

CHAPTER 2: ELIGIBILITY

Clients must meet certain eligibility criteria to receive Ryan White Funds. Clients must:

1. Be HIV seropositive
2. Meet low-income requirements
3. Have no insurance or insurance with co-payments with no other method of payment
4. The service(s) requested must be HIV-related and covered by Ryan White Part B funds.

Additional details regarding income requirements and available services are below.

DOCUMENTATION

Case Records: Each case record must include the following:

1. **Verification of HIV+ Status:** Copy of the Western Blot lab report stating that the client is HIV positive is necessary to document the client's HIV status if they are receiving outpatient/ambulatory medical care under Ryan White Part B, per VDH policy. In all other cases except primary care, a letter from the client's physician documenting the client is HIV positive. It is strongly advised to obtain the Western Blot lab report whenever possible in the event that the client needs medical care in the future. HIV status should be determined **before** a client receives Ryan White Part B services and does **not** need to be repeated annually. If HIV documentation is not in place by the time of the initial medical visit, the test **MUST** be ordered at that visit. Pending HIV status should not delay referral to a medical evaluation, especially when the client is presenting with possible symptoms of HIV disease.
2. **Proof of Income:** All clients must provide annual proof of their income to insure they meet financial guidelines to qualify for Ryan White Part B services. Current criteria are that the client must meet 300% of the Federal Poverty Guidelines. Financial eligibility must be determined annually **before** a client receives Ryan White Part B services. Please see **PROOF OF INCOME** section for more details.

3. **Verification of insurance status:** This may include:

- Dated Photocopy of the Medicaid card
- Copy of letter verifying the client does not qualify for Medicaid services.
- Dated photocopy of Medicare insurance card
- Dated Photocopy of private insurance card
- For any client requesting medication assistance, verification of eligibility for Medicare Part D and the Limited Income Subsidy (LIS) program is required.
- Other documentation supporting the need for services due to co-pays, exclusion or lack of insurance. This may include a signed statement that the client is currently working and does not qualify for Medicaid due to not being on disability and being over income.

Insurance status must be determined annually **before** a client receives Ryan White Part B services. Ryan White Part B funds will pay for services not covered by the client's Medicaid, Medicare, or private insurance, provided the client meets financial eligibility criteria. Clients may receive services while a Medicaid application is pending. Pending Medicaid applications must not delay referral into medical care for an initial evaluation.

4. **Subcontractor Intake Form:** An intake form must be completed with each client and a copy included in each chart.

5. **Signed Consent Forms:** One or more documents that include:

- **Consent to Exchange and Release Information:** These forms must include agencies working with the client who need to exchange information in order to provide care. Clients are free to refuse to sign this document although it should be clearly explained that it will limit the scope of their care.
- **Release for Peer Review:** Specific release allowing the Peer Review team access to Records. Clients are free to refuse to sign this document.
- **Release for Inspection:** Specific release allowing the Council of Community Services (lead agency), the US Health Resources and Services Administration, and the Virginia Department of Health to review records for appropriate care. Clients are free to refuse to sign this document.
- **Release to Participate in the Consortium's Outcomes Analysis Process:** Specific release allowing the subcontractor to provide the Council of Community Services limited health related information for the purposes of determining outcomes. Clients are free to refuse to sign this document.

- **Release to Bill the Lead Agency:** Specific release allowing the subcontractor to submit limited information including the age, gender, services rendered, insurance status and cost of service. Clients are free to refuse to sign this document, however refusal essentially means that the client will not be able to have ANY services billed to and paid for by Ryan White Part B.

It is important for clients to understand what agencies or organizations may be consulted and that he or she understands that there will be a periodic review of random records to ensure care under the US Treatment guidelines. Under Virginia law all consent forms and releases of information must expire within 1 year of signature.

