

## TEFRA Packet

Parent's Guide to TEFRA	Please keep this as a reference
TEFRA Checklist	Please keep this—it is an informal checklist of what is needed for a TEFRA application
Tips for Physician's Detailed Medical Statement	Please provide this sheet to the physician to assist in writing the detailed medical summary
Information from OHCA (OK Health Care Authority) about TEFRA	Please keep this as a reference
TEFRA-1	Parents complete Sections 1-9 then sign and date on page 5. Physician (MD) completes all of Section 10.



## Parent Guide for Tax Equity and Financial Responsibility Act (TEFRA)

Contact or submit paperwork to your **local OKDHS office to apply for TEFRA services**. Use this link to find the mailing address and phone number for your **local OKDHS office**.

You may call or visit your local OKDHS office. You will be given or sent the forms [08MP003E \(Request for Benefits\)](#) and [08OA001E \(Physician Assessment for TEFRA\)](#). You may also print these forms, fill them out and take them to the office.

**Complete and return the Request for Benefits** as soon as possible so an interview can be scheduled and completed. You may send or take the form to the office. An OKDHS social services specialist will determine your child's financial eligibility for TEFRA.

The social services specialist will determine if your child is eligible for any other SoonerCare programs first. For these programs, verification of the income and resources of all the family members in your home will be needed. If your child is not eligible for these other programs, only your child's income and resources will be considered for TEFRA.

To determine if your child meets the disability requirement for TEFRA, **you must apply for SSI for your child** if you have not done so in the past. Call the Social Security Administration (SSA) at (800) 772-1213 to file an application. If SSA states your income is too high for your child to be eligible for SSI, you must request a denial notice to give to your OKDHS social services specialist. This information is needed to determine your child's financial eligibility.

**The Physicians Assessment for TEFRA and must be completed and returned with supporting documentation** so a medical eligibility decision can be made. The [Oklahoma Health Care Authority \(OHCA\)](#) will determine your child's medical eligibility for TEFRA. (This form does not have to be completed before your interview with your OKDHS social services specialist.)

**Medical eligibility has two parts:** disability and level of care.

Disability: If Social Security determines your child is disabled, the social services specialist will need verification of that decision. If your income is too high for your child to be eligible for SSI, Social Security may not make a disability determination. If that happens, OHCA can make a disability determination.

Level of Care: To be eligible for TEFRA, a child must need special types and amounts of care, like that received in a nursing home (only you want your child to receive this care in your home). The level of care refers to the type and amount of care your child would need. Your child must need a certain level to be eligible for TEFRA.

You will **need to include the following medical documentation** when you turn in the Physicians Assessment for TEFRA:

**Current Medical information** (such as hospital admit/discharge summaries and doctor's notes/statements which should include a detailed description of the child's diagnosis and prognosis that is less than 90 days old)

In the event additional information is needed by **OHCA**, they **may request a detailed summary (more than a sentence)** from the physician indicating your child's diagnosis and what specifically OHCA will need. Examples are given below.

If it is noted your child has Down's Syndrome then your physician may need to indicate the degree of severity and their functioning level.

If it is noted your child has a developmental delay then your physician may need to describe the delay and the child's functioning level.

If it is noted your child has an Intellectual Disability Mental Retardation then your physician may need to indicate the severity (such as mild, moderate, profound or severe)

If it is noted your child has Autism/Autistic Behaviors then your physician may need to indicate the kinds of behaviors (such as verbal, nonverbal, antisocial, lack of eye contact, etc.)

**Psychological evaluations** from a school psychologist or psychometrist who is certified with the Oklahoma Department of Education are now acceptable. The state licensed psychologist or certified school psychometrist or psychologist's evaluation **must include the following:**

A **full-scale IQ score** obtained from administration of either the Wechsler tools (*WSPPSI-R*, *WISCIII*, *OR WAIS-R*) or the *Stanford-Binet (5th edition)*. If a child cannot be tested with these tools, other tests may be used but the reasons for doing so should be provided in the IQ section of the evaluation. (OHCA will not accept Woodcock Johnson tests.)

A **composite age equivalent** obtained from an adaptive function evaluation using either the Vineland Behavior Scales, or the Battelle Development Inventory (2nd edition)

Eligibility for TEFRA ICF/MR level of institutional care requires an IQ < 70 75 (for intellectual disability mental retardation), and a full-scale functional assessment showing at least a 50% composite delay or a functional age that does not exceed 50% of the child's chronological age. In no case shall eligibility be granted for a functional age greater than 8 years, 0 months.

**Please include an estimate of the costs of your child's medications when you send in all the other documents.**

Once the Physicians Assessment for TEFRA has been completed and needed documentation gathered, **return it to your OKDHS social services specialist.** The Physicians Assessment for TEFRA and other documentation will be submitted to OHCA so medical eligibility can be determined. OHCA will inform the social services specialist if more or different documentation is needed.

