

DEPARTMENT OF HUMAN SERVICES

Income Maintenance (Volume 3)

OLD AGE PENSION

9 CCR 2503-3

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

3.300 OLD AGE PENSION (OAP) PROGRAM DEFINITIONS AND REQUIREMENTS

3.300.1 GROUPS ASSISTED UNDER THE OAP PROGRAM

3.300.11 Minimum Age

The OAP program provides financial and medical assistance to an eligible applicant or recipient who has attained a minimum age of sixty years or more.

3.300.12 Definition

An eligible applicant or recipient shall mean one whose resources are below the State Department resource limit and whose income is below the basic minimum award of one hundred dollars monthly as adjusted by the State Board of Human Services due to change of living costs.

3.300.13 OAP-A or OAP-B Designation

An applicant or recipient who has attained a minimum age of sixty-five years or more shall be designated OAP-"A" " for identification purposes. An applicant or recipient who has attained the age of sixty years but has not reached the age of sixty-five years shall be designated OAP-"B" for identification purposes.

3.300.14 Eligibility

To receive OAP assistance, an eligible An applicant or recipient shall:

- A. Be a citizen of the United States or be a qualified alien or legal immigrant as described in the "General Requirements" section of this manual on "Citizenship and Alien Status" ; and,
- B. Be a resident of Colorado; and,
- C. Not be receiving financial assistance from another OAP grant and not be a member of an assistance unit which receives Colorado Works; and,
- D. Not be an inmate of a public institution except as a patient in a public medical institution; and,
- E. Not be a patient of any institution admitted for tuberculosis or mental disease. This provision shall apply only to OAP "A" and OAP "B."

3.300.15 Medical Benefits

A recipient of OAP-A or OAP-B financial assistance may be eligible to receive medical benefits

from:

- A. Medicaid - recipient meeting the categorical eligibility criteria; or,
- B. The Old Age Pension Health Care Program which is subject to available appropriations. A recipient must meet the eligibility criteria as defined in the rules of the Colorado Department of Health Care Policy and Financing (10 CCR 2505-10).

County workers will ensure the State Department's prescribed automated systems reflect the appropriate program.

3.300.16 Application Process

An Old Age Pension applicant, who may be eligible, must apply for Supplemental Security Income and Social Security benefits as part of the application process. The applicant must comply with any referrals made by the county department unless good cause is provided. Good cause is defined as follows:

- A. Income is over the maximum allowed for SSI for an individual or a couple; or,
- B. Resources exceed that allowed for SSI; or,
- C. Applicant or recipient is not disabled as defined in Section 3.400.25 of this manual; or,
- D. Extenuating circumstances as determined by the State OAP/SSI coordinator.

3.300.17 State OAP/SSI Coordinator

A State OAP/SSI coordinator shall be available to assist the applicant or recipient in the SSI application process. The State OAP/SSI coordinator will assist the OAP-A and OAP-B applicant to obtain necessary information or verification needed to determine eligibility. The State OAP/SSI coordinator will communicate with the county department and Social Security Administration to ensure the SSI applicant or recipient is following through with the application and appeal process if applicable. The OAP applicant or recipient must apply for, and follow through with, the SSI/SSA application and appeals process to be or remain eligible for an OAP financial payment.

3.300.2 OAP ELIGIBILITY CRITERIA

3.300.21 OAP-A

OAP "A" applicant shall be a minimum age of sixty-five years or more by the time verification of eligibility is completed.

3.300.22 OAP-B

An OAP "B" applicant shall be a minimum age of sixty years but have not reached the age of sixty-five years by the time verification of eligibility is completed.

3.300.23 Attainment of Age 65

An OAP "B" recipient who reaches the age of sixty-five years on any day in a month shall be changed to OAP "A" for that month.

3.300.3 ESTABLISHING THE FACTS OF ELIGIBILITY

3.300.31 [Rev. eff. 9/1/06]

The county department shall establish that an applicant meets the age eligibility criteria by viewing the records or documents presented by the applicant to support the age stated and by recording the source of verification and type of documents viewed on the application form. Acceptable verification of age shall include, but not be limited to:

A. One of the following valid government issued documents or identification:

1. Birth certificate;
2. Valid Colorado state identification or driver's license;
3. Valid out of state identification or driver's license;
4. Naturalization, immigration, and passport papers;
5. Legal documents from Vital Statistics; or,
6. Social Security information (SOLQ, SVES, SDX, and BENDEX).

