

90-800.3. SSI ADVOCACY SERVICES

A. General

The San Diego County HHSA contracts for SSI Advocacy Services. Legal Aid Society of San Diego, Inc. is the contracted provider of these services. As part of the contract, Legal Aid will provide SSI Advocacy Services to all GR FRCs in the County and will schedule time in the FRCs, as appropriate to the number of referrals received.

The advocate's job is to assist GR applicants/recipients in the SSI/SSP application and appeal process. Most applicants/recipients under IAP are mandatory referrals. The worker and Supervisor will have discretion in referring non-mandatory applicants/recipients when it appears the situation or circumstances demonstrate a potential need for SSI Advocacy Services or an evaluation of potential SSI eligibility based on disability or blindness is needed.

B. Form 13-1 HHSA

The major communication document between the worker and the SSI Advocate is the 13-1 HHSA ([Appendix B](#)). It may be used by either party and is considered a two-way communication document. The worker must ensure that the applicant/recipient signs the form, as required in the middle of the page, and must image it in the case record to document SSI Advocacy Services referral and activities.

C. Mandatory Referrals to SSI Advocacy Services

There is an emphasis on assisting those with psychiatric disabilities but referrals are not limited to this group. It shall be explained to clients that the County contracted services are provided free of charge. Individuals meeting the following criteria are mandatory referrals to SSI Advocacy Services:

- all applicants/recipients who have filed for SSI but have not been approved or denied at the point of referral (which can be anytime the worker has contact with the client or the case (for example, redetermination, receipt of CW 7, phone contact, etc.)
 - all applicants/recipients who are potentially eligible to SSI based on 90-800.1.G criteria
 - all applicants/recipients receiving SSI prior to incarceration and whose SSI was terminated while incarcerated
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Mandatory Referrals to SSI Advocacy Services
(continued)

- all applicants/recipients with a prior medical evaluation indicating inability to work for six months or longer and a new medical evaluation extending the period of inability to work due to the same medical condition (Note: For purposes of determining the period of six months or longer, multiple medical evaluations for the same medical condition shall be considered).

If an individual has a pre-existing contract with a private attorney for SSI Advocacy Services, does not wish to change to the County contracted services, and provides verification of that contract or authorization, the individual may be exempted from a mandatory referral.

D. Voluntary Referral to Advocate

The worker or supervisor may do a voluntary referral to SSI Advocacy Services when:

- the applicant/recipient appears to have a psychiatric or physical disability for which the medical information to indicate potential SSI eligibility is inconclusive or missing and an evaluation for potential SSI is needed; or
 - the applicant/recipient has a documented psychiatric or physical disability but it is unclear if the criteria in [90-800.1.G](#) are met and the criteria in [90-800.1.L](#) are not met.
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E. Pre-application

There are no major differences in the pre-application process. Form 11-65 HHSA, Applicant's Statement of Employability, can be used by the pre-application worker to identify disabilities for an aged individual being referred to CAPI to assist in determining potential SSI eligibility. If the 11-65 HHSA is obtained for this purpose, a copy shall be attached to the CAPI referral form 11-98 HHSA.

F. Applicant Meets Referral Criteria

If the applicant/recipient is otherwise GR eligible, the worker shall take the actions in the table below.

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Applicant Meets Referral Criteria
(continued)

Step	Action
2	Distribute as follows: <ul style="list-style-type: none"> • original to SSI Advocacy Services; and • one copy imaged in the case file.
3	Make a photocopy of the 13-1 HHSA for the applicant/recipient for initial referral and/or SSI Advocacy appointment.
4	Schedule the applicant/recipient for an appointment with the SSI Advocate. Note: If the SSI Advocate is not in the FRC at the time the referral is being completed, a calendar will be available in an area established by each FRC.

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G. IAP Status/Action

The table below shows the actions that are to be taken for IAP.

