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## Screening for Medicaid Eligibility Under the Pickle Amendment

Gordon Bonnyman of the Tennessee Justice Center offers a quick and easy method of screening for Medicaid eligibility under the Pickle Amendment, which requires that an individual be deemed an SSI recipient under certain circumstances.

### Pickle Amendment's 2009 Reduction Factors for Calculating Medicaid Eligibility

by [Gordon Bonnyman Jr.](#), Executive Director, Tennessee Justice Center

The annual revised reduction factors for calculating Medicaid eligibility under the Pickle Amendment are out. See the 2009 figures in the table below. Named after its congressional sponsor and enacted in 1977, the Pickle Amendment established a separate category of medical eligibility (42 U.S.C. sec. 1396a). The amendment requires that an individual is to be deemed a Supplemental Security Income (SSI) recipient (which in many states means automatic Medicaid eligibility) if the individual:

1. Is simultaneously entitled to receive both social security (Old Age, Survivors, or Disability Insurance (OASDI)) and SSI in some month after April 1977;/1/
2. Is currently eligible for and receiving OASDI;
3. Is currently ineligible for SSI; and
4. Receives income that would qualify the individual for SSI after deducting all OASDI cost-of-living adjustments (COLA) received since the last month in which the individual was eligible for both OASDI and SSI.

Screening for Medicaid eligibility under the Pickle amendment is quick and simple. The screening process will eliminate the great majority of those who are not eligible without the necessity of performing any mathematical calculations. For those who survive the initial screening and for whom mathematical calculations are required, the table below provides a simple formula for performing the necessary calculations.

The screening process is as follows:

**Step 1:** Ask the person, "Are you now receiving a social security check?" If the answer is no, the individual cannot be Pickle eligible. If the answer is yes, go on to the next step.

**Step 2:** Ask the person, "After April 1977, did you ever get an SSI check at the same time that you got social security, or did you get SSI in the month just before your social security started?" If the answer is no, the person cannot be Pickle eligible. If the answer is yes, go on to step 3.

**Step 3:** Ask the individual, "What is the last month in which you received SSI?"

**Step 4:** Look up the month in which the person last received SSI in the following table. Find the percentage that applies to that month. Multiply the present amount of the person's (and/or spouse's) social security benefits by the applicable percentage.

**Step 5:** You have just calculated the person's countable social security income under the Pickle Amendment. Add the figure that you have just calculated to any other countable income the person may have. If the resulting total is less than the current SSI income criteria in your state, the person is Pickle eligible, from the standpoint of income, for Medicaid benefits. (The individual must still satisfy separate Medicaid resource and nonfinancial requirements.)

### Example

Mrs. Ima Gherkin received both social security and SSI checks in 1976–78. However, her SSI was terminated in March 1978 because she started receiving a private pension that, added to her social security benefits, raised her income to an amount above the 1978 SSI income limits. There have been gradual increases in her income since 1978. She now receives a social security benefit of \$1,153 per month, which happens to be the average monthly benefit for retired workers. Her private pension is \$275 a month, for a combined total of \$1,428 monthly.

In 2009, the income limit for SSI (taking into account a \$20 general income disregard) is \$694 for an individual. Thus, Mrs. Gherkin's income is over twice the SSI income limit, which her state has adopted as the Medicaid limit for persons who are aged, blind, or disabled.

You screen Mrs. Gherkin for Pickle eligibility as outlined above. Determining that the last month in which she received both social security and SSI was March 1978, you look up that time period in the following table and find the corresponding reduction factor (.282). You multiply Mrs. Gherkin's current Social Security benefit of \$1,153 by that factor, to determine her current countable "Pickle" income.

\$1,153 multiplied by .282 = \$325 ("Pickled" social security income, rounded downward)

\$325 countable social security income + \$275 private pension = \$600 total countable "Pickle" income.

Since \$600 is less than the current SSI income limit (including the standard \$20 disregard) of \$694, Mrs. Gherkin is eligible for Medicaid, even though she is ineligible for SSI.

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### Reduction Factors for Calculating Medicaid Eligibility Under the Pickle Amendment During 2009

If the last month in which an individual received SSI while, or immediately prior to, receiving social security was in any of the periods below, multiply the present amount of her social security by the corresponding index:<sup>2/</sup>

<b>If SSI was terminated during this period:</b>	<b>Multiply 2009 social security income by:</b>	<b>If SSI was terminated during this period:</b>	<b>Multiply 2009 social security income by:</b>	<b>If SSI was terminated during this period:</b>	<b>Multiply 2009 social security income by:</b>
May-June 1977	.267	January 1988- December 1988	.526	January 1999- December 1999	.742
July 1977- June 1978	.282	January 1989- December 1989	.547	January 2000- December 2000	.761
July 1978- June 1979	.301	January 1990- December 1990	.573	January 2001- December 2001	.788
July 1979- June 1980	.330	January 1991- December 1991	.604	January 2002- December 2002	.808
July 1980- June 1981	.378	January 1992- December 1992	.626	January 2003- December 2003	.819
July 1981- June 1982	.420	January 1993- December 1993	.645	January 2004- December 2004	.837
July 1982- December 1983	.451	January 1994-December 1994	.661	January 2005- December 2005	.859
January 1984- December 1984	.467	January 1995- December 1995	.680	January 2006- December 2006	.894
January 1985- December 1985	.483	January 1996- December 1996	.698	January 2007- December 2007	.924
January 1986- December 1986	.498	January 1997- December 1997	.718	January 2008- December 2008	.944
January 1987- December 1987	.505	January 1998- December 1998	.733		

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1. The individual need not literally receive both Supplemental Security Insurance (SSI) and social security checks in the same month but need only be *entitled* to both for the same month. There is a one-month lag in OASDI payments, which are not disbursed until the month after entitlement, while SSI payments are paid in the month of entitlement. It is common for a person to receive SSI while awaiting receipt of OASDI payments. Once her monthly OASDI begins, if it exceeds the SSI rate, she receives just OASDI thereafter. In such circumstances, even though the person never actually received simultaneously payments

from both programs in a single month, she meets the first Pickle requirement. This is true even if income from a retroactive OASDI payment exceeds the SSI benefit level for all months in which SSI was received. For this reason, you should ask not only whether the individual received both SSI and social security in the same month but also whether the individual received SSI immediately before the individual's social security payments began. See 42 C.F.R. § 435.135; 51 Fed. Reg. 12326 (Apr. 10, 1986). For more information, see my *Medicaid Eligibility in a Time Warp*, 22 Clearinghouse Review 120 (June 1988).

2. Due to social security's rounding rules, the adjustment factors in the table result in an approximate, rather than exact, figure. Because a discrepancy of one cent may mean the difference between Medicaid eligibility as a Pickle case and no meaningful access to health care, advocates should obtain exact information from the Social Security Administration if the figure resulting from the screening method determines that the client is over the eligibility limit by a small amount (i.e., \$20 or less).

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