

Entitlement Manual

FOOD

Food Stamps

Person earning \$1,211 per month (or \$1815 per month with childcare expenses) is eligible for food stamps, if under 60 and healthy. Disabled and elderly have higher income possibility.

To apply, client must prove: identity and date of birth, citizenship/immigrant status, income, proof of residency, shelter costs, dependant care costs, medical expenses and social security information.

Household is group of folks who buy and share food together – doesn't have to be relatives.

There are some agencies which do Paperless Office System (POS) - work with the client and do the food stamp application online. Here is a list of agencies where this is done: <http://www.metcouncil.org/site/News2?page=NewsArticle&id=6789> The benefit of doing it this way is that the client has a “case worker” doing the advocacy and helping get the benefits for them.

Meals On Wheels

Elderly (over 60), income-eligible clients who cannot get to a senior center for a meal can get a cooked meal delivered to home through NYC Department for the Aging (“DFTA”). The way it works is that DFTA contracts out different neighborhoods to different vendors. If you are not sure where to direct your client, go to this site and put in client's zip code. The site will then tell you what agency services that area. <http://www.citymeals.org/get-meals>

WIC

Pregnant women, those who are nursing and children up to five years old get funded for extra food, such as cheese, cereal, beans, milk, etc. To be eligible, you have to prove income eligible, proof of residence, immunization records of children and a WIC medical form. Children must be tested for lead in order for WIC to kick in. Client can fill out a form that authorizes someone else to pick up the food for them. Here is the place where you can find the WIC enrollment locations: http://www.health.ny.gov/prevention/nutrition/wic/local_agencies.htm

HOUSING

Eviction Prevention

There are a few organizations that help to prevent evictions. Be sure when you are applying for help and getting back-rent paid that the court order says the client gets to keep the apartment. It makes no sense to pay back-rent, if the client will have to move. Rather, in such case, help the client get security deposit for a new place rather than paying off old landlord.

Client can get an **HRA (Human Resources Administration) One-Shot Deal** to pay the past rents. This is a loan and must be paid back. It takes a while to get, so apply as soon as possible. Housing courts have an HRA office there to help. Call 311 to see where the HRA office is near the client. Client cannot be receiving welfare or public assistance in order to be eligible. Could be receiving SSI. Make sure client brings proof and knows that it will be a long wait at the HRA office. If there are problems after the client applies (only use this for really good reason and only if it is an emergency situation), get in touch with Bruce Jordan of the Rental Assistance Unit of HRA jordanb@hra.nyc.gov or via phone at 212-331-5531. There are different types of help given which are:

Emergency Assistance to Adults “EAA” given for rent, broker’s fee and security deposit, limit of four month’s rent, don’t have to repay, usually aimed at SSI recipients.

Emergency Assistance for Families “EAF” given to families where there is a minor child in the household (has to be a relative or a legally placed child), must owe monies because of a good reason (sickness, funeral, loss of job), income has to be under 200% of federal poverty level and this must be repaid.

Emergency Safety Net for Adults “ESNA” is for those who don’t fit into the first two categories and there is no way to get them out of crisis without immediate action. Income has to be under 125% of federal poverty level unless there was a crisis (such as a fire), client has to repay and show they can repay the loan within a year.

Emergency Rent Funds – Exception to Policy. If you have a client who doesn’t fit into any of the above but you have a compelling reason why they really need the funding, good advocacy can get that client funded for rent. Document well, write a compelling case history, and advocate.

NYLAG can assign an attorney for free to represent client in housing court and work out payments or stop eviction proceedings. Other organizations doing the same thing: Housing Court Answers (212-962-4266), The Legal Aid Society (<http://www.legal-aid.org/en/home.aspx>), Urban Justice Center (<http://www.urbanjustice.org/> 646-602-5600) and Lawhelp.org [please note: all these organizations do other pro-bono legal help, too]

The **Bridge Fund** is a private organization that only helps the “working poor” which means it is only for clients who have a job or those who are getting job-related benefits, such as retirement pension or disability insurance. Ms. Maria Toledo is Director: 212-674-0812 mtoledo@thebridgefund.org They give some funds to prevent eviction.

