Medical Assistance

There are many categories of Medical Assistance (MA)

Community MA—this includes low-income families and disabled individuals who are not living in institutions

Long Term Care MA—this includes persons who must live in nursing homes or assisted living arrangements

Maryland Children’s Health Program—this includes children in families who have income lower than 200% of the federal poverty level (which includes a “premium” program for those with incomes a bit higher)

Qualified Medicare Beneficiary—this includes persons who have medicare coverage but who’s incomes are so low that Medical Assistance (“Medicaid”) will pay the Medicare premiums

You have the right to file an application “without delay”

Social Services cannot tell you to come back later or on another day if you come to them and request Medical Assistance. Ask to speak to a supervisor if this happens to you.

You have the right to a Medical Assistance eligibility decision in 30 days

In cases where a determination of “disability” needs to made, the time limit is 60 days. These time limits can be extended by Social Services if:

• Your doctor delays in providing information
• You’re trying to provide information but are having problems that are not your fault
• Social Services is having an “administrative or other emergency” beyond their control

Social Services must put the reasons for the delay in your case record. They must continue to extend the time limit as long as the reasons listed above continue to exist.

You have the right to help from Social Services in getting necessary documents if you are physically or mentally not able to act for yourself

If you are denied Medical Assistance because Social Security or SSI denied your disability claim make sure Social Services gets all the facts

Social Security or SSI decisions that are more than three months old CANNOT BE USED to deny your Medical Assistance application. Decisions within three months can be used UNLESS you tell Social Services that your disability has gotten worse, or you have other problems that you didn’t tell Social Security about.

If you lose your TCA monthly benefit because you got a job, you have the right to “transitional” Medical Assistance

This means that Medical Assistance should continue for at least 6 and possibly 12 more months. This should happen automatically when you tell Social Services timely that you got a job or report your earnings.

If your TCA monthly benefit is stopped for any reason, Social Services must try to find another category of Medical Assistance that you or your children might qualify for

If you get cut off from TCA for failing to work or for any other reason, Social Services is, by law, required to take a second look at your situation to see if you and/or your children still might be eligible for Medical Assistance.

You have the right to a timely and adequate notice of Medical Assistance cut-off

Timely means it is mailed at least 10 days before the cut-off. Adequate means the notice tells you what they are doing and why, what law they are using to do it, and your right to an appeal hearing.

You have the right to appeal a denial or termination of Medical Assistance

If you are getting cut-off of MA you can continue getting MA during the appeal IF YOU APPEAL within 10 days of the date the notice was mailed to you. You can appeal any action within 90 days of the date of the notice.

You MAY be able to get legal help for your hearing or to solve Medical Assistance problems

Maryland Legal Aid can provide free advice and assistance to those whose incomes make them eligible for Medical Assistance.

www.mdlab.org
REMEMBER

This pamphlet is intended to give you general information, not to give you specific legal advice. We make every effort to keep this pamphlet up to date, however, the law sometimes changes. Individuals with specific legal questions or a pending legal action are strongly urged to contact an attorney for legal advice. You may be eligible for free legal services from Maryland Legal Aid or a volunteer attorney program.

Visit www.peoples-law.org for self-help legal information and community resources.