

Connecting Inmates to Benefits After Release



AIRS CONFERENCE
JUNE 6, 2018

Goals



- Understanding the challenges for Medicare released prisoners
- Becoming familiar with key terms & Medicare enrollments
- Better understanding of how to assist this population

The targeted population?



Medicare due to Disability

- Entered incarceration with SSD benefits
- Below the age of 65
- Most likely with mental health disabilities

Medicare due to Age

- 65+ years of age
- U.S. Citizen or permanent legal resident X 5 years

Older Adults in Prison



- Prisoners are considered to be an “Older Adult” at age 50 or 55

- Increase number of older adults commit crimes

[https://www.n4a.org/Files/n4a_AgingPrisoners_23Feb2017REV%20\(2\).pdf](https://www.n4a.org/Files/n4a_AgingPrisoners_23Feb2017REV%20(2).pdf)

Number of Older Prisoners (55 year of age) grew by 280% from 1999-2016 - increasing healthcare costs

<http://www.pewtrusts.org/en/research-and-analysis/analysis/2018/02/20/aging-prison-populations-drive-up-costs>

- Prisoners aged 50 years of age or older were 2.5 times more likely to have a chronic health condition

<https://www.bjs.gov/content/pub/pdf/mpsfpji1112.pdf>

- Older adults cost 8 percent more to incarcerate than a younger individual

<https://oig.justice.gov/reports/2015/e1505.pdf>

Why Do They Need Your Help?



- Medicare is primary insurance to Medicaid
- Proper connection to Medicare benefits is essential to key medical care
- Repayments to Social Security and back due Medicare premiums can result in less resources at re-entry
- More attention has been made to enrolling prisoners into Medicaid Expanded Benefits – Medicare recipients and those age 65 are not eligible for this benefit

Key Terms



- **Jail:** “Usually have a sentence of less than 1 year or are being held pending a trial, awaiting sentencing, or awaiting transfer to other facilities after a conviction”
- **Prison:** “Longer-term facilities owned by a state or federal government. They are typically felons who have received a sentence of incarceration of 1 year or more.”
- Definitions from Bureau of Justice Statistics: <https://www.bjs.gov/index.cfm?ty=tdtp&tid=1>

Supplemental Social Security (SSI)



What is it?

- Federal income supplement
- Provides financial income to older adults (65 or older), persons who meet the definition of blindness or those with a disability

Must Meet Financial Criteria:

- Designed for those with little or no income & limited resources
 - 2018 federal maximum benefit: \$750 individual & \$1,125/couple
 - Limited resources (\$2,000/individual; \$3,000/couple)

Other Criteria:

- Be a U.S. Citizen or national or in one of certain categories of aliens
- Resident of one of the 50 states, District of Columbia or Northern Mariana Islands

SSI Facts



States administer the program in most states – Social Security administers it in 12 states

<https://www.ssa.gov/ssi/text-eligibility-ussi.htm>

Must apply for other eligible cash benefits

Children can apply up to age 18, but parents' income/resources will be counted for eligibility.

After 18, they are considered for disability for adults

SSDI recipients might also qualify for SSI

SSI can bring SSDI recipients to the Federal max benefit

SSI recipients do not qualify to buy Medicare until age 65

- (unless they can collect from a spouse or a parent's earnings)

Social Security Disability



- **Must meet the definition of disability under the Social Security Act.**
 - Unable to work due to a severe medical condition that has lasted, or is expected to last, at least one year or result in death
<https://www.ssa.gov/disabilityfacts/facts.html>
 - **Eligible if you have worked long enough & paid Social Security taxes**
 - ✦ Adult children may qualify under their parents' earnings if their disability started before age 22.
 - ✦ May occur when the parent retires, has a disability or has died.

Social Security Retirement



- Based on earnings
- Early retirement with a reduced benefit is available at age 62. Full retirement varies by year of birth

Age to receive full Social Security benefits	
<i>Year of birth</i>	<i>Full retirement age</i>
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

NOTE: People born on January 1 of any year, refer to the previous year.

