DHR/FIA 340 form. The LDSS case manager will file the copy of the DHR/FIA 340 upon receipt and will take no further action until the SRT determination is received by the LDSS.

5. **State Review Team (SRT) Determination**

The SRT notifies the LDSS case manager of the SRT's determination regarding the customer's impairment.

a. When the SRT determination is **Disabled:**

- The LDSS will receive from SRT the State Review Disability or Blindness Determination Transmittal (DHR/FIA 707) form indicating the determination is disabled and the period of time the customer is disabled.
- The LDSS case manager will change the case to a Type 2 TDAP case completing the appropriate fields in CARES on the DEM2 and UINC screens.
- The LDSS case manager will send notification to customer of TDAP benefit eligibility for 12 months.
- The LDSS case manager, using the DHR/FIA 1183 form, will forward to the DEAP Client Advocate:
 - (a) A copy of the DHR/FIA 707 form
 - (b) A printout of the CARES DEM 2 and UINC screens from inquiry mode.

b. When the SRT determination is **Not Disabled:**

- The LDSS will receive from SRT the DHR/FIA 707 and the Medical, Vocational and Educational Assessment (DHR/FIA 736-2) form indicating the customer is determined not disabled
- The LDSS case manager will forward a copy of the DHR/FIA 707 and the DHR/FIA 736-2 forms to the DEAP Client Advocate using the DHR/FIA 1183 form
- The LDSS case manager will send timely and adequate notice of ineligibility for more than 9 months of TDAP in the 36-month countable period
- The LDSS case manager will send the customer's copy of the DHR/FIA 736-2 and the DHR/FIA 739 forms to the customer.

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Customer Received 9 Months Of TDAP Benefits

When the customer who submits a 402B that indicates a 12-month disability (or will result in death if less than 12 months) and **has** received 9 months of TDAP benefits in the 36-month countable period and qualifies for the one-time-only 3 months of TDAP benefits refer the case to SRT. Note on the SRT referral (DHR/FIA 707) form using **red** ink that the customer has only 3 months benefits. Follow the same process as for the customer who has not received 9 months of TDAP **except:**

- Do not refer the customer to DEAP until the SRT determination is received, and the SRT determination must be that the customer is disabled.

Customer Received 9 Months and the One-Time-Only 3 Months Of TDAP Benefits

When the customer submits a 402B that indicates a 12-month disability (or will result in death if less than 12 months) and **has** received 9 months **and** the one-time-only 3 months of TDAP benefits in the 36-month countable period, refer the case to SRT and:

1. Notify the customer that eligibility for TDAP benefits is pending the SRT determination regarding disability.
2. Take no action until the SRT determination is received.
3. When the SRT determination is **Disabled:**
 - (a) The LDSS will receive from SRT the State Review Disability or Blindness Determination Transmittal (DHR/FIA 707) form indicating the determination as disabled and the period of time the customer is disabled.
 - (b) The LDSS case manager will refer the case to DEAP.
 - (c) Complete DEAP Referral and Notification Form (DHR/FIA 1183).
 - (d) Attach DHR/FIA 1183 to DEAP referral packets.
 - (e) Forward case(s) to the individual responsible for batching and submitting referrals to DEAP. Forward batches **daily** to the DEAP Client Advocate located in your office
4. Take no further action until notification is received from DEAP regarding the out come of the DEAP interview with the customer.
5. When the SRT determination is **Not Disabled**
 - (a) The LDSS case manager will send timely and adequate notice of ineligibility for more than 9 months of TDAP in the 36-month countable period.

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- (b) The LDSS case manager will send the customer's copy of the DHR/FIA 736-2 and the DHR/FIA 739 forms to the customer.

Outcome of DEAP Client Advocate Appointment With Customer

Using the DHR/FIA 1183 form, the DEAP Client Advocate will notify the LDSS case manager of the results of the appointment. For customers that fail to comply with DEAP, the LDSS case manager will send the appropriate timely and adequate notice to the customer regarding their failure to comply.

1. If the appointment is kept, a copy of the DHR/FIA 340 form will be attached. The LDSS case manager will:
 - (a) File the copy of the DHR/FIA 340 upon receipt.
 - (b) Process the case as a Type 2 TDAP case completing the appropriate fields in CARES on the DEM2 and UINC screens.
 - (c) Send notification to customer of eligibility for 12 months of TDAP benefits.
 - (d) Using the DHR/FIA 1183 form, will forward to the DEAP Client Advocate a printout of the CARES DEM2 and UINC screens from inquiry mode.

2. The DEAP referral packet must include:
 - (a) Copy of the completed 4204 (version 12/1/00) form
 - (b) Copy of the completed DHR/FIA 402B (Revised 05/01) for each health care provider submitted.
 - (c) Copy of any other medical documentation submitted
 - (d) State Review Disability or Blindness Determination Transmittal (DHR/FIA 707) when the case is referred to DEAP after the SRT determination.

Redetermination of Eligibility

1. Once the State Review Team determines that the individual meets the federal SSI standard for disability, the individual may reestablish TDAP eligibility in 12-month increments until the Social Security Administration reaches a final decision on the individual's application for SSI benefits.
2. The individual must continue to be accepted by and cooperating with DEAP, and have an application for SSI that is pending or under appeal.

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Reapplication for Eligibility

1. When the State Review Team has returned a decision of “not disabled” the individual may not receive TDAP beyond 9 months in a 36-month period unless they can demonstrate that the condition for which they are now applying has worsened or is different from the condition evaluated by SRT.
2. On all such subsequent reapplications:
 - (a) If the 402B does not substantiate that the current disability is expected to last at least 12 months, deny the application.
 - (b) If the 402B indicates that the individual is disabled from working for 12 or more months, and the condition is different or has worsened, the individual is eligible for a **one-time-only** 3-month certification of TDAP beyond the maximum 9 months of benefits in the 36-month period pending another SRT determination.
 - (c) Prepare the referral to SRT using the procedures outlined in D.2 of this section.
 - (d) The individual must also establish eligibility as outlined in B.5 (b) and B.5(c) of this section.
3. When the SRT decision is returned, take appropriate action to either close the case or to extend the 3-month certification in accordance with D.4 (b).