

Jim Doyle
Governor

Matthew J. Frank
Secretary



Mailing Address

3099 East Washington Avenue
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608)-240-5000

State of Wisconsin Department of Corrections

EXECUTIVE DIRECTIVE #30

July 1, 2004

SUBJECT: Entitlement programs for eligible offenders:

- Social Security (SSA)
- Wisconsin Medicaid (MA)

I. BACKGROUND

Gainful employment and access to medical services are important keys to success for offenders upon release from a correctional facility and during community supervision. Access to medical services is critical to many offenders under our supervision that have engaged in a high-risk life style. When an offender lacks the capability to be gainfully employed due to age, medical or mental condition, or disability their access to medical services is impacted. Re-engaging in criminal behavior is likely if an offender is unable to meet these basic life needs. Obtaining entitlement program benefits for eligible offenders immediately upon release from prison, or as soon as possible while under community supervision will reduce recidivism.

This Executive Directive regulates: 1) inter-agency agreements relative to these subjects between the Department of Corrections (DOC), the Social Security Administration (SSA) and the Department of Health and Family Services (DHFS); 2) application and securing of benefits for eligible offenders; and, 3) DOC staff training.

II. POLICY

- The DOC shall identify and assist potentially eligible incarcerated offenders in processing applications for entitlement program benefits to permit benefit receipt immediately upon release from prison.
- The DOC shall identify and assist potentially eligible offenders on community supervision in processing and expediting applications for entitlement program benefits.
- The DOC-Secretary's office shall enter into and maintain inter-agency agreements with the SSA and DHFS relative to the timely processing of applications and receipt of benefits for offenders.
- The Division of Adult Institutions, Community Corrections and Juvenile Corrections shall each assign a Division-level point of contact to coordinate and maintain this process, act as a liaison to the SSA and DHFS, ensure staff training and to advise the Secretary's office on status and administration of this directive.

- By agreement with the SSA, completed applications for social security disability claims will be accepted and processed up to 90-days prior to an incarcerated offender's anticipated release from a correctional facility; 30 days for a non-disability claim.
- By agreement with the DHFS, completed applications for Wisconsin Medicaid benefits will be accepted and processed up to 23 days prior to an incarcerated offender's anticipated release from a correctional facility.
- DOC staff shall *screen* candidates for potential disability eligibility; SSA will make the determination if a disability exists for benefit consideration.
- The DOC-Secretary's office shall authorize non-DOC entities or individuals that shall assist offenders in the reconsideration of denied disability claims. *Legal Action of Wisconsin, Inc.* is approved at the date of this Directive to provide this service.
- Each DOC facility and regional office shall establish and maintain point of contact information (telephone, FAX, EMAIL) with their local SSA offices. This shall include providing the local SSA office with facsimile signatures of DOC staff authorized to assist offenders in this process.
- DOC staff shall inform local SSA offices and county/tribal agencies of inmate movement and releases relative to applications in process.
- Pursuant to this directive, offender information (e.g. social security number, medical information, etc.) collected, transmitted or maintained by the DOC shall only be used or distributed by DOC staff in their official capacity of determining/confirming the identity of an offender or communicating with the SSA, DHFS or their agents in the processing of entitlement program benefits.

III. DEFINITIONS

Disability A physical condition and/or mental impairment expected to last 12 or more months, or end in death, *that restricts a person from engaging in substantial gainful activity, either customary past work or less strenuous/stressful work.*

Mental impairment

A mental illness resulting in at least two of the following

- Marked restriction of activities of daily living
- Marked difficulties in maintaining social functioning
- Marked difficulties in maintaining concentration, persistence, or pace
- Repeated episodes of decompensation, each of extended duration (e.g., at least 3 episodes/year, each lasting at least 2 weeks)

Physical impairment

Documented physical and related symptoms (including pain) that impairs an individual's ability to stand, walk, sit, lift, carry, handle, reach, crawl, see, hear

and/or communicate to the extent that he/she cannot perform basic work-related functions for a full 6-8 hour work day (5 days/week) without frequent rest breaks.