B. Two or more of the following documents:

1. School records;
2. Baptismal certificates or other well documented church records;
3. Family Bible or other well documented family records of birth;
4. Voting records;
5. United States census records.

3.350 OLD AGE PENSION (OAP) PROCESSING STANDARDS AND PAYMENT POLICIES

3.350.1 OLD AGE PENSION (OAP) APPLICATION PROCESSING STANDARDS [Rev. eff. 9/1/06]

A face-to-face interview is mandatory when applying for Old Age Pension with the following exception: a telephone, mail in, or home visit shall be available for individuals that are disabled who cannot travel to the application site or for whom such travel would create a significant physical, medical, or mental hardship.

3.350.11 Processing Time Requirement

Action to approve or deny an Old Age Pension application shall be taken within 45 calendar days from the date of receipt of a completed and signed application. Action shall mean that the notice is hand-delivered or mailed to the applicant on the State Department's prescribed form.

3.350.12 Delay in Processing Time

When an application is not processed within 45 days, a notice shall be sent to the applicant informing the applicant of the reason for the delay and of the applicant's right to appeal for a fair hearing if dissatisfied with the delay.

3.350.13 Social Security Number

When an applicant is not able to furnish a Social Security Number but has complied with the requirement to apply for the number, the time required for issuance or securing verification of the number shall not be used as a basis for delaying action on the application.

3.350.14 OAP-A and OAP-B Referral for Social Security or Supplemental Security Income Benefits

An Old Age Pension-A (OAP-A) and Old Age Pension-B (OAP-B) applicant or recipient who may be eligible for Supplemental Security Income (SSI) or any Social Security benefits shall be referred to the Social Security Office. An applicant is required to submit proof of application to the county department within 10 calendar days. The applicant shall be advised Supplemental Security Income (SSI) and Social Security benefits are components of the eligibility criteria and that the Old Age Pension application or redetermination shall be discontinued if the applicant fails to provide the appropriate verification of a current SSI/SSA application or appeal.

The applicant shall be advised that the SSI/SSA application must be completed prior to the approval of Old Age Pension benefits. To complete the SSI/SSA application process the applicant must:

- A. Contact the Social Security Office to set an appointment to apply for Supplemental Security Income and any Social Security benefits for which the applicant or recipient may be eligible; and,
- B. Comply with the Supplemental Security Income and Social Security benefit interviewing process.

3.350.15 State OAP/SSI Coordinator Responsibility

The State OAP/SSI coordinator shall assist the applicant or recipient when possible to obtain information or provide required verification to complete the Supplemental Security Income and the Social Security eligibility process. The State OAP/SSI coordinator shall notify the county department if the applicant or recipient has failed to cooperate with the Supplemental Security Income and/or the Social Security application and/or the appeal process.

3.350.16 County Responsibility

- A. The county department shall identify and refer the following applicant or recipient to the Social Security Administration to apply for Supplemental Security Income if the applicant's or recipient's income is less than the full Supplemental Security Income grant:
 - 1. An Old Age Pension-A (OAP-A) applicant or recipient whose income is less than the Supplemental Security Income grant or, if the applicant or recipient is married, the couple's combined income is less than the SSI couple limit; or,
 - 2. An Old Age Pension-B (OAP-B) applicant or recipient who appears or states that the applicant or recipient is disabled and has income less than the Supplemental Security Income grant or, if the applicant or recipient is married, the couple's combined income is less than the SSI couple limit; or,
 - 3. An Old Age Pension applicant or recipient who was on the State Aid to the Needy Disabled program for one or more years or who has medical records indicating a disability; or,
 - 4. An Old Age Pension applicant or recipient who has attained a minimum age of 60 years and has no employment history in the last five (5) years; or,

5. An Old Age Pension applicant or recipient who indicates an inability to return to past employment due to some physical or mental impairment.
- B. The county department shall provide Supplemental Security Income referrals to the State OAP/SSI coordinator.
- C. The county department sends the applicant or recipient a Notice of Adverse Action to deny or discontinue the applicant's or recipient's case when the State OAP/SSI coordinator notifies the county department of the applicant's or recipient's failure to apply for Supplemental Security Income, Social Security benefits, or to cooperate with the appeal process. This may be waived if the State OAP/SSI coordinator recommends the applicant or recipient be given good cause for not completing the Supplemental Security Income and Social Security application and appeal process due to extenuating circumstances.