<https://www.ssa.gov/pubs/EN-05-10035.pdf>

Medicare Eligibility



- **Based on earnings**
 - Those who worked 40 quarters are eligible for Medicare Part A premium free at age 65
 - ✦ Spouses may also qualify for Social Security or Railroad Retirement benefits
- Those receiving Social Security Disability after 2 years
- Those with ALS or End Stage Renal Disease may be eligible without the 24 month delay
- Those age 65 may purchase Medicare
 - The Medicare Savings Program and/or Medicaid may be able to “Buy-In” benefits

<http://policy.ssa.gov/poms.nsf/lnx/0600815001>

Four Parts to Medicare



**Part A
Hospital
Insurance**

**Premium
free for
most
people**



**Part B
Medical
Insurance**

**\$134/month
premium
for most**



**Part C
Medicare
Advantage
Plans
Alternative**

**Must have
Medicare
Parts A&B**



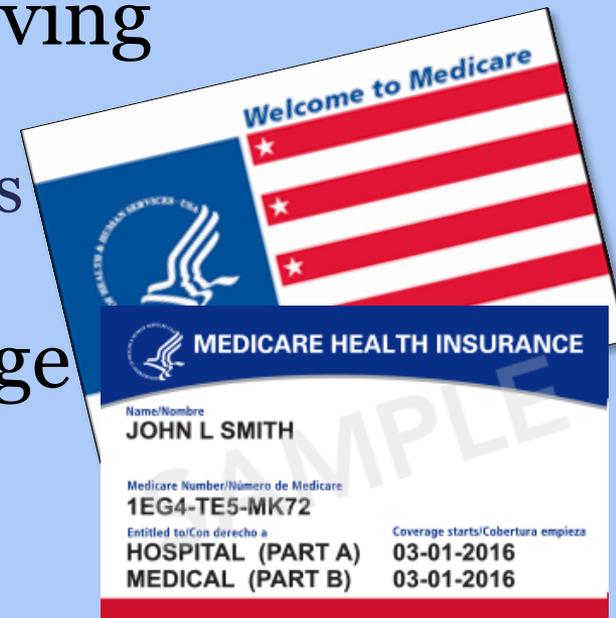
**Part D
Medicare
Prescription
Drug
Coverage**

**Premiums
vary by plan**

Enrollment – Medicare Part A & B



- Automatic **ONLY** for those receiving
 - Social Security benefits
 - Railroad Retirement Board benefits
- Initial Enrollment Period package
 - Mailed 3 months before
 - ✦ Age 65
 - ✦ 25th month of disability benefits
- **Others need to enroll with SSA when eligible**



Medicare Enrollment Periods



- **Initial Enrollment Period (IEP)** – All parts of Medicare



Those on Medicare due to disability receive an IEP at 65

- **Special Enrollment Period** –
 - Part B – when losing group health coverage due to active employment (8 months)
 - Part D – up to 63 days following loss of creditable prescription coverage or after release from prison
- **General Enrollment Period** –
 - January 1 through March 31 - Benefits begin July 1

Medicare During Incarceration



Medicare Part A remains in place when it is premium free

Medicare Part B remains in place if premiums are paid

Individuals are removed from their Medicare Part D plan for being out of the network area. They are not penalized for not having coverage during incarceration.

No Medicare claims are paid for individuals while the person is under the custody of the Department of Correction