6. **Signed Client Agreement:** A signed client agreement to received Ryan White Part B Services that includes, at a minimum, an acknowledgement of the Consortium's Grievance Procedure and Client's Rights and Responsibilities.
7. **Current medications:** A list of current medications from the client or the physician's office must be included in the case record.
8. **Current vaccinations:** A list of current vaccinations from the client or the physician's office must be included in the case record.
9. **Viral load and CD4:** Copies of the lab reports with the most recent results or results written in a prescription pad signed by a physician, nurse practitioner, or nurse are sufficient.
10. **Medicaid Card or Denial Letter:** All clients receiving Ryan White Funding must apply for Medicaid. If they are approved, a copy of their Medicaid card must be included in their case record. If they are denied, a copy of their denial letter must be included. Clients have three months from the time they begin their eligibility paperwork to apply for Medicaid.
11. **Copies of all bills paid:** Billing receipts must be kept on file for not less than five (5) years.
12. **Care plans:** Medical and case management care plans are required if the client is receiving primary care or case management services. Plans of care must demonstrate input from the client.
13. **Mental Health Treatment Plans:** Treatment plans are required for all clients receiving counseling or mental health care.

CHART DOCUMENTATION AND MAINTENANCE

1. An intake form must be completed initially. Address, phone number, and emergency contact numbers must be kept up to date annually. This can be on a new intake sheet or some type of update form.
2. Income and healthcare insurance must be documented annually for each client.
3. HIV diagnosis only needs to be verified once.
4. Write legibly or print.
5. Put the Ryan White Client Unique Reference Number (U.R.N.) on each chart.
6. All photocopies of eligibility documents placed in the chart are to be signed and dated.
7. Do **not** use white-out on case records. Cross out and initial any mistakes.
8. Once a client has been assigned a Unique Reference Number, it does not change even if their name changes due to marriage or divorce. The only exception is if a client informs the provider that they are a transgendered individual when previously documented as male or female.
9. Each client's chart must be organized the same way within the same organization.
10. Intake data requested by HRSA must be updated one time per year and then as needed.
11. For each service paid for with Ryan White Funds there must be a statement in the client's chart, either on the bill or attached to the bill, as to why the service is HIV-related. Each organization must document it in the same place for every client.
12. Bills/receipts must clearly indicate actual services rendered and/or prescriptions provided.
13. Ryan White funds cannot be used to pay any provider who discriminates against a payer (e.g. medical providers who will not accept Medicaid or Medicare clients).
14. Subcontractors may not reimburse clients or their families directly.
15. All documentation must be kept on file for a period of not less the 5 years.
16. **Housing Opportunities for People With AIDS (HOPWA) providers:** Dual providers may keep HOPWA records in the same case file; however, all HOPWA paper work must be kept separately from Ryan White paperwork.

17. **Ryan White Part C (RWPC) Providers:** Dual providers may keep RWPC records in the same case file; however all RWPC paper work must be kept separately from Ryan White Part B paperwork. If the part C provider chooses to use Part B eligibility criteria, there is no need for separate eligibility documentation

DISCHARGE DOCUMENTATION

A client may be discharged due to:

1. Non-compliance/subcontractor unable to locate after a good faith attempt to locate the client for a period of not less than 6 months.
2. Violation of the subcontractor's Code of Conduct (involuntary termination) either repeatedly with at least one written warning, or with a single serious violation (e.g. threatened staff with a weapon)
3. Voluntarily terminating service or moving from the area
4. Death

The following documentation is to be in the client's chart:

1. On the intake form or on an update form, the date the case was closed and why.
2. Documentation in the chart notes of all attempts to locate the client.
3. Any letters of warning and the letter of discharge. Additional documentation in the chart notes if the subcontractor is also unable to locate the client and the letter cannot be sent.
4. Documentation of referrals made as part of the discharge plan. This includes clients involuntarily terminated.

Right to appeal: All letters of involuntary termination for whatever reason **MUST** inform the client of his/her right to appeal the termination through the grievance policy and **MUST** contain the contact information of the lead agency. Subcontractor may wish to include a grievance form with the termination letter.

CHART DOCUMENTATION AND MAINTENANCE

PROOF OF INCOME

In the majority of cases, income can be verified by determining the family's money wages and salaries before any deductions (gross income). Wage and salary verification must be determined for all adults in the family. (Earned income of minor children is excluded). If there is any question about the authenticity of the pay stub (no name or social security number), staff may require a statement on company letterhead.

