

Helping Members of the
Daniels Class
Survive the TennCare
Reverification Process

April 23, 2009



Daniels People – Who They Are

- Ever had SSI - even one day - in Tennessee since November 13, 1987.

- If a child was a premature and stayed in the NICU, he likely had SSI for one month regardless of family income.

- Adults who applied for disability and received SSI for month or so until their Social Security Disability Insurance started are eligible.

- Even if client does not know he had SSI, can call David Erwin at 615-743-7999

Daniels – A Vulnerable Group

- 150,000 people in the Daniels class, including:
 - About 18,000 medically fragile children
 - About 16,000 Severely and Persistently Mentally Ill (SPMI) adults and Severely Emotionally Disturbed (SED) children

Daniels – The Review Process

- Timeframe:
 - Injunction took effect in November 1987
 - Court lifted the order January 8, 2009
 - DHS has completed “ex parte reviews” based on existing records, found 9,300 otherwise eligible
 - Must now gather information from the remaining 140,000, to see if they still qualify for TennCare under one of other categories

Daniels – The Review Process

- Timeframe (Continued):
 - First batch of 40,000 letters going out May 1, and on the 1st of each subsequent month
 - Enrollees have 30 days from the date of request to return the Request for Information (RFI), also known as the “peach pages”

A “Peach” of a Form

- The RFI is 7 daunting pages long, and it requires the submission of additional documentation.
- The RFI does not request facts that are especially crucial in this recession:
 - Whether, if there is a child in the household whose “primary wage-earner” has become unemployed.

Daniels – Extra Options for Kids

- Kids
 - Kids will first be reviewed for Medicaid categories.
 - If they do not fit into a Medicaid category, they will be screened for TennCare Standard (under 18 years old).
 - If child is going for medical eligibility, DHS has 60 days to determine, during which child is still covered
 - CoverKids requires a separate application, after TennCare has been ruled out.

Advocacy – One Client at a Time

- Of the 150,000 people in the Daniels class
- So far, 9,300 have been found to be eligible in another Medicaid category by ex parte reviews
 - DHS projects only 10,000-11,000 will ultimately be found eligible.
 - Advocates believe the number actually eligible is much higher. But the process will defeat most people unless they have professional assistance.

One Client at A Time

- First, make sure clients report their addresses to:
 - DHS by writing the county office or calling 1-866-311-4287.
 - Mail address info. to the TennCare Bureau at:
P. O. Box 22630, Nashville, TN 37202
Keep a copy with the date you sent it.
 - If they get a Social Security check now, report address also to Social Security by calling 1-800-772-1213

One Client at a Time

- Make sure clients know to return the RFI on time – if they don't, they will be cut off.
 - Clients with disabilities should ask DHS for accommodation by following instructions on the RFI.
 - Clients should get the help of an advocate outside of DHS

One Client at a Time

- Fit the client into another Medicaid category.
- If a child, try to qualify also for:
 1. Medical Eligibility
 2. TennCare Spend-Down or
 3. CoverKids



One Client at a Time

- After clients return the RFI
 - Respond promptly to request for additional information or documents
 - If notified that the client is not eligible, and he may be, the client should **APPEAL WITHIN 20 DAYS & ASK FOR CONTINUED COVERAGE PENDING APPEAL**
 - Appeal must present a “valid factual dispute.”

Reconsidering Reverification

A Bad Idea at a Bad time:

- Hits struggling families when they are already down.
- Violates American Recovery & Reinvestment Act (ARRA) Maintenance of Eligibility (MOE) requirement to freeze eligibility as of 7-1-08.

Reconsidering Reverification

A Bad Idea at a Bad time

- Will cost Tennessee economy and health care system \$3 of federal matching funds for every state \$1 saved.
 - If DHS projections are correct, and only 11,000 (7%) of the 150,000 keep their coverage, Tennessee will lose \$825 Million in Federal funding

AND

- Violation of ARRA puts all \$1.1 Billion in Medicaid stimulus funds at risk.

Reconsidering Reverification

A Bad Idea at a Bad time

- Cuts not necessary, because the Governor's FY 2010 Budget already includes full state funding to maintain all 150,000 Daniels people.

Advocacy – Policy Level

- Ask state legislators to help –
 - The Medicaid stimulus money is not being used the way it was intended, to preserve coverage during the economic crisis.
 - Saving Daniels coverage won't require a change in the Governor's Budget, since it assumes continued levels of enrollment
 - TennCare has \$393 Million in reserves (in addition to the Rainy Day Fund)
 - The State has not kept its promise to reopen Spend-Down.

Advocacy – Policy Level

- Ask White House and Congress to save the Daniels people –
 - The Medicaid stimulus money is not being used the way it was intended, to preserve coverage during the economic crisis.
- Stories for the Media
 - Missing other categories of eligibility
 - Phone line waiting times and dropped calls
 - Messed up addresses
 - Problems with DHS appeal process



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The Tennessee Justice Center is a non-profit, public interest law and advocacy firm serving the poor. We give priority to policy issues and civil cases in which the most basic necessities of life are at stake, and where our advocacy can benefit families statewide. We work to empower our clients by holding government accountable for its policies and actions.