Social Security Administration § 416.2090

(b) Additional data. Any State entering into an agreement in accordance with § 416.2005 shall provide the Commissioner with such additional data at such times as the Commissioner may reasonably require in order to properly, economically, and efficiently be assessed of such State's compliance with such State agreements.

§ 416.2090 State funds transferred for supplementary payments.

(a) Payment transfer and adjustment.

(1) Any State which has entered into an agreement with SSA which provides for Federal administration of such State’s supplementary payments shall transfer to SSA:

(i) An amount of funds equal to SSA’s estimate of State supplementary payments for any month which shall be made by SSA on behalf of such State; and

(ii) An amount of funds equal to SSA’s estimate of administration fees for any such month determined in the manner described in § 416.2010(b)(1); and

(iii) If applicable, an amount of funds equal to SSA’s determination of the costs incurred by the Federal government in furnishing additional services for the State as described in § 416.2010(b)(2).

(2) In order for SSA to make State supplementary payments on behalf of a State for any month as provided by the agreement, the estimated amount of State funds referred to in paragraph (a)(1)(i) of this section, necessary to make those payments for the month, together with the estimated amount of administration fees referred to in paragraph (a)(1)(ii) of this section, for that month, must be on deposit with SSA on the State supplementary payment transfer date, which is the fifth Federal business day following the day in the month that the regularly recurring monthly supplemental security income payments are issued. The additional services fee referred to in paragraph (a)(1)(iii) of this section shall be on deposit with SSA on the date specified by SSA. The amount of State funds paid to SSA for State supplementary payments and the amount paid for administration fees will be adjusted as necessary to maintain the balance with State supplementary payments paid out by SSA on behalf of the State, and administration fees owed to SSA, respectively.

(b) Accounting of State funds.

(1) As soon as feasible, after the end of each calendar month, SSA will provide the State with a statement showing, cumulatively, the total amounts paid by SSA on behalf of the State during the current Federal fiscal year; the fees charged by SSA to administer such supplementary payments; any additional services fees charged the State; the State’s total liability therefore; and the end-of-month balance of the State’s cash on deposit with SSA.

(2) SSA shall provide an accounting of State funds received as State supplementary payments, administration fees, and additional services fees, within three calendar months following the termination of an agreement under § 416.2005.

(3) Adjustments will be made because of State funds due and payable or amounts of State funds recovered for calendar months for which the agreement was in effect. Interest will be incurred by SSA and the States with respect to the adjustment and accounting of State supplementary payments funds in accordance with applicable laws and regulations of the United States Department of the Treasury.

(c) State audit.

Any State entering into an agreement with SSA which provides for Federal administration of the State’s supplementary payments has the right to an audit (at State expense) of the payments made by SSA on behalf of such State. The Secretary and the State shall mutually agree upon a satisfactory audit arrangement to verify that supplementary payments paid by SSA on behalf of the State were made in accordance with the terms of the administration agreement under § 416.2005. Resolution of audit findings shall be made in accordance with the provisions of the State’s agreement with SSA.

(d) Advance payment and adjustment not applicable. The provisions of paragraphs (a) and (b) of this section shall not apply with respect to any State.
supplementary payment for which re-
imbursable is available from the So-
cial and Rehabilitation Service pursu-
ant to the Indochina Migration and
Refugee Assistance Act of 1975 (Pub. L.
94–23; 89 Stat. 87), as amended, since
such amounts are not considered to be
State supplementary payments.
[40 FR 7640, Feb. 21, 1975, as amended at 41
§ 416.2095 Pass-along of Federal ben-
efit increases.
(a) General. This section and the four
sections that follow describe the rules
for passing along increases in the Fed-
eral SSI benefit to recipients of State
supplementary payments.
(1) Section 416.2095(b) indicates when
the pass-along rules apply to State supple-
mental payments.
(2) Section 416.2096 describes the
basic pass-along rules. The States must
have an agreement to "pass-along" in-
creases in Federal SSI benefits. A
State passes along an increase when it
maintains (rather than decreases) the
levels of all its supplementary pay-
ments after a Federal benefit increase
has occurred. Generally, a pass-along
of the increase permits recipients to
receive an additional amount in com-
bined benefits equal to the Federal
benefit increase. Except for the supple-
mental payment level made to resi-
dents of Medicaid facilities (see § 416.2096(d)), a State can decrease one
or more of its payment levels if it
meets an annual total expenditures
test.
(3) Section 416.2097 explains the re-
quired combined supplementary/SSI
payment level.
(4) Section 416.2098 explains how to
compute the March 1983, December
1981, and December 1976 supplementary
payment levels.
(5) Section 416.2099 discusses what in-
formation a State must provide to the
Commissioner concerning its sup-
plementation programs so that the
Commissioner can determine whether
the State is in compliance. That sec-
tion also discusses the basis for find-
ings of noncompliance and what will
occur if a State is found out of compli-
cance.
(b) When the pass-along provisions
apply. (1) The pass-along requirements
apply to all States (and the District of
Columbia) that make supplementary
payments on or after June 30, 1977, and
wish to participate in the Medicaid
program.
(2) The pass-along requirements
apply to both optional State supple-
mental payments of the type de-
scribed in § 416.2001(a) and mandatory
minimum State supplementary pay-
ments as described in § 416.2001(c),
whether or not these State supple-
mental payments are Federally ad-
ministered.
(3) The requirements apply to State
supplementary payments both for re-
cipients who receive Federal SSI bene-
fits and those who, because of count-
able income, receive only a State sup-
plemenary payment.
(4) The requirements apply to State
supplementary payments for recipients
eligible for a State supplementary pay-
ment on or after June 30, 1977.
(5) Supplementary payments made by
a State include payments made by a
political subdivision (including Indian
tribes) where—
(i) The payment levels are set by the
State; and
(ii) The payments are funded in
whole or in part by the State.
[52 FR 36241, Sept. 28, 1987, as amended at 54
FR 19165, May 4, 1989; 62 FR 38455, July 18,
1997]
§ 416.2096 Basic pass-along rules.
(a) State agreements to maintain sup-
plemenary payment levels. (1) In order
to be eligible to receive Medicaid reim-
bursement, any State that makes sup-
plementary payments, other than pay-
ments to residents of Medicaid facili-
ties where Medicaid pays more than 50
percent of the cost of their care (see
paragraph (d) of this section for defini-
tion of Medicaid facility and § 416.414
for discussion of the reduced SSI ben-
efit amount payable to residents of
Medicaid facilities), on or after June
30, 1977, must have in effect an agree-
ment with the Commissioner. In this
agreement—
(i) The State must agree to con-
tinue to make the supplementary payments;
(ii) For months from July 1977
through March 1983, the State must
agree to maintain the supplementary
payments at levels at least equal to the