

**CHAPTER 299. SUPPLEMENTAL SECURITY INCOME PROGRAM
AND STATE SUPPLEMENTARY PAYMENT PROGRAM**

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Authority

The provisions of this Chapter 299 issued under sections 201(2), 403(b) and 432(2) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 432(2)), unless otherwise noted.

Source

The provisions of this Chapter 299 adopted March 4, 2005, effective January 1, 2005, 35 Pa.B. 1567, unless otherwise noted.

Cross References

This chapter cited in 6 Pa. Code § 21.2 (relating to definitions); 6 Pa. Code § 21.22 (relating to eligibility for the domiciliary care supplement); 6 Pa. Code § 21.23 (relating to application process for domiciliary care service and domiciliary supplement); 6 Pa. Code § 21.24 (relating to redetermination of eligibility); and 6 Pa. Code § 21.25 (relating to termination of eligibility for domiciliary care service or the domiciliary care supplement).

GENERAL PROVISIONS

§ 299.1. Policy.

(a) *SSI Program.* The SSI Program provides payments to aged, blind and disabled individuals based on uniform Federal eligibility standards and a National base payment level under 20 CFR 416.110 (relating to purpose of program).

(b) *Payment levels.* Under 20 CFR Part 416, Subparts D and K (relating to amount of benefits; and income), the SSI Program has three payment levels that

are based on the Federal living arrangement of an eligible individual or couple. These payment levels are based on one of the following living arrangements:

- (1) The individual or couple is living independently and owns its own home or is paying rent or room and board.
 - (2) The individual or couple is living in the household of another and receiving in-kind support and maintenance.
 - (3) The individual or couple is living in a medical care facility where a substantial part (more than 50%) of the cost of care is paid under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v).
- (c) *SSP Program*. An individual or couple eligible for SSI is eligible for an SSP in accordance with the following:
- (1) The SSP is not considered income by the SSA in determining eligibility for SSI.
 - (2) The SSA administers SSPs for an individual or couple that is one of the following:
 - (i) Receiving a mandatory SSP under 20 CFR 416.2050 (relating to mandatory minimum state supplementation).
 - (ii) Living in a DCH.
 - (iii) Living in a licensed PCH.
 - (3) The Commonwealth administers SSPs for an eligible individual or couple that does not qualify for an SSP under paragraph (2) and is one of the following:
 - (i) Living independently.
 - (ii) Living in the household of another and receiving in-kind support and maintenance.

§ 299.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Countable income—As defined in 20 CFR 416.1104 (relating to income we count).

DCH—Domiciliary care home—A premises certified by an area agency on aging for the purpose of providing a supervised living arrangement in a home-like setting for a period exceeding 24 consecutive hours to clients placed there by the area agency on aging.

DCS—Domiciliary care services—Services and activities performed by the area agency on aging which are necessary to:

- (1) Seek out, assess and determine the eligibility of applicants and prospective providers.
- (2) Certify domiciliary care homes.
- (3) Arrange for, oversee and follow-up on the placement of clients into domiciliary care homes and the receipt of the domiciliary care supplement by clients.

FBR—Federal benefit rate—As defined in 20 CFR 416.1101 (relating to definitions of terms).

In-kind support and maintenance—As defined in 20 CFR 416.1130(b) (relating to introduction).

Living in the household of another—As defined in 20 CFR 416.1132 (relating to what we mean by “living in another person’s household”).

Mandatory SSP—As defined in 20 CFR 416.2050 (relating to mandatory minimum state supplementation).

Optional SSP—A cash benefit, other than the mandatory SSP, provided to an eligible individual or couple under 20 CFR 416.2001 (relating to state supplementary payments; general).

PCH—Personal care home—A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PCS—Personal care services—Assistance or supervision in matters, such as dressing, bathing, diet, financial management, evacuation of a resident in the event of an emergency, or medication prescribed for self-administration.

Representative payee—As defined in 20 CFR 416.601 (relating to introduction).

SSA—Social Security Administration.

SSI—Supplemental Security Income—As defined in 20 CFR 416.201 (relating to general definitions and terms used in this subpart).

SSP—State Supplementary Payment—A cash benefit provided by the State to an individual or couple eligible for SSI or that would be eligible for SSI except for income.

SSP-Only—A category designation for an individual or couple that is ineligible for SSI based on income alone, but eligible for an SSP.

TYPES OF SSP

§ 299.11. Mandatory and optional SSPs.

The two types of SSPs are as follows:

(1) *Mandatory SSP*. A mandatory SSP is provided to an eligible individual or couple under 20 CFR 416.2050 (relating to mandatory minimum state supplementation).