SSI/SSDI or SSA Benefits & Incarceration



SSI

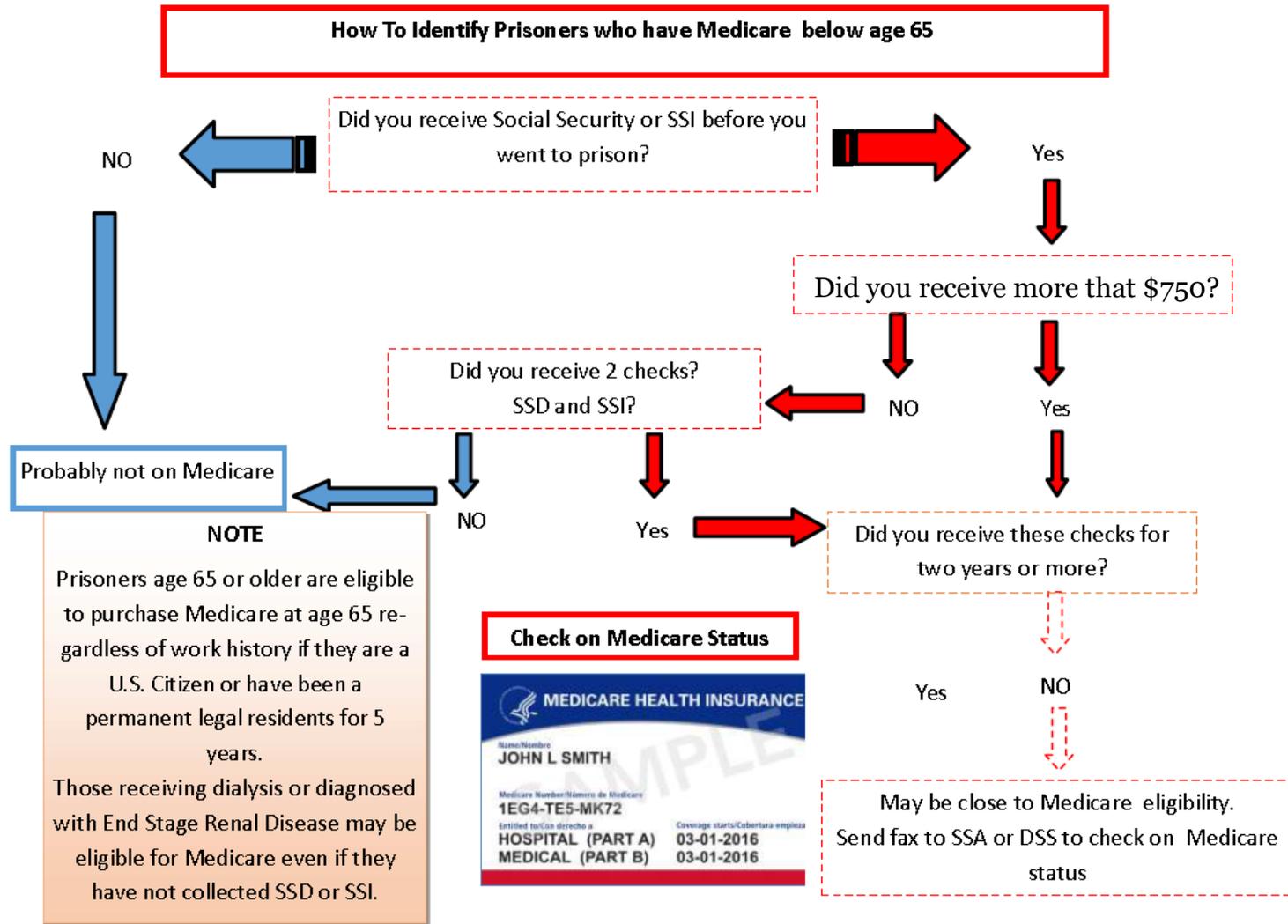
- Benefits are suspended after full calendar month up to 1 year
- Can be resumed within one year with proof of release
- Individuals must re-apply after 1 year

SSDI/SSA

- Benefits are suspended after a person is convicted and in prison for 30 consecutive days
- Benefits resume a month after release with proof of release

Excellent Reference: <http://www.bazelon.org/wp-content/uploads/2017/01/FindingKey-2009.pdf>

How to Identify Prisoners with Medicare



Anticipated Challenges for Inmates



- SSDI/SSA income benefits are suspended **AFTER** being confined for 30 continuous days after a conviction, but they are not entitled to benefits from the date of their conviction.
 - Most released prisoners owe money to Social Security upon release
 - <https://secure.ssa.gov/poms.nsf/lnx/0202607160>