3.350.17 Appeal Process for Supplemental Security Income and Social Security Benefit Cases

The State OAP/SSI coordinator shall advise and assist the applicant or recipient to file for an appeal if the State OAP/SSI coordinator believes the denial is inappropriate.

3.350.2 OAP REDETERMINATION CYCLE

3.350.21 Timeframes

OAP A and B cases shall be redetermined every 12 months.

3.350.22 Complying with SSI/SSA Application and Appeal Process

A recipient who meets the following conditions must comply with the SSI/SSA application and appeal process:

- A. The recipient has not been referred to SSI/SSA before; or,
- B. The recipient failed to follow through with the SSI/SSA application or appeal process; and,
- C. The recipient meets the requirements for SSI/SSA referral listed under OAP Applicant Processing standards.

3.350.3 OAP REPORTING REQUIREMENTS

3.350.31 Reporting Change in Circumstances

A recipient of OAP shall notify the county department in writing within 30 calendar days of any change in resources or income or other change in circumstances which affect eligibility or the amount of financial assistance. If such resource or income is received infrequently or irregularly and does not exceed a total value of ninety dollars in any calendar quarter, such resource or income shall be excluded from the thirty-day written reporting requirement but shall be reported at the time of the next eligibility redetermination.

3.350.32 County Department to Provide Explanation of Reporting Requirements

As a part of the application process, the county department shall provide an explanation of the reporting requirement.

3.350.33 County Department to Provide Recipients with Reporting Requirements and Report of Change Form

At the time of the first assistance payment and at each redetermination, the county department shall mail the OAP recipients the notice concerning reporting requirements and a report of change form.

3.350.4 OAP PAYMENT POLICIES

3.350.41 Payment Made to Recipient

Except as specified below, the money payment shall be made directly to the recipient. This includes cases where the recipient has been adjudged mentally incompetent and the county department is satisfied that the recipient is getting full use and benefit of the payment.

3.350.42 Court-Appointed Guardian

When a court-appointed guardian makes application on behalf of the applicant, and the applicant is subsequently approved for payments, the payment shall be made to the guardian. The payment shall be issued to the recipient by the guardian. The guardian shall make semi-annual reports to the county department of payments received and expenditures made on behalf of the recipient.

3.360 FINANCIAL ELIGIBILITY REQUIREMENTS FOR OAP

3.360.1 DETERMINATION OF NEED

3.360.11 Resources and Income

Two elements shall be considered to determine the applicant's or recipient's need for financial assistance:

- A. Resources available to the applicant or recipient; and,
- B. Income available to the applicant or recipient.

3.360.12 Home Care Allowance [Rev. eff. 1/1/07]

In addition to the needs of the applicant or recipient, a home care allowance may be included in the grant of an Old Age Pension applicant or recipient.

See Section 3.720, et seq., for Home Care Allowance eligibility requirements.

3.360.13 Adult Foster Care [Rev. eff. 1/1/07]

In addition to the needs of the applicant or recipient, an adult foster care allowance may be included in the grant of an OAP recipient. A twenty dollar disregard is not allowed. See Section 3.730, et seq., for Adult Foster Care eligibility requirements.

3.360.2 OAP LIFE INSURANCE RESOURCE LIMITS

3.360.21 Life Insurance Limits

If the total face value of all policies owned by an applicant or recipient is equal to \$1,500 or less, the cash surrender value is exempt. Life insurance policies, with cash surrender values of \$50,000 or less which were purchased more than 48 months prior to application, are exempt. However, if the applicant has contributed additional monies to the policies within 48 months of application, those additional monies contributed are counted toward the resource limit; the

original cash value amount prior to the 48 month period remains exempt. If the total cash surrender value of the life insurance policies is equal to \$50,000 or less but were purchased within the 48 months prior to application, the total cash surrender value is a countable resource.