Clients without a Source of Income: A letter of material support must be placed in the chart and updated annually. This letter is signed by whoever provides material support to the client, such as a family member, friend, spouse, homeless shelter, etc. A self declaration of lack of income by the client is NOT considered sufficient under the VDH standards for eligibility.

Clients with a Source of Income: The following documentation can be used as proof of income.

1. **Pay stub with gross year-to-date total:** If the calendar year-to-date total is on the stub; and, the applicant was employed by the same employer since January 1st; and, the year-to-date income covers three or more months of continuous employment, then, only one pay stub is needed to compute annual income.
2. If year-to-date totals are not available, then check stubs for the past three consecutive pay periods are recommended.
3. For people who have worked on their current job for less than three months, use a current check stub to determine a regular amount of pay (hourly, weekly, monthly, etc.) and calculate income as if the person were working the entire year.
4. Persons on strike are to be treated as a person who has changed jobs. (Refer to #3)
5. Persons who might be off the payroll for sickness or some other reason should have their family income figured based on the income at the time of application. When they return to work, a new eligibility must be completed.
6. In some cases it may be inappropriate to use check stubs as verification (seasonal workers, for example). In those cases, a W-2 from the previous year should be requested.
7. When making the initial eligibility application, overtime should be considered part of the gross earnings. If the interviewer notes a large amount of overtime as part of the gross income, the applicant should be asked if the overtime is a regular occurrence. If it is not regular, the applicant can be asked to bring back three future consecutive pay stubs. The eligibility would be recalculated based on the gross pay of those stubs. All pay stubs must note the pay period for which the stated income was earned.
8. **If no wage or salary statements are available, then the following verifications are:**
 - A. **The most recent annual tax return should be requested:** The gross income is calculated by adding the total from line 23 of the 1040 form (Line 14 on the 1040A form). If the applicant is self-employed, income is figured as above plus any depreciation shown on line 13 of Schedule C. If income includes, or is totally from farm income, income must include any depreciation taken on Schedule F.
 - B. **If no tax return is available:** One of the following will be considered adequate proof of income:
 - 1) **Statement from employer:** Required to be on company letterhead, dated, signed, and have sufficient information to allow calculation of current gross pay. In exceptional cases, oral verification from the employer can be used as proof of income.
 - 2) **Self employment:** Some people who are self-employed may only have ledgers that they keep about their business' revenues and expenses. When these ledgers are brought in as proof of income one of two approaches may be used:
 - (a) If possible, determine what they paid themselves and their family members.
 - (b) If (a) is not possible then determine their revenues and subtract out all expenses except depreciation. This remaining total will be their gross income.
 - 3) In certain cases a self-declaration of income is acceptable. Examples are those who are homeless and day workers. Tips for those earning them could be reported in this manner. The applicant should be asked to write out a statement such as "My estimated yearly income is _____." The statement should be signed and dated.
 - (a) Migrant and seasonal workers may also self-declare their income.
 - 4) A signed letter from the Department of Social Services stating the income used by Social Services to determine eligibility.