EXAMPLE: The police arrested Kate on 12/12/2014 and held her in jail while awaiting trial. The court convicted Kate on 02/27/2015 and sentenced her to 18 months imprisonment on 03/28/2015. The court released Kate from jail allowing her time to get her affairs in order. Kate **reported to the prison on 04/05/2015**. The 31st day of continuous confinement is 05/05/2015 (04/05/2015, the day the correctional facility took custody, plus 30 continuous days = 05/05/2015). **On 05/05/2015, we retroactively suspend Kate's benefits effective 04/2015 and continuing.**

Anticipated Challenges for Inmates



- Medicare Part B premiums are not paid when SSDI/SSA is suspended
 - Premiums for Medicare Part B (\$134 for most) are usually deducted from the monthly SSA/SSDI check
 - The State stops paying the Medicare Part B premium when MSP benefits and/or Medicaid are suspended or terminated
 - ✦ MSP buys & pays for Medicare Part B benefits for those enrolled
- Person is dis-enrolled from Medicare Part B three months after Medicare Part B benefits are not paid
 - The state/federal prison is responsible for medical care while incarcerated. Medicare does not pay claims.

Medicare Enrollment Stumbling Blocks



- Those turning 65 are expected to enroll in Medicare & are penalized financially if they do not enroll in Medicare Part B
- Individuals do not receive a special enrollment to enroll in Medicare Part B when released
- Without active Medicare Part B individuals cannot enroll in Medicare related products
- Those entitled to Medicare must enroll in Medicare Part D within 63 days of release.

Challenges by Population



Medicare due to Age (65)

- Once enrolled in SS they are enrolled in Medicare Part A retroactively 6 months up to their 65th birthday.
- If this miss enrollment – they are limited to the GEP to enroll in Medicare Part B and are subject to Medicare Part B penalties for failing to enroll during their IEP

Medicare due to Disability

- Most think they do not have Medicare, but they remain on Medicare part A while eligible
- They prefer to be on Medicaid only without Medicare. This is not an option.

Re-entry for SSDI/SSA Recipients



- Benefits are reinstated with proof of release starting the month following their release.
 - Benefits are paid in the following month - This leaves them with 2 months without income

“What Prisoners Need to Know” - available from SSA
<https://www.ssa.gov/pubs/EN-05-10133.pdf>
- 3 months of Medicare Part B premium arrearage is deducted from first SSA/SSD check (\$402)
- They likely owe over payments to Social Security
 - They can file an appeal and/or waiver
 - Those on Low Income Subsidy (LIS/Extra Help) can request lower withholding of \$10/month
 - ✦ Refer to “Social Security Overpayments and Low-Income Clients”
<https://ncler.acl.gov/> for additional guidance

Pharmacy Issues at Release



- Challenges obtaining prescriptions - pharmacy computers detect that Medicare is in place.
 - Medicaid never pays for medications available by a Medicare Part D plan
- Released prisoners have no funds for cost-sharing for Medicare Part D, even with LIS, for 2 months after release
- Release vouchers may be billing Medicaid & may not work for the individual

Helping Medicare Beneficiaries



HOW YOU CAN HELP

Steps Before Incarceration



1. If they have income or resources from another source:

- ✦ Sign up for Medicare Easy Pay to have the Medicare Part B deducted automatically
 - Complete SF-5501 pre-authorized payment from 1-800-Medicare or www.medicare.gov
- ✦ Or arrange an electronic payment from the bank
 - Biller: CMS Medicare Insurance
 - Medicare Premium Collection Center, POB 790355
St. Louis, MO 63179-0355

2. If Social Security is their only source of income:

- Might consider voluntarily stopping Medicare Part B to avoid owing 3 months back due Medicare Part B premiums

Notify Social Security of Incarceration



- Prisoners who are aware that their incarceration is lasting more than 30 days should contact SSA
- 1-800-772-1213

This avoids overpayment of benefits

Those Turning 65 During Incarceration



- Encourage enrollment into Medicare three months before their 65th birthday

Enrolling in Prison

- Inmates can sign and date a letter stating they want to enroll in Medicare.
 - They should consider sending by certified mail
- Inmates can also call 1-800-772-1213 to enroll
- A family member or trusted source can enroll online by applying to be a representative with SSA. The application will be sent to the inmate for signature