OHCA will inform the OKDHS social services specialist of their medical eligibility decision. You will then be sent notification of your child's eligibility for TEFRA.

**If your child is approved for TEFRA, there will be an annual review.** The OKDHS worker will ask for the family's income and resources. It will have to be determined if the child is still ineligible for SSI and only remains eligible under TEFRA. The worker will also ask for a copy of your child's IEP (if the child is in school) or an IFSP (if the child is receiving SoonerStart services) and current medical summary information within the last 90 days to send to OHCA.

## TEFRA Checklist

### For the Department of Human Services:

- **3-Part DHS application:** PS-1/Request for Benefits; FSS-1/Eligibility Information for Benefits; FSS-1-B/Responsibilities and Signature for Benefits
- **Verification of Child's Identity:** (This is not a complete list) school I.D. with photo; Identity Affidavit [for individuals under age 16]/08OA006E); state I.D.
- **Verification of Child's Citizenship/Eligible Alien Status:** (this is not a complete list) Child's birth certificate; Certificate of Naturalization; U.S. Passport; Tribal Membership Card; U.S. Permanent Resident Card (USCIS Form I-151) showing child has been in the U.S. as a lawful permanent resident for at least five years
- **Child's Social Security card**

**Things DHS will need verification of - if anyone in the household (especially your child who needs medical assistance) has any of these. The verification needs to be as recent as possible.**

- **Earned Income:** Most recent 60 days of pay stubs of all the family members in your home
- **Self-Employment Income:** most recent year's tax return with all appropriate IRS attachments for the type of self-employment
- **Unearned Income:** recent document to verify gross amount of all unearned income (see the *Client Information and Contact Request* form for examples of unearned income)
- **Resources:** such as bank accounts, trust funds, life insurance, vehicles, etc. If your child has a special needs trust, you must provide a complete copy of the trust so DHS can verify it is exempt.
- **Health Coverage:** provide a copy of both sides of your private health insurance card for your child with information as to the parent who carries the insurance and when the insurance becomes effective

This information will be used to verify if your family qualifies for any DHS services. If your family is over income for SoonerCare, only your child's income and resources will be counted to determine eligibility for TEFRA

### For the Oklahoma Health Care Authority:

- A completed **TEFRA-1**, also known as the **Physician Assessment for TEFRA**
  - It must be signed and dated by parent, primary care physician, and DHS case worker and must be completely filled out. If not, it will cause a delay.
- The **denial letter from Social Security** verifying that you have applied for SSI for the child but have been denied due to income
- IFSP, IEP or Therapy Report
  - The **Sooner Start IFSP** (Individual Family Service Plan) **with Battelle Test** if the child is under age three
  - The child's **most recent school IEP** (Individual Education Plan) if the child is school age and on a plan.
  - If your child is home schooled, home bound or is otherwise not able to attend and is not on an IEP, provide **therapy reports from any therapists s/he is seeing**

- **Current medical** (from last 90 days) information which explains your child’s diagnosis, prognosis and needed medical services.
  - If current medical information is not available, your PCP can write a **detailed medical summary** explaining the child’s current condition and how it affects him/her.
    - Your PCP must sign and date this summary.
    - Needs to be very detailed describing child’s current health/developmental status, diagnosis test results, prognosis for child’s condition, symptoms/special treatments for child’s condition, recommended therapies, medications child must take, etc. (see “Tips for Physician’s Detailed Medical Statement for TEFRA”)
- A **written declaration of all monthly out of pocket expenses** you spend for medication, equipment and therapies (these are what you actually pay; do not include what your insurance pays)
- It is possible that a **psychological evaluation** may be needed as well.
  - For those children, a psychological evaluation should be administered after the child’s 3<sup>rd</sup>, and 6<sup>th</sup> birthdays, and as needed for older children.
  - The psychological evaluation needs to be completed by a state licensed psychologist, or a school psychologist.
  - The evaluation needs to include IQ scores and composite functioning age in years and months

For more information, please visit:

<http://www.okdhs.org/programsandservices/health/tefra/docs/tefra.htm>

## **Tips for Physician's Detailed Medical Statement for TEFRA**

Pertaining specifically to the child who is the subject of this medical summary:

- ⇒ Describe the symptoms of the child's condition/disease and how these symptoms affect the child on a daily basis
- ⇒ What particular challenges does the child have relating to his/her condition?
- ⇒ How severe is this child's condition/disease?