NYC Housing Authority (“NYCHA”)

The city operates housing complexes where low/moderate income tenants can move in and pay good rates. Long-long-long-years long wait for this. First step is application. Then comes an interview process, if the person is eligible. There is a long waiting list, so it pays to apply as early as possible. Applications can be picked up at the NYCHA office or client can request an application be mailed to them by calling (718) 707-7771. Here is a link where there is detailed

information on how to fill out the application properly:

http://www.nyc.gov/html/nycha/downloads/pdf/070008_pub_hsg_guide.pdf

Currently their big push is to do downsizing, asking elderly clients to move to smaller apartments. Clients **MUST** respond to the request. Should ask for ground floor in similar housing (not to be placed in new housing complex out of neighborhood). If the client has a health aid or a lot of medical equipment, make sure to document this so that the client can keep the bigger apartment.

Section 8

Housing subsidy to be paid for rent in apartment of person's choice. The apartment has to meet HUD guidelines. The apartment will be inspected one time a year to make sure it is okay according to guidelines. Monies get paid to the landlord.

<http://www.nyc.gov/html/nycha/html/section8/section8.shtml>

Senior Citizen Rent Increase Exemption ("SCRIE")

This program is only for elderly, low-income tenants who are in either a rent controlled or rent stabilized apartment. SCRIE would freeze their rent and make sure it doesn't go up. In exchange for that, the landlord would get a deduction from his real estate taxes so it makes it worth it for the landlord. In fact, this application can be filled out online using the NYC Access site (this is a website where some benefits can be applied for directly online). Make sure the application is fully complete or it will drag. Here is the link to the Access Website: https://a858-ihss.nyc.gov/ihss1/en_US/IHSS_homePage.do

Disabled persons can get something similar – it is called **DRIE** and works the same way. If a client wants to apply directly to the office, the location for the office is 66 John Street, 3rd Floor in Manhattan and is open daily from 8:30am - 4:30pm.

Supportive Housing

Clients do intake through SPOA (Single Point of Access). Here are directions and information on it: <http://www.cucs.org/referral-center/housing-placement-assistance/single-point-of-access-spoa-housing-program>

MEDICAL-HEALTH INSURANCE

(There is a website for agencies to get information on all matters related to health insurance and health care in NY. It is NYHealthAccess.org)

Care At Home Program: M11Q

The first step is to have the doctor fill out the form M11Q which outlines the medical need or the disability and why care at home is necessary and how much care is needed.

You can read some info on this entitlement here:

http://www.nyc.gov/html/hra/html/directory/personal_care.shtml

Please see detailed form and instructions attached.

Child Health Plus

This covers up until 21 years old. Does not have to be legally in country!

Applications have to be submitted by our agency before the 15th of the month in order for the insurance to be active for the first of the next month.

If application is not in before the 15th, then the application can be completed with the client, but the client has to submit it directly in order to get coverage for the next month.

Client must choose a plan in order to get services. They can choose any plan; but once they choose the plan they must use the doctors, hospitals, etc. that are covered by the plan in order not to be charged.

Documents needed (originals!): Birth certificate, Social Security Card, Photo ID, Proof of Income (four pay-stubs, income letter or last year self-employed tax return), Proof of address, Utility Bill, Proof of Private Insurance or Termination of Insurance Proof, Blank Check and, if applying for Family Health Plus and pregnant need Doctor's Letter with due date.

Charity Care

Based on NY State Law – information can be accessed at <http://hospitals.nyhealth.gov>

To be eligible, the patient has to be within 300% of federal poverty guidelines, has to have no insurance or insurance that isn't covering care and must be a NY State resident.

Hospitals don't have to give service to patients "out of area" of hospital – all the NY City hospitals are considered in area and some hospitals out of the area have agreed to take residents of NYC, including: Blythdale Children's Hospital and Westchester Medical Center, both in Valhalla. Check out the website listed above to see if an out-of-town hospital agrees to take NY City residents on Charity Care.