3.360.3 OAP STANDARD OF ASSISTANCE

3.360.31 OAP Standard of Assistance Table

The OAP Standard of Assistance Table reflects the current maximum grant.

3.360.32 Seek and Claim All Potential Income

The total countable income of the applicant or recipient shall be deducted from the standard to determine the payment amount. Income shall be countable in the month it is received. The applicant or recipient must pursue and accept all potential income to which they may be entitled.

3.360.33 Income from Non-Applicant Spouse

In addition to the income of the applicant or recipient, net income in cash or in kind to an applicant or recipient from the non-recipient spouse shall be considered as income in the month received.

3.360.34 Gross Income in Excess of Need Standard

If the gross income of the OAP applicant exceeds the need standard, the applicant shall not be eligible for assistance. In addition, if the total countable income equals or exceeds the standard of assistance, the applicant shall not be eligible for assistance.

3.360.35 Child Support is Not Countable Income [Eff. 10/1/06]

Child support received by the OAP applicant for a legally dependant child is not considered income to the OAP applicant or recipient.

3.360.36 TANF/Colorado Works Benefits [Eff. 10/1/06]

An OAP applicant or recipient with a dependant child is required to apply for and accept TANF/Colorado Works financial benefits, if eligible.

A grandparent or any other relative caretaker is not required to be a member of the TANF/Colorado Works case when the child is not a legal dependant. The funds received for the support of a child are not used in determining the relative caretaker's eligibility for OAP benefits.

A TANF/Colorado Works case may be denied or discontinued because of a sanction or disqualification. The applicant or recipient shall be ineligible for OAP benefits until the sanction or disqualification is removed and all TANF/Colorado Works benefits have been accessed. A TANF/Colorado Works recipient is not required to apply for the sixty month extension to be potentially eligible for OAP benefits.

3.360.4 OLD AGE PENSION (OAP) STANDARD OF ASSISTANCE TABLE

3.360.41 OAP Grant Standard Components

The grant standard represents a combined monthly allowance for components identified in the OAP grant standard of assistance table.

3.360.42 Determining Deduction for Items Supplied Without Cost [Em. eff. 1/1/13; Permanent rev. eff.

3/2/13]

The table provides a breakdown of the component amounts. The utilities and shelter information shall be used to arrive at a deduction when an item is supplied in full, without cost, to the applicant or recipient.

3.360.43 Patients in a Medical Institution

For every full calendar month that the applicant or recipient is a patient in a medical institution, such as a hospital or nursing home, only a personal needs allowance shall be provided.

3.360.44 Old Age Pension (OAP) Standard of Assistance Table [Rev. emergency eff. 4/5/13; permanent eff. 7/1/13]

The total OAP grant standard, effective January 1, 2013, is \$737.00.

OAP GRANT COMPONENT STANDARD ALLOWANCE TABLE - effective January 1, 2013

Utilities	Combined with shelter
Shelter (33.33% of federal SSI grant standard+ \$20 disregard, rounded to the nearest whole dollar	\$257.00

The remainder of the OAP grant standard is applied toward the applicant's or recipient's food, personal needs, medical, household, and other expenses (OAP grant standard - shelter allowance = remainder).

Institutionalized Persons: _____

Personal Needs -	.
Medical Institutions	\$ 50
(for certain veterans	or.
or their widow(er)s)	\$ 90

Individuals qualifying for the Home Care Allowance or Adult Foster Care programs may have income higher than the OAP grant standard. These individuals are eligible for a partial Home Care Allowance (HCA) or Adult Foster Care (AFC) payment. See Sections 3.720 and 3.730 of this manual regarding Home Care Allowance and Adult Foster Care. County departments are to operate the Home Care Allowance (HCA) and Adult Foster Care (AFC) programs in accordance with the rules promulgated by the State Board of Human Services.