If it is noted the client has:

- Down's Syndrome: describe in detail the degree of severity and their functioning level
  - Developmentally delayed: describe in detail the delay and functioning level
  - Intellectual disability: indicate the severity (such as mild, moderate, profound, or severe)
  - Autism Spectrum Disorder/Autistic behaviors: describe in detail what kinds of behaviors such as verbal, nonverbal, antisocial, lack of eye contact, etc.
- ⇒ What therapies or treatments are required for this child?
  - ⇒ What medications are required to treat this child's condition?
  - ⇒ List any special equipment this child requires
  - ⇒ Explain the need for and type of care administered by other healthcare providers
  - ⇒ What is the child's prognosis?

A brief one or two sentence statement is not considered to be a detailed medical summary and will not be acceptable for TEFRA requirements. Please do not provide the same letter every year unless you can update it to reflect the current status of the child. The TEFRA analysts want to know how the child is doing right now.





## **OHCA TEFRA Children Overview**

### **Care for children with disabilities**

TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) gives states the option to make Medicaid (SoonerCare in Oklahoma) benefits available to children with physical or mental disabilities who would not ordinarily be eligible for Supplemental Security Income (SSI) benefits because of their parent's income or resources. This option allows children who are eligible for institutional services to be cared for in their homes.

### **Eligibility**

To be eligible, a child must meet the following requirements:

- Be under age 19;
- Meet the Social Security definition of disability;
- Have qualifying income and resources;
- Meet an institutional level of care. The three levels are: intermediate care for the mentally retarded, nursing facility, or hospital;
- It must be appropriate to care for the child at home;

**The estimated cost of caring for the child at home cannot exceed the estimated cost of caring for the child in the institution.**

### **Services**

Depending upon the person's needs, services may include:

- child health/EPSDT
- dental care
- emergency and non-emergency transportation
- inpatient and outpatient treatment
- medical equipment
- occupational therapy
- pharmacy
- physical therapy
- vision

## OHCA Frequently Asked Questions

### Question 1: What is TEFRA?

Answer: Under Section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), (P.L.97-248), states have the option to make Medicaid benefits available to children with physical or mental disabilities who would not ordinarily be eligible for Supplemental Security Income (SSI) benefits because of their parent's income or resources are too high. TEFRA allows children who are eligible for institutional services to be cared for in their homes. (They don't have to be in an institution).

### Question 2: I've heard about the Katie Beckett Waiver, is TEFRA the same thing?

Answer: TEFRA is sometimes confused with the Katie Beckett Waiver, named after the child whose situation inspired it. Under Medicaid, TEFRA is a state plan option, not a Katie Beckett Waiver. TEFRA is Medical Assistance coverage for certain children under age 19 who have disabling conditions and live at home. This program enables children with disabilities or special health care needs to be cared for at home instead of in an institution. Only the child's income and resources are used in determining financial eligibility. The cost of care at home compared to the cost in an institutional setting is also used in determining eligibility.

### Question 3: Who is eligible for TEFRA?

Answer: To be eligible, a child must meet the following requirements:

- Be under age 19;
- Live at home;
- Meet the SSI definition of disability;
- Have gross monthly income and resources at or below the standard shown on Appendix C-1 Schedule VIII B(1) and D
- Meet an institutional level of care. Meeting a level of care does not mean a child must be institutionalized. The three levels of care are:
  - intermediate care for individuals with intellectual disabilities (ICF-IID),
  - nursing facility (skilled or intermediate care)
  - hospital care.
- It must be appropriate to provide care to the child at home; and
- The estimated cost of caring for the child outside the institution cannot exceed the estimated cost of treating the child in the institution.

A child who meets these requirements may be eligible for the full range of Medicaid covered services.

### Question 4: What is meant by 'disability?'

Answer: An individual under 19 years of age shall be considered to have a disability, if that individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

## **OHCA Frequently Asked Questions continued**

Question 5: What is meant by 'institutional level of care'?

Answer: Institutional level of care means a person/child needs a level of care that is normally provided in an institution. For TEFRA the three levels of care are:

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID,)

Nursing Facility, or

Acute Care Hospital

Question 6: Where can I apply?

Answer: You can apply at your local county office of Department of Human Services.

Question 7: Will my doctor have to complete a form?

Answer: Yes.

Question 8: What services will my child receive?

Answer: Depending upon the person's needs, services may include:

child health/EPSDT

dental care

emergency and non-emergency transportation

inpatient and outpatient treatment

medical equipment

occupational therapy

pharmacy

physical therapy

vision

Question 9: What services will my child not be eligible for?

Answer: This is not all inclusive but lists a few services that are not available through TEFRA:

respite care

environmental accessibility adaptations

architectural modifications

habilitation services

family training

supported employment

formula

diapers

services not covered by Oklahoma's Medicaid State Plan

Question 10: Will my child be enrolled in SoonerCare, the state's managed care system?

Answer: Yes, unless your child already has coverage with an HMO, then he or she will be in Medicaid fee for service.

Question 11: Where can I find out more information about SoonerCare?

