

MANUAL MATERIAL TRANSMITTED	
MANUAL: INCOME MAINTENANCE	CHANGE NUMBER: 84
NOTICE TO RECIPIENTS - REGARDING CLASS ACTION LAWSUIT	
7/97	
DATE: June, 1997	TO: All Income Maintenance Manual Holders

As a result of the drug and alcohol provisions of Public Law 104-121, Contract with America Advancement Act of 1996, SSI recipients who received benefits based on drug addiction or alcoholism or with drug addiction or alcoholism as a contributing factor, no longer meet the SSA definition of disability. SSI benefits were terminated for some as early as January 1, 1997. On May 19, 1997, instructions were issued by Office Automation not to close the case of any drug addict or alcoholic (DA & A) who had lost SSI benefits as no longer disabled and who had filed an appeal with SSA in a timely manner. IM Manual Change 80, which is effective July, 1997, has been issued to provide policy which must be applied to SSI recipients who are determined no longer disabled by SSA and who file an appeal with SSA in a timely manner.

A lawsuit, Woods vs Ohl, was brought on behalf of DA & A individuals with a pending SSA appeal who lost SSI Medicaid prior to the end of the SSA administrative appeal process. This change is being issued to provide a copy of the notice, DAA-1, which must be issued by the Department to individuals who may have lost SSI Medicaid effective January, 1997 or after, and to provide instructions about procedures for reinstatement of SSI Medicaid, when applicable.

NOTICE AND PRINTOUTS

The Department will send the attached notice to all individuals under age 65 who were identified in the C-219 and RAPIDS systems as having Medicaid terminated effective January, 1997 or later because SSI terminated. Those to whom the notice will be sent will be identified on the printouts described below. The notice will be sent on or about July 14, 1997.

In addition to the notice mailed to individuals, a copy of the notice must be posted in a public area of each local DHHR office. The notice is also being provided to community mental health centers, with a request that it be posted in a public area of each mental health center. A copy of the notice is also being provided to SSA for distribution to offices in West Virginia.

Printouts of individuals who will receive the notice will be produced from the C-219 and RAPIDS systems. The printouts will be titled "DA & A Notice Sent". These printouts will be produced on or about July 14, 1997 and will be distributed to local offices and to the Client Services Unit.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston

DAVID R. WOODS, individually
and on behalf of all others similarly situated,
Plaintiff

v.

CIVIL ACTION NO. 2:97-0469

JOAN OHL, in her official capacity as
Secretary of the West Virginia Department
of Health and Human Resources,
Defendant

NOTICE TO CLASSMEMBERS

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.

A settlement of a class action lawsuit pending in this Court, **David R. Wood v. Joan Ohl**, Civil Action No. 2:97-0469, may affect your rights to Medicaid assistance.

On May 27, 1997, the Court certified this action as a class action with class consisting of all West Virginia residents whose SSI benefits have been terminated by the Social Security Administration due to the alcohol and drug addiction provisions of Pub. L. 104-121 (Contract with America Advancement Act of 1996), and whose Medicaid benefits have been or will be terminated by the West Virginia Department of Health and Human Resources before the completion of administrative appeals of the SSI termination. The Court has ruled that the West Virginia Department of Health and Human Resources may not terminate Medicaid assistance until all timely administrative appeals of the SSI termination decision have been completed.

If your SSI benefits were terminated because Social Security said that drug addiction or alcoholism caused you to be disabled and you have appealed that decision,