3.360.5 OLD AGE PENSION (OAP) INCOME DISREGARDS

An Old Age Pension applicant's gross income shall not exceed the grant standard. The applicant or recipient must pursue and accept all potential income to which they may be entitled. If the applicant's gross income exceeds the grant standard, the applicant is ineligible. If the gross earnings are less than the grant standard, apply the deduction as described below for recipients.

A. To determine countable earned income of an Old Age Pension recipient, the following shall apply:

1. \$65 shall be subtracted from the gross earned income; and,
 2. The result shall be divided in half; and,
 3. The remaining income is the countable earned income.
- B. To determine countable unearned income of an Old Age Pension recipient who does not receive Supplemental Security Income (SSI), or who receives SSI in addition to other unearned income, the following shall apply:
1. Determine the monthly gross unearned income; and,
 2. From this amount, deduct \$20; and,
 3. The balance is the countable unearned income.
- C. In the case of a couple, only one \$20 disregard is allowed and is divided between the two individuals (or \$10 for each member of a couple).
- A recipient who receives SSI only, and does not receive any other unearned income, does not receive the \$20 unearned income disregard.
- An Old Age Pension recipient living in an Adult Foster Care facility is not eligible to receive the \$20 unearned income disregard.
- D. The countable earned and unearned income are added together and then subtracted from the standard of assistance.

3.360.6 CONSIDERATION OF ALIEN SPONSOR: DEEMING OF INCOME AND RESOURCES

3.360.61 Applications on or After August 22, 1996 [Rev. eff. 8/1/05]

This section shall apply to aliens or legal immigrants who apply for financial assistance on or after August 22, 1996.

3.360.62 Exclusions [Rev. eff. 10/1/10]

Rules relating to deeming of the sponsor's income and resources do not apply to qualified aliens who were:

- A. Admitted into the United States as a refugee; or,
- B. Granted political asylum by the U.S. Attorney General; or,
- C. Sponsored by a relative, except when the sponsor is the qualified alien's spouse. A relative is defined as any relation by blood, adoption or marriage, who is within the fifth degree of kinship to the qualified alien. Kinship relations by marriage continue to exist even if the marriage is terminated by death or divorce.

3.360.63 Sponsor Responsibilities [Rev. eff. 10/1/10]

Sponsors are expected to meet their financial commitments to the qualified alien whom they sponsor and for whom they sign an affidavit of support until such time as the:

- A. Qualified alien has obtained U.S. citizenship; or,

- B. Qualified alien has worked, or can be credited with forty (40) qualifying quarters of coverage under Title II of the Social Security Act, 42 U.S.C. 401, et seq.; no later amendments or editions of this section are incorporated. Copies may be available for inspection by contacting the Colorado Department of Human Services, Division of Aging and Adult Services, 1575 Sherman Street, Denver, Colorado 80203, or any state publications library; or,
- C. Qualified alien leaves the United States and gives up lawful permanent resident status; or,
- D. Qualified alien dies; or,
- E. Sponsor of the qualified alien dies; the death of one sponsor does not terminate the support obligation of a joint sponsor.

3.360.64 Definition

A sponsor is any person or persons who executed an affidavit of support or similar agreement on behalf of an alien or legal immigrant as a condition of the alien's or legal immigrant's entry into the United States.

3.360.65 Sponsor Deeming [Rev. eff. 10/1/10]

The resources and income of an individual who is a sponsor other than a relative (unless the relative is the qualified alien's spouse) shall be deemed available to the sponsored alien or legal immigrant until citizenship has been obtained or the sponsored alien or legal immigrant provides legal documentation stating the sponsorship affidavit has ended.

3.360.66 Resource Exclusions

The sponsor's resources shall be determined and the appropriate exclusions given as if the sponsor is applying for assistance. The applicable resource exclusions are explained under "Resources" in this staff manual.

3.360.67 Sponsor's Income

The sponsor's income shall be treated as follows:

- A. Add the sponsor's gross earned and unearned income for total countable income; and,
- B. Apply a deduction for the sponsor equal to 125% of the Federal poverty level for the number of people in the sponsor's family; and,
- C. The income remaining after the above deductions shall be considered available as unearned income to the alien or legal immigrant for the purpose of financial and/or medical assistance.