There is no problem of owning a house or car – that is not considered part of the resources that is factored (but savings and investment accounts are considered a resource).

Any hospital is limited in what they can charge a Charity Care patient. Quick numbers: they can bill only \$150 for inpatient hospital, \$150 for ambulatory surgery, \$150 for an MRI, \$15 for emergency or clinic visit and \$0 for prenatal or children's visit to ER or clinic.

They can give a monthly bill, instead of charging one lump sum, but they can only bill 10% of monthly income. So, if a person makes only \$1200 per month, the hospital can only do installment plan bills of \$120 per month.

What is covered: inpatient service, emergency room and clinic visits, emergency surgery and tests.

What is NOT covered: doctors (other than hospital employees) – so for example ER doctors are covered, but bringing in an expert is not. Optional surgery is not covered either.

Patient has 90 days from date of service to fill out the application for charity care.

Patient should NOT pay the bill while waiting for an answer on application. Once paid, it is over – patient will not be reimbursed for monies laid out.

If hospital refuses to grant charity care, they must give an excuse in writing and give instructions how to appeal.

Community Health Advocates

This program is to have advocates help clients navigate insurance systems and to get the right care. So any client who needs some help with navigating getting the right insurance, switching insurance, getting the right doctor, trying to challenge coverage, or any of those issues, can have an “advocate” go to bat for them. There are various subcontracted agencies in different neighborhoods throughout New York. The central phone number is 888-614-5400.

Dental Coverage (FHP, CHIP, MEDICAID AND MEDICARE)

Straight up Medicaid patients have all essential work covered as long as the dentist can take this insurance. However, no cosmetic work is covered, including replacement dentures or implants. First time dentures are included.

If in a managed-care Medicaid, dental is covered, but the work has to be done in-network. If for any reason, the managed-care plan doesn't cover dental, then the Medicaid accepting dentist can do the work and will get reimbursed. Any info needed on this, call 518-473-0122. There is a co-pay for adults (about \$5 each visit) but no co-pay for children.

Family Health Plus has to include dental and does include dentures.

Children (until 21 years of age) get more dental care than adults, including every six months a visit and fluoride treatment.

Decisive appointment is the time when the dentist figures out the work needed. If the patient was eligible at the time of that appointment, even if the patient then loses Medicaid or the insurance, the work will be covered as they dentist continues doing that work. Double check this when needed by calling the Bureau of Medicaid Review and Payment (800-342-3005).

Some treatment needs prior approval, including redoing a root canal or restoring a crown. Medicare does NOT cover dental work, unless medically necessary (like removing teeth before radiation).

For those with no insurance whatsoever, both NYU and Columbia Presbyterian have dental clinics with more reasonable fees.

<http://dental.columbia.edu/dentcare/df.html> 212-222-5221 Make appt. sliding

Other HHC Dental Clinic: Kings County Hospital 718-245-4914

Health Claim Denials

If someone gets insurance through work, that insurance plan has to follow ERISA and ACA (Accountable Care Act) regulations. If someone gets insurance individually, then that plan has to be ACA and State regulated. In any event, there is a process where any refusal of health claim payment can be appealed.

Health and Hospitals Corporation (“HHC”) Options for Uninsured

For patients who are uninsured, undocumented, illegal aliens, etc. and, therefore cannot get coverage, there is a way to get health care. You have to go to a city hospital. The hospital will register the patient and give them an HHC card that can then be used at city hospitals. Fees will be “sliding scale” based on their income. This will also cover prescription drugs that are given at hospital pharmacies. Bellevue (NYU) is considered an HHC hospital. This option also gives dental work.

Managed Care Consumer Assistance Program – MCCAP

Since Medicaid has gone managed-care route in NYC, there is a help-center to get directions and help as needed. Phone number is 212-614-5400 - -call anytime, they call back within one day.

