

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 pages 1-3 and MD or DO (doctor) completes page 4.

Rosalyn Karl

Oklahoma Human Services

AFS, Health-Related & Medical Services-TEFRA and DOC

P: 405-522-7752 | C: 405-982-3765

F: 405-530-3312 | E: tefrac@okhca.org

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

Contact or submit paperwork to TEFRAFAX@OKHCA.ORG to apply for TEFRA services.

You may call 405-522-7752 to speak with a TEFRA worker. The best form of contact is to email the TEFRA mailbox at tefracfax@okhca.org. You will be given an application package.

Complete and return the NEW TEFRA Financial Application as soon as possible so a phone interview can be scheduled and completed. You may send the completed application to tefracfax@okhca.org. The TEFRA worker 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 TEFRA worker. This information is needed to determine your child's financial eligibility.

The Physicians Assessment for TEFRA 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 the TEFRA worker.)

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 syndrome, your physician may need to indicate the degree of severity and their functioning level.

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

If it is noted your child has an intellectual disability or mental retardation, 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, 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/IID 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 and 0 months.

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

Once the physician's assessment for TEFRA has been completed and needed documentation gathered, **return it to tefracfax@okhca.org**. The physician's 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 TEFRA worker 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 TEFRA 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 TEFRA worker:

- **NEW TEFRA Financial Application:**
- **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 the TEFRA worker 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 30-60 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 the TEFRA worker 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 or specialist.
 - The **denial letter from Social Security** verifying you have applied for SSI for the child but have been denied due to income.
- IFSP, IEP or Therapy Report
 - The **SoonerStart IFSP** (Individual Family Service Plan) **with developmental evaluation** if the child is under age 3.
 - 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 they are 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 or specialist can write a **detailed medical summary** explaining the child’s current condition and how it affects him/her.
 - Your PCP or specialist 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 third and sixth 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 www.okhca.org.

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 syndrome: describe in detail the degree of severity and their functioning level.
 - Is developmentally delayed: describe in detail the delay and functioning level.
 - Has an intellectual disability: indicate the severity (such as mild, moderate, profound or severe).
 - Has 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/EPSTD
- 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 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.
- 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 more 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
- Acute care hospital

Question 6: Where can I apply?

Answer: Email tefrac@okhca.org and a TEFRA worker will assist you with applying.

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/EPSTD
- 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 Medicaid system?

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

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

Answer:

- Toll Free: 800-987-7767
- Oklahoma City Area: 405-522-7171
- TDD/TTY: 405-522-7179

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.

- The 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 will send a message to your local office and they will contact you about filing a formal claim.

Question 17: Where can I get more information?

Answer: Please call the SoonerCare helpline at 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 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 and found to have severe dysfunctional deficiencies with a finding of at least two standard deviations in at least two total domain areas.

Applicants Ages 3 Years and Older

- Have a diagnosis of intellectual disability or a developmental disability; and
- Have received a psychological evaluation by a licensed psychologist or school psychologist certified by the Oklahoma Department of Education (ODE) 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 of 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 and 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 third and sixth 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.