Answer: Phone: (800) 987-7767 Toll Free

(405) 522-7171 Oklahoma City Area

(405) 522-7179 TDD/TTY

## OHCA Frequently Asked Questions continued

Question 12: Is there a waiting list for TEFRA?

Answer: No.

Question 13: If my child is eligible for TEFRA, can I still apply for the Oklahoma Department of Human Services Developmental Disabilities Home and Community Based Waiver?

Answer: Yes.

Question 14: If my child is currently on the waiting list for DDS waiver services, will he/she remain or drop off after becoming eligible for TEFRA?

Answer: Your child will remain on the list.

Question 15: How long will my child be certified under TEFRA?

Answer: Your child can be certified for up to 12 months.

Question 16: Does my child need to apply for SSI?

Answer: Yes, to do this call the Social Security Administration at (800) 772-1213 and talk to the Teleservice representative about your child's eligibility for Supplemental Security Income (SSI). Based on the information you provide to the Teleservice representative one of two things will happen.

- Teleservice representative will issue an informal denial letter stating that your child is not eligible for SSI and list the reasons why. OR
- If your child was potentially eligible for SSI, the Teleservice representative would send a message to your local office, and they would contact you about filing a formal claim.

Question 17: Where can I get more information?

Answer: Please call SoonerCare Helpline (800) 987-7767, (800) 757-5979 TDD/TTY.

## **OHCA Tips for Completing TEFRA Application**

Once financial eligibility for TEFRA has been established, the TEFRA application will be reviewed to evaluate whether the criteria for disability, institutional level of care, cost effectiveness, and safety and appropriateness have been met.

To avoid unnecessary delays in processing your application, please make sure that both you and your child's physician have completed all sections of the TEFRA-1 assessment form.

In addition, we will need supplemental documentation to support information provided on the TEFRA-1 document, as follows:

1. Disability – Include a current (within the past 12 months) physician's history and physical examination, as well as any hospital discharge summaries, psychological evaluations, or other information that will help us verify the disability. Even if SSA has established disability, we will also need this information to help us establish eligibility for institutional level of care.
2. Institutional Level of Care (ICF/IID, Nursing Facility, Acute Medical Hospital) – general overview of eligibility and document requirements.
3. Cost Effectiveness – Before submitting your TEFRA application, please make sure you fully document all cost information requested as follows:

If your child has private insurance coverage that you intend to maintain in addition to any TEFRA eligibility, please document only your actual costs per month for the services listed. If the service is not covered by the insurance provider, or you will not have third party insurance coverage, indicate the full cost of each service provided.

The TEFRA-1 application asks you to list the child's current medications, however, space was not provided on the form to indicate prescription costs. Please itemize the child's prescription drug costs on a separate page and attach to the application.

## Institutional Level of Care

The criteria for institutional level of care is complex, but the following provides a general overview of eligibility and document requirements. Make sure your child's physician has checked the Level of Care recommended on the TEFRA-1 Assessment form.

**1. ICF/IID** - Must be ages 18 years and younger and expected to meet the following criteria for at least 30 days:

### Applicants under age 3

- have a diagnosis of a developmental disability; and
- have been evaluated by the SoonerStart Early Intervention Program using the Battelle Developmental Inventory, 2nd edition, with findings of at least -2.0 standard deviations in at least two developmental areas.

### Applicants Ages 3 years and older

- have a diagnosis of mental retardation or a developmental disability; and
- have received a psychological evaluation by a licensed psychologist within the last 12 months.
  - The evaluation must include intelligence testing that yields a full-scale intelligence quotient, and a full-scale functional or adaptive assessment that yields a composite functional age.
  - Eligibility for TEFRA ICF/IID level of institutional care requires an IQ = 75 (for intellectual disability), and a full-scale functional assessment showing at least a 50% composite delay or a functional age that does not exceed 50% of the child's chronological age. In no case shall eligibility be granted for a functional age greater than 8 years, 0 months.
- Children approved for ICF/MR level of care
- Children under the age of 6 will be required to undergo a full psychological evaluation, including both intelligence testing and adaptive/functional assessment, by a licensed psychologist, at age 3 and again at age 6 to ascertain continued eligibility for TEFRA under the ICF/IID level of institutional care. The psychological evaluation must be completed and submitted to LOCEU no later than 90 days following the child's 3rd and 6th birthdays.

**2. Nursing Facility** – Must have a verified medical condition that requires 24 hour professional nursing supervision.

- Medical condition must require the care and treatment services normally provided in a nursing facility.
- Application must include the necessary documentation to support this need.

**3. Hospital** – Must have a documented medical condition that requires 24 hour supervision by a medical physician.

- Medical condition must require the care and treatment services normally provided in an acute medical hospital.
- Application must include the necessary documentation to support this need.