Assistance for Re-Entry



1. Educate beneficiaries to request SSI for the month they are not eligible for SSDI, if eligible, when they go to SSA for benefit reinstatement
2. Prepare beneficiaries for the possibility they may owe SS overpayments and overdue premiums
3. Screen for eligibility for Medicare Savings Program (MSP) or a Medicaid with a Medicare buy-in
4. Screen for Low Income Subsidy (LIS) – if not deemed eligible due to MSP or Medicaid
5. Provide information on LINET, a temporary Medicare Part D for those on LIS

If Pharmacy is Unable to Bill LINET



- Can contact 1-800-MEDICARE to inquire about their Medicare Part D status
 - The pharmacy can bill Medicare Part D once the plan is known
 - The released prisoner may need to forward best available evidence of eligibility for LIS to be eligible for the low income co-pays.
-
- Refer to State Health Insurance Program in your state (SHIP)
 - ✦ <https://www.shiptacenter.org/>

Medications under Medicare Part B



- Individuals are usually removed from Medicare Part B and not placed back onto benefits until after the 25th of the month.
- Individuals taking Insulin are unable to get test strips, lancets, inhalers or medications in inhalers if the computer is detecting Medicare. You may need to contact the State Medicaid to intervene

SNAP



- Most prisoners are entitled to expedited SNAP within 7 days because they have no income the month of release
- The State will deny applications submitted before release, even if it is submitted the day before release.
- The SNAP Director can request a pre-release waiver to accept SNAP applications during incarceration. The date of application would be the date of release if the waiver was approved.

Options for those with resources



- They have 63 days to enroll in Medicare Part D since they have Medicare Part A
- They should enroll back into Medicare Part B during the GEP – their Medicare Part B will start July 1 with increased premium penalties
- Explore Veterans Health Benefits, if eligible
- Refer to a Federal Qualified Health Center

Carla - Case Study of Pilot



- 55 year old woman with a disability
- Became active on Medicare in 2013
- Takes 11 different medications
- Removed from Medicare Part B 2/28/17 for failure to pay premiums
- Removed from Medicare Part D 2/28/13 for failure to pay premiums
- **Release date August 2, 2017**

Status of Benefits Upon Re-Entry



- On 7/28/17 - approved for Medicaid & QMB effective 8/1/17
- Deemed eligible for the Low Income Subsidy effective 8/1/17
 - Ensures protection for Medicare Part D
 - Pays all or part of Medicare Part D premium & lowers cost-sharing
 - Eliminates premium penalty for not having Medicare Part D since 2013
- Enrolled in LINET (temporary Medicare Part D plan) automatically effective 8/1/17
- Unable to apply for SNAP until her release
- The Medicare Part B is in process (will take at least a month)

Assistance Provided



- Pharmacist was unable to use the prison voucher because of Medicare status
- Pharmacist was instructed on how to bill LINET
- SNAP granted - \$194 (has no income for Aug & Sept)
- Carla went to SSA with proof of release
 - SSDI of \$1869 will be received in October 2018
 - SSA will be withdrawing Med B arrearage and \$9.00/mo for overpayment (amount reduced because of LIS)

BEC requested a Medicare Part B buy in be sent to SSA. Not placed on Part B until October - buy-in effective 8/1/17

Benefits Change in October



- Over income for Medicaid - placed in a spend down status of \$3718.32 for a 6 month period.
- Remains on QMB & LIS
- SNAP was discontinued 9/30/17
- Auto-enrolled into a Medicare Part D plan. She needs to select one that works with her medications

Lessons Learned



- MSP is often approved, but the request for the Medicare Part B buy-in doesn't always occur
- The Medicare Database indicated:
 - Some were already enrolled in the Low Income Subsidy
 - Some were auto-enrolled into a Medicare Part D plan despite the fact they were out of network
 - Others were on LIS but not enrolled in a Medicare Part D plan