Managed Care usually has these components: A primary care physician “PCP”, a network of providers client can use, referrals needed for special treatments and pre-authorization needed for hospitalization, surgeries, etc UNLESS it was an emergency situation.

Managed Care decisions CAN be appealed.

Medicaid (information at <http://www.health.state.ny.us/nysdoh/medicaid/mrg/index.htm>)

Have to pick a managed care plan. If client doesn’t choose, they get assigned a plan. Not a good choice. Usually have sixty days to pick the plan (if getting SSI have another thirty extra days). The client is then “locked in” to the plan for nine months. Sometimes there is “good cause” to disenroll in a plan and then they allow that – good cause would be a medical condition that can’t be treated under the existing plan.

Medicaid is retroactive for three months (which means it covers any hospital/doctors bills that client had in the three months before getting coverage).

Medicaid can be gotten in addition to other insurance that client might have. Income of client will be calculated by subtracting their insurance premium from the total income.

When applying for Medicaid, parents and children can apply together. Adult children do not apply with family. SSI recipients don't get included in a family application.

If denied coverage, client is entitled to a "fair hearing" that is held in front of a judge.

Info needed to enroll a client in Medicaid and which will need documentation: household size, income, resources, immigration/citizenship status and state residency.

If you don't agree with what is happening with benefits through managed care through Medicaid, a fair hearing should be requested through the NYS Dept. of Health, POB 1930, Albany, NY 12201 (212) 417-6550.

Medicaid – Prenatal Care Assistance Program (“PCAP”)

Even if a woman is not eligible for regular Medicaid (for example illegally in country), if she is pregnant, she gets medical care for the duration of the pregnancy. Also there is a higher income eligibility (client can earn more) for PCAP.

Medicaid – Unborn Child

A parent who has Medicaid and is pregnant will have the child put onto Medicaid right away at birth. HRA must accept verbal (including telephone) or written notification from medical providers about a pregnancy. Notification received from a hospital, Prenatal Care Assistance Program (PCAP), Medicaid Obstetrical and Maternal Services (MOMS) provider, Managed Care Organization (MCO) or any other medical provider constitutes sufficient notification to add the unborn to the case. If the notification is verbal, an appropriate notation must be made in the case record with the name of the person contacting the agency, the medical provider that individual represents, and the date. The hospital is then responsible for alerting Medicaid when the baby is born.

Medicare

At 65, everyone gets Medicare.

Medicare Right Center does advocacy and can give direction and training on Medicare issues. Located at 520 8th Avenue, North Wing, Third Floor, NYC 10018, phone number 212-869-3850

Doughnut Hole – information can be gotten at <http://www.medicarerights.org/pdf/Health-Reform-Doughnut-Hole-in-2012.pdf>

Medicare covers emergency ambulance services at 80% of cost. All ambulance companies must accept Medicare. If the ambulance company doesn't have a paramedic and a paramedic is called in that will NOT be covered by Medicare.

Medicare Savings Program “MSP”. See form guidelines attached.

MSP will pay Part B premiums, and sometimes deductibles and co-insurance payments. The client has to be a QI (Qualifying Individual) based either on low-income or other qualification. This works retroactively for three months backward. Be very careful when helping clients with MSP as this could harm other public benefits for them! When doing application with client, you must make sure that you fill out an HRA Representation Form which lists organization and caseworker. See forms.

There is also something called “Extra Help” EH

Spend-Downs

When an elderly, disabled, or blind person makes “excess income” that would rule them out for Medicaid, they can “spend down” their money to make them eligible. First to knock off monies would be any amount they spend on insurance premiums or on medical bills. A fast way to do spend-down is to enroll in a Supplemental Needs Trust where the client puts the money that is “excess” into a non-profit’s trust fund and the trust fund pays their bills, such as their utility bills and rent.