If the ...	Then ...
applicant/recipient is a mandatory referral,	treat as IAP and aid.
applicant/recipient is a voluntary referral,	retain as AB, UE or IP, pending return of the 13-1 HHSA.
13-1 HHSA indicates acceptance,	change to IAP.
13-1 HHSA indicates the referral has not been accepted,	retain as AB, UE, or IP.
notification of termination of SSI Advocacy Services is received, and SSI is denied,	retain as AB, UE, or IP.
notification of termination of SSI Advocacy Services is received, and there is no qualifying SSI disability,	retain as AB, UE, or IP.

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**IAP Status/
Action**
(continued)

If the ...	Then ...
notification of termination of SSI Advocacy Services is received, and SSI has been granted (Note: SSI Advocate will verify SSI payment status before closing for SSI award),	close case. Timely and adequate notice is required but the recipient may waive the timely notice in writing.
notification of termination of SSI Advocacy Services is received, and the recipient is non-cooperative with the SSI Advocate (Note: The SSI Advocate will make three attempts, including good cause determinations, to secure cooperation before making a determination of non-cooperation),	close case. Timely and adequate notice is required.
ORR notifies the worker that SSI/SSP has been awarded and a retroactive check has been received,	the worker shall immediately review to determine if a couple's case is involved.

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**IAP Status/
Action**
(continued)

If the ...	Then ...
<p>a couple's case is involved,</p>	<ul style="list-style-type: none"> • Close only the SSI person. Timely and adequate notice is required but the recipient may waive the timely notice requirement in writing; and • Notify ORR of the total amount of GR, and/or CAPI issued via form 11-4 HHSA. <p>Note 1: ORR has a limit of 10 days to process the reimbursement to the County and/or State. If this process cannot be completed timely, the recipient is entitled to the entire check and the County or State cannot recover aid paid through the SSI reimbursement process.</p> <p>Note 2: ORR may contact the worker by telephone to request information for specific months. If the recipient's primary language is Spanish, notify ORR at this time so the notice of payment can be issued in Spanish.</p>

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H. Confirmation of Program Eligibility to SSI Advocate

The SSI Advocates may receive referrals for SSI Advocacy Services from other agencies, such as St. Vincent de Paul, Neil Goode, etc. When this outside referral occurs, the SSI Advocate must document linkage to GR or CAPI in order to serve the applicant/recipient under the County contract.

A NOA or other correspondence from the County may be available to confirm linkage. If these forms are not available, it has been agreed that the SSI Advocate can obtain a clearance through the FRC to confirm program linkage. FRC Managers can decide where to have the clearance completed. Names of the SSI Advocates will be provided to each office.

If the ...	Then ...
individual is not known, is not active or pending to GR or CAPI,	that is the extent of information provided to the SSI Advocate, unless a release has been received.
individual is active to or pending to GR, or CAPI,	this can be confirmed for the SSI Advocate and the worker's number, name, and the case number can be released to the SSI Advocate for documenting linkage in their case record.
worker did not initiate the referral for SSI Advocacy Services,	the SSI Advocate will send a Form 13-1 HHSA to the worker.

I. Applicant/ Recipient Not Assisted by SSI Advocate

The worker is required to monitor the SSI application process of applicants/recipients not assisted by the SSI Advocate due to the exemption in 3, above as shown in the table below.

Step	Action
1	Confirm completion of the SSI application.
2	Set a Case Alert at 90-day intervals to redetermine SSI/SSP application status by completing Step 3 or 4.
3	Check the MEDS listing.

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**Applicant/
Recipient Not
Assisted by
SSI Advocate**
(continued)

Step	Action
4	Send form 07-94 to SSA requesting case status verification. (Recipient's signature for release of information is required on this form.)
5	Document verification in the Case Comments. Note: It is the worker's responsibility to verify SSI/SSP application status. Cases may not be closed for recipient's failure to provide information in this regard.
6	Review to determine if a couple's case is involved when the recipient or ORR notifies the worker that SSI has been awarded.
7	Close only the SSI person if a couple's case is involved.
8	Provide timely and adequate notice unless the recipient waives timely and adequate notice in writing.
9	Notify ORR of the total amount of GR or CAPI issued via form 11-4 HHSA.
