

# Pickle People: Using the Pickle Amendment to Obtain Medicaid Eligibility

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## The Law

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The Title is even scary:

42 U.S.C. §1396a, Public Law 94-566 §503, entitled  
PRESERVATION OF MEDICAID ELIGIBILITY FOR  
INDIVIDUALS WHO CEASE TO BE ELIGIBLE FOR  
SUPPLEMENTAL SECURITY INCOME BENEFITS ON  
ACCOUNT OF COST-OF-LIVING INCREASES IN  
SOCIAL SECURITY BENEFITS



## Who is a Pickle Person?

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A “Pickle Person” is a person who, although originally eligible for SSI and Medicaid benefits after April 1977, has lost that eligibility as a result of increases in countable income as a result of cost of living adjustments (COLA) to that income.



## Two Main Pickle Groups

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- ☐ Individuals who have a large Social Security benefit and only a small SSI benefit often lose SSI if the annual cost of living increase in their Social Security benefit overruns the annual increase in SSI.
- ☐ The largest group of individuals who received SSI disability while their Social Security benefit level was being calculated, and then lost SSI when the Social Security disability turned out to be higher than the SSI income limit.



## Trivia

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Pickle did not offer the final amendment.  
He tried to index the SSI disregard.

Senator Bensen introduced bill that passed

The Pickle Amendment has been described as:  
“one of the longest run-on sentences to be found  
in the entire United States Code,” and that the  
“nearly impenetrable verbiage of the  
amendment, is quite expansive.”



## Important Benefits

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Medicaid benefits for the person

- Prescription costs

- More extensive mental health benefits

- Medicare premiums, co-pays, deductibles

Medicaid payments to the health care provider

Many potential Pickles are over looked



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## Title search: Pickle People: Using the Pickle Amendment to Obtain Medicaid Eligibility

Also available as part of the eCourse

[Transitioning the Adult Disabled Child](#)

First appeared as part of the conference materials for the  
13<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Transitioning the Adult Disabled Child"