Unpaid Bills, Collections, Medical Debt

Please see the section on Charity Care. However, if the clients’ bills have already gone to a collection agency, the collection agency also has to receive a letter about applying for Charity Care. NYLAG and The Legal Aid Society can provide free lawyers to take care of cases where the matter is already in court. www.legal-aid.org (they have a separate division just for health issues). Do NOT let client ignore any judgment mail regarding medical debt, because a default judgment (if client doesn’t respond) could freeze client’s bank account or have salary garnished.

SENIOR PLANNING (also young people should do)

Being prepared in advance (“advance planning”) is important to make sure rights and wishes of a person will be followed in case the client becomes incapacitated. NYLAG can provide a free lawyer to do these planning documents.

Some of the “advance planning” documents suggested as very important are:

Health Care Proxy – allows client to pick someone who will be in charge of their medical care and decisions, if they cannot make decisions. If there is NO proxy, then legally a spouse can make decisions, an adult child, a parent, or a sibling. Patients with no proxy can have the hospital make the decisions and that is something that no one wants to have happen. All hospitals have a standard Health Care Proxy form – make sure before or during any

hospitalization that the form is filled out. It would make sense to have an existing Health Care Proxy at all times.

Guardianship – if a client is incapable of caring for his/herself, family or others ought to file for guardianship and to be able to make decisions for the client.

Living Will – tells hospitals and doctors the client’s wishes about end of life. Once this is filled out, the client can register this and the Proxy at the US Living Will Registry. The client will be given a card to carry and hospitals will be able to access this information online in times of crisis.

Another quick note: make sure those getting NY licenses are aware they have to pick organ donor willingness and that they should not make a mistake about this. Undoing a pick is a bit complicated.

Power of Attorney – is a legal document that appoints someone to represent client (in court, for benefits, to get your entitlements). It could only be used while client is alive and cannot be used as a will. It is very hard to undo a Power of Attorney so client should choose someone reliable to give this power to.

Will and Testament – if there is no will when a person dies, the possessions end up stuck in a legal wrangle. If someone dies without a will, court appoints an administrator (who takes fees from the estate) and the spouse gets \$50,000 plus half the assets and children get the rest. For a will to be legal it has to be done with an attorney and two witnesses there. Any changes to will should be done by attorney in document called Codicil.

SOCIAL SECURITY (<http://www.ssa.gov/>)

There are three different types of funding through Social Security. There is no paper application for Social Security, but there is a Disability Form that has to be filled out when applying as a disabled person. Applications can be made at any local Social Security office. Or, clients can apply on the phone through 800-772-1213. In either case, the client should right away get a “protected filing date” which will mean benefits will start based on that first date instead of being dragged out to when the application is finally completed.

To get the Disability Form, you can download it from <http://www.socialsecurity.gov/applyfordisability>. Client’s doctor will have to give a diagnosis, explain the disability and explain needs. It takes a long time to get approved, months sometimes. Don’t try applying again. Always appeal, even if turned down. If things get worse (client gets sicker), make sure to forward updates. Don’t wait for when you have all the forms – have client apply ASAP, even without full documentation.

Supplemental Security Income “SSI” is need-based for elderly, legally blind or disabled people who need money (about \$700). The disabled person in order to be eligible cannot find a job that is substantial gainful activity “SGA” which is to make anywhere from \$1,000 a month or more. Has to be a US citizen or a legal permanent resident “LPR” or a qualified alien. Has to be

income eligible. Go to the SSA site to see which resources have to be listed and which not. Can do spend-down (like NYSARC). Be careful about transfer of assets because there is a look-back period for SSI for 36 months prior to application. If someone is paying the rent, that is considered income, unless a charity is paying it. All SSI clients are automatically Medicaid eligible.

Social Security Disability Insurance “SSDI” this is for disabled folks who have worked in the past (it is based on FICA taxes). Must have a certain amount of “quarters” worked to get benefits. Not only that, but the client has to have worked at least five years of the past ten years before the disability in order to get the benefit. If a client has a Disabled Adult Child (“DAC”), that child could receive the SSDI of the parent in the event of the parent’s death. SSDI can be applied for online – <http://www.socialsecurity.gov/applyforbenefits>.