9. **Social Security and railroad retirement.** Anyone of the sources listed below may be used as verification:
- Documents stating the amount of the entitlement.
 - Official award letter or notice.
 - Benefit payment check or proof of direct deposit amount. Deductions for Medicare Part B are to be added to this amount to compute total monthly income.
 - If none of the above sources are available, other sources, such as an adult child, may be contacted, but only with written consent of the applicant.
10. **Persons Receiving Unemployment Benefits:** The only allowable verification is a statement from the Virginia Employment Commission stating the amount of benefits and the weeks remaining. The person receiving unemployment benefits should be treated as a person who has changed jobs.
11. **Worker's Compensation/Veteran's Benefits:**
- Documents stating the amount of the payment
 - Benefit payment check, or proof of direct deposit amount
12. **Applicant states he or she has no income:** All applicants claiming no income should be closely questioned about how they are supporting themselves. The interviewer should also make certain that they are identifying the correct family unit.
- If the applicant states that he or she has no income, the following documentation may be used:
 - Statement from Virginia Employment Commission denying unemployment compensation
 - Termination notice from previous employer
 - Layoff notice from previous employer
 - If the person claims they have no income, but are receiving support from another person who may or may not be a member of the family unit, then the applicant must provide a letter of material support which is a signed statement from the person providing the support (food, clothing, shelter, etc.). This statement should provide the estimated length of support.
13. **Alimony/Child Support:** This can be verified by the applicant providing any legal documents (divorce papers, letter of support, judgment, custody papers, and copies of checks) that state the amount and frequency of payment. A written declaration of child support is also acceptable. A copy of the ex-spouse's tax return showing alimony payments would also be acceptable.
14. **Military Pay:** The most recent member's leave and earnings statement (LES) form must be used to determine income. Income includes monthly base pay, hazardous pay, and all other cash benefits. Do not count BAQ and VHA totals.
15. **Training Stipends:** These are funds paid to a person while in training. This includes Job Corps, or payment of part or all of salary while in school. Verification made by check stub or by a letter of award that the student receives.
16. **Children in Foster Care:** Children in Foster Care are considered separate families. Any payment from the Department of Social Services for their care should be considered part of the child's income and not part of the foster parents' income.
17. **Family with Income only from Checking/Savings Accounts:** Sometimes an applicant may claim no income, but have a sizeable amount of money in a checking or savings account (sizeable is a combined amount of more than \$10,000). When this occurs, the interviewer needs to determine if the amount is earned income (earned income is income that the family was able to save when a family member was employed).
- If the amount is from earned income, only the interest from those accounts should be counted as income.
 - If the amount is not earned income (examples: money brought into the country by legal aliens, past judgment awards), then the entire amount in the accounts is to be considered as income. It would also be permissible to use the amount that was withdrawn from the accounts in one year's time, but the applicant must have bank records to prove the difference.
18. **Other types of benefits**
- Private pensions or military retirement:** The same type verifications are acceptable as for the recipient of social security. As for most categories, tax records are acceptable.
 - Regular Insurance or Annuity Payment:** See 9A above
 - Dividends and Interest:** Acceptable types of verification are bank statements (quarterly or semi-annual give a better picture of what annualized amount would be), past year's 1099's or a copy of the applicants past year 1040. For the self-employed and in other cases where the total income is used (line 23 of, the 1040) it is not necessary to add in dividends and interest and other sources of income.

- D. **Net Rental Income:** Review Tax Information. Generally included in Schedule C or E. Will show on line 18 of 1040 which is part of line 23.
 - E. **Net Royalties:** Review tax information. Generally included in Schedule C or E and will show up as part of line 23 on the 1040.
 - F. **Periodic Receipts from Estates or Trusts:** Several possible sources of verification are acceptable. These include copies of legal documents, tax records, 1099's and bank records.
 - G. **Lump Sum Settlements:** These include inheritances, one time insurance payments, and injury compensation awards. Verification can be made by checking the award letter or copying the check. In some cases it may be necessary to check with the court.
 - H. **Net Gambling Winnings:** This is shown on line 22 of the 1040 tax form and is, therefore, part of the line 23 total.
 - I. **Lottery Winnings:** This is found on the Federal tax form. Although the recipient should be asked about their income related to lottery winnings, verification is not required unless the applicant is known to have won a large prize or states they have. Large is defined as \$1,000 or more.
19. **Gross income does not include:**
- A. Food stamps
 - B. WIC checks
 - C. Fuel assistance payments
 - D. Housing assistance - This exclusion is limited to non-military government-provided subsidies
 - E. Money borrowed
 - F. Tax Refunds
 - G. Gifts
 - H. Withdrawal of bank accounts from earned income - Interest is to be included as income
 - I. Earnings of minor children
 - J. Money received from the sale of property
 - K. General relief from the Department of Social Services
 - L. College or university scholarships, grants fellowships, and assistantships
 - M. Monies paid for insurance through the HIV Premium Assistance Program