(2) *Optional SSP*. An individual or couple not eligible for the mandatory SSP may receive an optional SSP, as specified in § 299.37 (relating to optional SSP levels). Eligibility requirements for the optional SSP are set forth in §§ 299.21, 299.22 and 299.31—299.36.

Authority

The provisions of this § 299.11 amended under sections 201(2), 403(b), 403.1 and 432(2) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1 and 432(2)).

Source

The provisions of this § 299.11 amended April 13, 2012, effective July 1, 2011, 42 Pa.B. 2007. Immediately preceding text appears at serial pages (310013) to (310014).

GENERAL ELIGIBILITY PROVISIONS FOR OPTIONAL SSP**§ 299.21. General.**

(a) *SSI Eligibility.* Except as specified in subsection (b)(1), to be eligible for an optional SSP, the individual or couple shall be eligible for SSI.

(b) *Exceptions.*

(1) *Excess income for SSI.* If the individual or couple meets all SSI requirements other than income, and if countable income does not exceed the combined FBR and applicable SSP, the individual or couple is eligible to receive an optional SSP.

(2) *No optional SSP if eligible for a mandatory SSP.* If the individual or couple receiving SSI is entitled to a mandatory SSP in an amount greater than the combined FBR and the applicable SSP, the individual or couple is ineligible for an optional SSP.

(3) *No optional SSP for those living in certain medical care facilities.* If the individual or couple receiving SSI is living in a medical care facility where a substantial portion (more than 50%) of the cost of care is paid under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v), the individual or couple is ineligible for an optional SSP.

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs); 55 Pa. Code § 299.22 (relating to eligibility requirements for SSA-administered optional SSP for DCS and PCS); and 55 Pa. Code § 299.35 (relating to eligibility requirements for individuals or couples eligible for SSI).

§ 299.22. Eligibility requirements for SSA-administered optional SSP for DCS and PCS.

(a) *DCS.* In addition to meeting the requirements in § 299.21 (relating to general), to receive an optional SSP for DCS, an individual or couple residing in a DCH shall meet the requirements for receipt of DCS, and submit an application under 6 Pa. Code § 21.23 (relating to application process for DCS and the domiciliary care supplement).

(b) *PCS.* In addition to meeting the requirements in § 299.21, to receive an optional SSP for PCS, an individual or couple residing in a licensed PCH shall meet the following requirements:

(1) The individual or each member of the couple shall submit an application for an SSP for PCS to the area agency on aging under 6 Pa. Code § 21.23.

(2) If the individual or each member of the couple is not an SSI recipient, he shall submit an application for SSI to the SSA indicating that an application for an SSP for PCS is pending.

(3) The individual or each member of the couple shall notify the Department or the SSA of a move from a PCH.

(c) *Notice.* The Department will notify the individual or each member of the couple of the eligibility determination for SSP for DCS or PCS and send a copy of the notice to the area agency on aging.

(d) *Appeal rights.* An applicant or recipient may appeal the denial or termination of the SSP for DCS or PCS under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs); 55 Pa. Code § 299.35 (relating to eligibility requirements for individuals or couples eligible for SSI).

**GENERAL PROVISIONS FOR STATE-ADMINISTERED
OPTIONAL SSP**

§ 299.31. Authorization.

The State-administered optional SSP is authorized in the county of residence.

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs).

§ 299.32. Restitution.

An individual or couple that receives State-administered optional SSP is subject to restitution requirements in Chapter 255 (relating to restitution).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs).

§ 299.33. Appeal and fair hearing.

An individual or each member of a couple applying for or receiving State-administered optional SSP has the right to appeal and have a fair hearing under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs).

§ 299.34. Representative payment.

An SSP is paid to a representative payee if the SSA determined that a representative payment is applicable under 20 CFR Part 404, Subpart U (relating to representative payment) or Part 416, Subpart F (relating to representative payment), or if the Department appoints a representative payee under § 299.36 (relating to eligibility requirements for SSP-Only).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs).

§ 299.35. Eligibility requirements for individuals or couples eligible for SSI.

The Commonwealth will administer and pay an optional SSP to an individual or couple eligible for SSI under § 299.21 (relating to general) and residing in this Commonwealth under 20 CFR 416.2035 (relating to optional supplementation: additional state options), unless the individual or couple is eligible for an SSP under § 299.22 (relating to eligibility requirements for SSA-administered optional SSP for DCS and PCS).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs).

§ 299.36. Eligibility requirements for SSP-only.

(a) *Eligibility requirements.* The Commonwealth will administer and pay an optional SSP to an individual or a couple as follows:

(1) *Categories.* The individual or couple may be eligible for SSP-Only if the individual or each member of the couple is one of the following:

- (i) Aged—65 years of age or older.
- (ii) Blind under 20 CFR Part 416, Subpart I (relating to determining disability and blindness).
- (iii) Disabled under 20 CFR Part 416, Subpart I.