Lessons Learned



- Medicaid can pay for an inpatient hospitalization while incarcerated. This enrollment triggers an enrollment into the Low Income Subsidy
- CMS allows medical benefits under Medicaid at times when Medicare doesn't
- Medicare and Social Security follow the same guidelines
- Confusion on when individuals in half way houses can access SS and Medicare
- Confusion between those on SSI vs. SSDI

Challenges with Cost Sharing



- Cost sharing is based on the level of LIS
- If Medicaid places individuals on a Medicaid spenddown it might increase their cost sharing for prescriptions
- Some inmates are unable to get their medications upon release since they have no source of income for two months
- They may need to appeal the Medicaid decision of a spenddown

Resources



**WE ARE WILLING TO SHARE MATERIALS FOR
YOUR USE AND MODIFICATION**

Marketing Outside of the Prison



- While awaiting work within the prison, we developed brochures for discharge planners and others to give to prisoners being released

Being Released?

FOR PEOPLE

65+ years of age
or
Those on
Social Security
Disability before
incarceration

OUT OF PRISON?

Connect to Benefits

The Benefits Enrollment Center can help 1-866-218-6631

Application Assistance:

- Social Security
- Medicare
- Supplemental Nutrition Program (SNAP)
- Medicaid
- Other Benefits

GET HELP
1-866-218-6631
Aging.sda@ct.gov

State Department on Aging
55 Farmington Avenue
Hartford, CT 06105

Phone: 800-347-5661 x 35
Toll Free: 1-866-218-6631
Email: aging.rd@ct.gov

STATE DEPARTMENT ON AGING
- Growing Older Together -

Funded in part by a grant awarded by the National Council on Aging (NCOA)

Haz Sido Liberado de Prision?

Para Las Personas:

-65+ años de edad
ó
-Las personas que
reciben Seguro Social
por incapacidad y
están en prision
encarcelamiento

Salio de Prision?

Conectate a Beneficios

El Centro de Inscripción a beneficios puede ayudarte 1-866-218-6631

Asistencia con aplicaciones:

- Seguro Social
- Medicare
- Programa de Nutrición suplementaria (SNAP)
- Medicaid
- Otros Beneficios

Para obtener Ayuda
1-866-218-6631
Aging.sda@ct.gov

State Department on Aging
55 Farmington Avenue
Hartford, CT 06105

Teléfono: 800-347-5661 x 35
Llamada gratuita: 1-866-218-6631
Correo electrónico: aging.rd@ct.gov

STATE DEPARTMENT ON AGING
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Booklet



Medicare & Prison



Medicare Facts

AVOID PAYING MORE WHEN RELEASED

What you should know when you are going to prison

Important Facts Publication

Important Facts

For Released Prisoners with Medicare

Re-starting Your Social Security Benefits

When you were sent to prison, your Social Security Disability or Retirement benefits were suspended, or stopped, after you were in prison for 30 straight days. You do not need to apply for these benefits again after your release. To get these benefits re-started, you should go to your closest Social Security Administration office with your release paperwork from the Department of Corrections (DOC). You can call 211 to find the Social Security office nearest to you. Expect to get your first payment two months after your release. Ask Social Security to see if you qualify for Supplemental Security Income (SSI). If you turned 65 during your prison stay, you can enroll in Medicare part A and Social Security benefits at Social Security.

You may owe Social Security money for funds you received after you went to prison since these funds are not stopped until you have been in prison for 30 days. In 2018, there is a monthly fee for Medicare Part B of \$134 a month that most people pay out of their Social Security check. When your Social Security check was placed on hold during your stay in prison, this fee stopped getting paid. After three months with no payments, Social Security may have removed you from this benefit. If you owe this money to Social Security, it will be taken out of your first check. Please be aware, Social Security no longer mails Social Security checks to your home. You will need to open a checking or savings account to avoid a delay in getting your funds or you can enroll to receive a Direct Express Mastercard by calling 1-800-333-1795.

Getting back Medicare Part B

Medicare Part B, the medical portion of Medicare, pays for your doctor visits, blood tests, outpatient therapy and for some special types of drugs. If you were removed from Medicare Part B, you will only have Medicare Part A active, the part that pays for hospital care.