To check out resources that will be used to determine eligibility or to see how SS runs the program, you can go to POMS which is the site/program SS uses to determine eligibility <https://secure.ssa.gov/poms.nsf/home!readform>

Retired Security Income “RSI” is the social security benefit for retired persons who worked enough “quarters” to be eligible (minimum ten years). There is no income or resource guidelines. Paid in by taxes during working years, it gets paid to client upon retirement.

UTILITIES

Empower NY – income eligible households can get:

Energy-efficient lighting and refrigerators to replace older ones

Insulation and air sealing to cut down on drafts (landlord permission needed)

Applicants have to be HEAP eligible (or earn 60% of median state income), must sign application, have high energy bills and live in a smaller housing complex (less than 100 apartments). Applications can be sent: EmPower NY, POB 2489, Syracuse, NY 13220, or by fax to 315-463-7393 or by email to ACSempower.applications@honeywell.com. Client can also apply directly to EmPower at 800-263-0960.

Energy Share helps stop utilities from being turned off. Max of \$200 per year. Use HEAP guidelines for eligibility.

Home Energy Assistance Program (“HEAP”) is a program that helps with heating bills or heating equipment and repairs. It begins around the second week of November of each year. Applications get mailed to HEAP, PO Box 1401, Church Street Station, New York NY 10008. The phone number to reach the office is (800) 692-0557. A checklist of documents needed here: <http://www.nyc.gov/html/hra/downloads/pdf/heap.pdf>
Clients can request a home visit (if they are homebound) from the Heat Line at (212) 331-3150. HEAP this year is not opening up until November 19th - -then the application can be downloaded from here: <http://otda.ny.gov/programs/heap/apply/>

Cooling Assistance for heat-related health problems uses the same guidelines as HEAP to give air conditioners on a first-come-first-serve basis – <http://otda.nygov/workingfamilies/dss.asp>

Neighborhood Heating Fund

Same as HEAP eligibility. Client can receive \$200 annually to be applied to heating costs.

WELFARE (also known as TANF)

There are two basic programs for public assistance (“welfare”). The “Family Assistance” Program is for families with children under 18. The “Safety Net Assistance” Program is for adults without children under 18. There are nine “Job Centers” in Brooklyn where a client can apply for welfare. To find out which Center serves your area, call 877-HRA-8411.

From when a client hands in the application, HRA has five days to schedule an interview. This is the first “initial interview.” Client will be fingerprinted. Client’s name is matched with law enforcement to make sure they don’t have a warrant out for their arrest.

Documents needed to apply for Welfare are: Proof of identity (drivers license, U.S. passport, immigration papers, Social Security card, and birth certificates for each person in your household seeking benefits) ; Proof of residence and rent: rent receipts, a lease, or a letter from landlord ; Proof of immigration status: (U.S. passport, certificates of naturalization or citizenship, or resident alien card (“green card”)) ; and Proof of income: pay stubs or tax returns (if no work, show how last supported, such as unemployment in the past or letter that not eligible for unemployment, or letter of support from a relative or friend, etc.). If applying for welfare for children, client has to prove they live with them (clinic card, doctor’s letter, school letter, or report card.).

HRA workers have to help client get the documents needed.

Eligibility Verification Review (EVR). Within 11 days of applying, client will have to go to 320 Schermerhorn Street or 250 Livingston Street for another interview to verify the truth of the information given on application. An EVR investigator will also make an unannounced visit to the home to verify address, to see who lives there, etc.

Employment Planning Unit -Client will be required to do job search unless there is a disability preventing that. Also, client can make sure child care is available and reliable before doing job search.

Decision on Your Application. The Welfare Department is required to notify in writing its decision on applications within 30 days of the date applied for Family Assistance, or 45 days of the date applied for Safety Net Assistance. If application is accepted, client will be given appointment to get photo identification card.

Denied applications CAN be appealed through a fair hearing either by going to 14 Boerum Place (in Brooklyn), by sending a written request by fax to (518) 473-6735, or by calling (800) 342-3334.