(2) *Additional requirements.* In addition to paragraph (1), the individual or each member of the couple shall:

- (i) Meet the residency requirements under § 147.23 (relating to requirements).
- (ii) Be a United States citizen or a qualified alien under 20 CFR Part 416, Subpart P (relating to residence and citizenship). A qualified alien shall meet the eligibility requirements under section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C.A. § 1612) regarding limited eligibility of qualified aliens for certain Federal programs.
- (iii) Meet SSI resource requirements under 20 CFR Part 416, Subpart L (relating to resources and exclusions).

(iv) Meet income requirements under 20 CFR Part 416, Subpart K (relating to income) except that:

(A) Countable income must be less than the combined total of the FBR and the maximum allowable SSP for the eligible individual or couple.

(B) Countable income is adjusted dollar for dollar against the appropriate SSP amount in § 299.37 (relating to optional SSP levels), plus the FBR.

(v) Meet enumeration requirements under § 155.2 (relating to general).

(vi) Meet redetermination requirements under 20 CFR 416.204 (relating to redeterminations of SSI eligibility).

(vii) Cooperate in verifying all eligibility requirements including age, residence, citizenship, employment, income and resources as specified under § 201.4 (relating to procedures).

(viii) Consent to the disclosure of information that is in the possession of third parties and necessary for the SSP eligibility determination.

(b) *Determining eligibility for SSP-Only.* The Department will determine the eligibility of an individual or couple for SSP-Only when one of the following occurs:

(1) *SSA notification of excess income for SSI.* The SSA notifies the Department that the individual or couple is ineligible for SSI due to excess income.

(2) *Application for SSP-Only.* The individual or each member of the couple applies for SSP-Only through the Department.

(i) If the Department determines that countable income of the individual or couple exceeds SSI eligibility limits, the Department will determine eligibility for SSP-Only.

(ii) If the Department determines that countable income of the individual or couple is within SSI eligibility limits, the Department will refer the individual or couple to the SSA. In that event, the individual or each member of the couple shall cooperate in establishing eligibility for SSI.

(iii) For the individual or couple referred to the SSA, failure to cooperate in establishing eligibility for SSI will result in ineligibility for an SSP.

(c) *Effective date.* The effective date of eligibility for SSP-Only is one of the following:

(1) *SSA application.* The first full month following the month of the SSI application date for the individual or each member of the couple that is denied SSI.

(2) *Department application.* The first full month following the month the SSP-Only application is received by the Department under subsection (b)(2)(i).

(d) *Primary source of information for SSP-Only.* The individual or couple is the primary source of information under § 201.1 (relating to policy).

(e) *Medicaid.* The individual or each member of the couple that is eligible for SSP-Only is also eligible for Medicaid under § 141.1 (relating to policy).

(f) *Representative payee.* The Department will appoint a representative payee for an individual or each member of the couple eligible for SSP-Only if a representative payee would be applicable under 20 CFR Part 416, Subpart F (relating to representative payment).

Authority

The provisions of this § 299.36 amended under sections 201(2), 403(b), 403.1 and 432(2) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1 and 432(2)).

Source

The provisions of this § 299.36 amended April 13, 2012, effective July 1, 2011, 42 Pa.B. 2007. Immediately preceding text appears at serial pages (310016) and (347741) to (347742).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs); 55 Pa. Code § 299.34 (relating to representative payment).

§ 299.37. Optional SSP levels.

The SSP levels are as follows:

	<i>Individual</i>	<i>Couple</i>
Residing in an Independent Living Arrangement	\$22.10	\$33.30
Residing in the Household of Another	\$25.53	\$38.44
Residing in a Domiciliary Care Home	\$434.30	\$947.40
Residing in a Personal Care Home	\$439.30	\$957.40

Authority

The provisions of this § 299.37 amended under sections 201(2), 403(b), 403.1 and 432(2) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1 and 432(2)).

Source

The provisions of this § 299.37 amended April 13, 2012, effective July 1, 2011, 42 Pa.B. 2007. Immediately preceding text appears at serial page (347742).

Cross References

This section cited in 55 Pa. Code § 299.11 (relating to mandatory and optional SSPs); and 55 Pa. Code § 299.36 (relating to eligibility requirements for SSP-only).

**APPENDIX A
(Reserved)**

Source

The provisions of this Appendix A adopted March 4, 2005, effective January 1, 2005, 35 Pa.B. 1567; amended January 15, 2010, effective January 16, 2010, 40 Pa.B. 479; reserved April 13, 2012, effective July 1, 2011, 42 Pa.B. 2007. Immediately preceding text appears at serial page (347742).

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