

# The Pickle Program<sup>1</sup>

## What is the Pickle Program?

Named after its congressional sponsor and enacted in 1977, the Pickle Amendment established a separate category of medical eligibility (42 U.S.C. § 1396a). The amendment requires that an individual is to be deemed a Supplemental Security Insurance (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;<sup>2</sup>
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 received since the last month in which the individual was eligible for both OASDI and SSI.

Quick and simple, the screening for Medicaid eligibility under the Pickle Amendment eliminates most of those ineligible without the need for mathematical calculations. For those who survive the initial screening and for whom mathematical calculations are required, the table below simplifies the necessary calculations.

The screening involves the following steps:

**Step 1:** Ask the individual, “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 individual, “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.

Continued on the next page ►

<sup>1</sup> Bonnyman, *Screening for Medicaid Eligibility under the Pickle Amendment*, Tennessee Justice Center, posted at Sargent Shriver National Center on Poverty Law, <http://www.povertylaw.org/advocacy/publications/pickle-screening.html>.

<sup>2</sup> 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. A one-month lag in Old Age, Survivors, or Disability Insurance (OASDI) payments delays such payments until the month after entitlement, while SSI payments are paid in the month of entitlement. Not uncommonly an individual receives SSI while awaiting OASDI payments. Once an individual’s monthly OASDI begins, if it exceeds the SSI rate, the individual receives just OASDI thereafter. In such circumstances, even though the individual never actually received simultaneous payments from both programs in a single month, the individual 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 the individual receives SSI. 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 Gordon Bonnyman, *Medicaid Eligibility in a Time Warp*, 22 Clearinghouse Review 120 (June 1988).

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

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

**Step 5:** You have just calculated the individual’s countable social security income under the Pickle Amendment. Add the figure that you have just calculated to any other countable income the individual may have. If the resulting total is less than the current SSI income criteria in your state, the individual 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 \$1044 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 \$1,319 monthly.

In 2007 the income limit for SSI (taking into account a \$20 general income disregard) is \$643 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 (.306). You multiply Mrs. Gherkin’s current Social Security benefit of \$1044 by that factor, to determine her current countable “Pickle” income.

\$1044 multiplied by .306 = \$319 (“Pickled” social security income, rounded downward)

\$319 countable social security income + \$275 private pension = \$594 total countable “Pickle” income.

Since \$594 is less than the current SSI income limit (including the standard \$20 disregard) of \$643, Mrs. Gherkin is eligible for Medicaid, even though she is ineligible for SSI.

Continued on the next page ►

**Reduction Factors for Calculating Medicaid Eligibility  
Under the Pickle Amendment During 2007**

If the last month in which an individual received SSI while, or immediately before, receiving social security was in any of the periods below, multiply the present amount of her social security by the corresponding factor:<sup>3</sup>

Period	Index for 2007	Period	Index for 2007
May—June 1977	.298	January 1992—December 1992	.678
July 1977—June 1978	.306	January 1993—December 1993	.698
July 1978—June 1979	.326	January 1994—December 1994	.716
July 1979—June 1980	.358	January 1995—December 1995	.736
July 1980—June 1981	.409	January 1996—December 1996	.756
July 1981—June 1982	.455	January 1997—December 1997	.778
July 1982—December 1983	.489	January 1998—December 1998	.794
January 1984—December 1984	.506	January 1999—December 1999	.804
January 1985—December 1985	.523	January 2000—December 2000	.824
January 1986—December 1986	.540	January 2001—December 2001	.852
January 1987—December 1987	.547	January 2002—December 2002	.875
January 1988—December 1988	.570	January 2003—December 2003	.887
January 1989—December 1989	.620	January 2004—December 2004	.905
January 1990—December 1990	.654	January 2005—December 2005	.930
January 1991—December 1991	.654	January 2006—December 2006	.968

<sup>3</sup> 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).