You would normally have to wait to a General Enrollment Period from January 1 through March 31 to apply for Medicare Part B again, but because you do not have income from Social Security when you are released, you may qualify for the Medicare Savings Program (MSP). MSP can help you get your Medicare Part B on the date MSP starts and it will pay your

monthly fee for you. You may be able to get help to pay all fees for Medicare hospital or medical care if you qualify for the Qualified Medicare Beneficiary (QMB) level of MSP. Ask staff to request MSP when you apply for Medicaid. Medicare Part B will not get active until Social Security knows DSS is paying your premium, which happens around the 25th of the month after your release.

You can apply for Supplemental Nutritional Assistance Program (SNAP) after you are released from prison in many ways. The fastest is at any Department of Social Services (DSS) office. You may be able to get emergency SNAP benefits if you have less than \$150 in income and \$100 or less in assets or money in the bank. At the same time, ask DSS to check if you are active on Medicaid or MSP.

How to Get Your Drugs

When you are ready to be released, the Department of Corrections (DOC) will give you a paper or voucher, that is good for 5 days for a 30-day supply of your drugs. The voucher tells the pharmacist how to get the doctor's orders for your drugs. Because you have Medicare, you will also need to tell the pharmacist to enroll you in a temporary Medicare Part D plan, called LINET. You are able to get onto LINET if you applied for Medicaid health insurance before you left prison. Medicaid or another state program, Medicare Savings Program, enrolls you into Extra Help, a program which pays for you to have a benchmark Medicare Part D prescription plan and lowers what you pay when you get drugs. You will have to pay a small fee or cost share when you get these drugs. Please give your pharmacist your Medicare claim number, which is usually your social security number with an "A" after it, or the number listed on your red, white and blue Medicare card. Please contact CHOICES at 1-800-994-9422 for help choosing a permanent Medicare Part D plan and with questions about Medicare.

There are some very specific medicines that are billed to Medicare Part B. If you use an inhaler, or take Insulin, or put medicine into a nebulizer machine for breathing problems, you may need DSS to allow the pharmacist to bill Medicaid for these drugs. The pharmacist can contact the DSS pharmacy unit at 1-866-409-8430 for help if you are active on Medicaid.



Pharmacy Directions Billing LINET

BIN=015599
PCN=05440000
Group ID=Leave blank
Cardholder ID=Medicare number
+ letter
Optional: Patient ID=Medicaid cl
id or SSN number

Resources



Supporting America's Aging Prisoner Population

[https://www.n4a.org/Files/n4a_AgingPrisoners_23Feb2017REV%20\(2\).pdf](https://www.n4a.org/Files/n4a_AgingPrisoners_23Feb2017REV%20(2).pdf)

The Number of Older Prisoners Grew by 280% from 1999 – 2016

<http://www.pewtrusts.org/en/research-and-analysis/analysis/2018/02/20/aging-prison-populations-drive-up-costs>

Medical Problems of State and Federal Prisoners and Jail Inmates, 2011-12

<https://www.bjs.gov/content/pub/pdf/mpsfpi1112.pdf>

The Impact of an Aging Inmate Population on the Federal Bureau of Prisons

<https://oig.justice.gov/reports/2015/e1505.pdf>

Check List to Apply for SSDI

<https://www.ssa.gov/hlp/radr/10/ovw001-checklist.pdf>

Supplemental Security Income (SSI) Eligibility Requirements

<https://www.ssa.gov/ssi/text-eligibility-ussi.htm>

Resources



Social Security Overpayments and Low-Income Clients

<https://ncler.acl.gov>

What Prisoners Need to Know

<https://www.ssa.gov/pubs/EN-05-10133.pdf>

Limited Income Newly Eligible – LINET Program

<https://www.humana.com/pharmacy/pharmacists/linet>

CMS letter dated April 28, 2016 “To Facilitate successful re-entry for individuals transitioning from incarceration to their communities”

<https://www.medicaid.gov/federal-policy-guidance/downloads/sho16007.pdf>



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