IV. PROCEDURE

Responsibilities of DOC staff during inmate incarceration

1. Establish and maintain point of contact information (telephone, FAX, EMAIL) with the local SSA office.
2. Provide the local SSA office with facsimiles signatures of DOC staff authorized to assist offenders in this process.

180 days prior to release

1. Identify offenders who may be eligible for SSA benefits due to disability or age (minimum 65 years old).
2. Initiate and maintain DOC case tracking of SSA application process.
3. Secure and/or verify inmate Social Security Number (SSN).

150 Days Prior to Release

1. Assist offender in completing information releases to authorize exchange of information between DOC and SSA.
2. Notify local SSA office to determine SSA applications that need to be processed relative to specific cases.
3. Notify local SSA office of inmate movement or change of anticipated release date that occurs prior to release.

120 days prior to release

1. Receive notice from SSA office to proceed with application
2. Assist offender in completing SSA application forms (disability cases only) identified by SSA office.

NOTE: Designate probation and parole agent as receiver of initial benefit check if offender residence unknown at time of application.

3. Obtain medical and/or psychological documents for the past 12 months from Health Services Unit and Psychological Services Unit relative to application. Include older materials that support disability claim.

90 days prior to release

1. Submit completed application to SSA office with medical and psychological information for disability claims.
2. Assist SSA and DHFS-DDB in processing application.

60 days prior to release

1. If eligibility determination has not been made, contact local SSA office.
2. Review disability claim disapproval and refer offender to DOC authorized groups or individuals for possible reconsideration.

3. Review denial reasons for an SSA application to determine whether there is a need to file an MA application.

45 days prior to release

Complete SSA application for offenders aged 65 years or older and for offenders applying for other non-disability benefits.

30 days prior to release

1. Submit complete application to SSA office for offender 65 years or older.
2. Complete MA applications.

23 days prior to release

Submit MA application to the local county/tribal agency *where the offender will be living*.

10 days prior to release

1. Contact the local county/tribal agency *where the offender will be living* to determine status of application.
2. Review Notice of Decision to deny MA benefits and assist offender in filing for a fair hearing in case of dispute.

Day of release

1. Notify the SSA Claims Representative processing the case upon the actual day of release of the offender to the community.
2. Notify the MA county/tribal agency via fax that offender has been released.
3. Provide the offender's new address and phone number. Note: This may be the agent's office address if the offender does not have a permanent address at release.
4. Provide the name and phone of the probation and parole agent or other person whom they may contact if they cannot reach the offender.

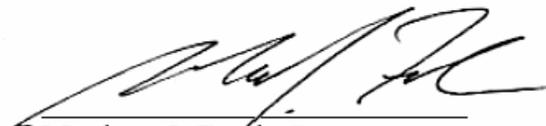
Responsibilities of DOC during offender community supervision

1. Follow on status of applications submitted prior to release to community supervision.
2. Establish and maintain point of contact information (telephone, FAX, EMAIL) with the local SSA office.
3. Provide the local SSA office with facsimile signatures of DOC staff authorized to assist offenders in this process.
4. Identify offenders who may be eligible for benefits and ensure contact with respective local agencies.
5. Secure and/or verify Social Security Number (SSN).
6. Obtain a social security card if needed.
7. Assist offender in completing information releases to provide and obtain information relevant to application.
8. Assist offender in processing and expediting application for benefits.
9. Assist SSA, DHFS-DDB and county/tribal agencies in processing application.

10. Review benefit application disapproval. Refer inmate to authorized groups or individuals for possible SSA reconsideration. Assist offender in filing a claim for MA disputes.
11. Monitor and ensure receipt and proper use of approved benefits – SSA benefits and *MA Forward Card*.
12. Receive initial benefit check for offenders that have yet to determine a place of residence.
13. Ensure offender maintains proper receipts and billing records of medical services relative to MA.
14. Ensure and assist inmate in MA re-determination eligibility.

V. **EFFECTIVE:** Upon date of signature.

VI. **ORIGINATED BY:** Office of the Secretary



Matthew J. Frank, Secretary

June 28, 2004

Date