A legal alien or legal immigrant who has been sponsored by more than one person is deemed to have access to the resources and income of each sponsor.

3.360.68 Providing Sponsor Information and Documentation [Rev. eff. 10/1/10]

The sponsored qualified alien shall be responsible for the provision of any information and documentation necessary to determine the identity of their sponsor(s) including the name and current address of the sponsor(s), the relationship of the sponsor(s) to the qualified alien, and income and resources of the sponsor(s) which may be deemed available to the qualified alien or

considered for repayment from the sponsor of benefits paid to or on behalf of the qualified alien. The qualified alien shall obtain any cooperation or necessary information from the sponsor. If the qualified alien fails to provide such information, assistance shall be denied or discontinued.

3.370 OLD AGE PENSION (OAP) GRANT DETERMINATION

3.370.1 THE APPLICANT OR RECIPIENT INCLUDED IN THE OAP GRANT

3.370.11 Computation on Individual Basis

OAP grants shall be computed on an individual basis.

3.370.2 COMPUTING THE GRANT AMOUNT

3.370.21 Process [Rev. eff.9/1/06]

To determine the initial grant amount for an applicant found eligible, the county department shall:

A. Consider the gross monthly earned income available to the applicant;

If the Social Security Administration (SSA) is recovering any portion of the SSI payment of an applicant due to an overpayment of benefits, the Old Age Pension/Colorado Supplement will be calculated based on the gross SSI payment and not the received amount; and,

B. Apply the applicable earned and unearned income disregards; and,

C. Add the countable earned income to the unearned income of the applicant, including deemed income from the non-recipient spouse; and,

D. Subtract the total countable income from the standard of assistance; and,

E. On the first day of the month, the payment shall be based on the standard of assistance less countable income; and,

F. On any other day of the month, the payment shall be based on the standard of assistance less countable income, prorated according to the number of days remaining in the month.

G. An applicant or recipient shall receive an amount equal to the ongoing monthly grant payment in the month they turn sixty (60) years of age, as long as all eligibility requirements are met.

3.370.22 Grant Payment Effective Date [Rev. eff. 9/1/06]

A. The initial adult financial grant payment shall be effective the date of the pending application or the day the applicant meets all eligibility criteria, whichever is later, through the end of the month.

B. An ongoing adult financial and/or adult medical case shall not have a delay in benefits when:

1. There is a current application or redetermination verifying eligibility; and,

2. All eligibility criteria have been met as described in this section.

3.370.23 On-Going Grant Amount

To determine the ongoing grant amount, the county department shall consider the gross monthly income available to the recipient. If the amount is less than the OAP standard, apply the following deductions:

- A. Apply the appropriate earned and unearned income disregards; and,
- B. Add the countable earned income and the countable unearned income of the recipient, including deemed income from the non-recipient spouse; and,
- C. Subtract the total countable income from the standard of assistance.

3.380 OLD AGE PENSION - "C" (OAP "C") PROGRAM DEFINITIONS AND REQUIREMENTS

3.380.1 GROUPS ASSISTED UNDER THE OAP "C" PROGRAM

3.380.11 Groups Assisted Under the OAP "C" Program

The OAP "C" program provides financial assistance to a recipient who has attained a minimum age of sixty years and is a patient in an institution.

3.380.12 A recipient shall mean one whose resources are below the State Department resource limit and whose income is below the basic minimum award of one hundred dollars monthly as adjusted by the State Board of Human Services due to changed living costs.

3.380.13 The applicant must be in an institution, not penal in character, maintained by the State or by a municipality therein or county thereof.

3.380.14 Eligibility

To receive OAP "C" assistance, an eligible applicant shall:

- A. Be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under Colorado of Law;
- B. Be a resident of Colorado;
- C. Not be receiving financial assistance from Colorado Works, AND, or AB, or from another OAP grant.

3.380.15 Committed by Order of the District or Probate Court

Where the inmate has been committed to the institution by order of the district or probate court, the superintendent or chief administrative officer of the institution shall apply for OAP "C" for and in behalf of the inmate.

3.380.2 OLD AGE PENSION "C" (OAP "C") ELIGIBILITY CRITERIA

3.380.21 Eligibility Criteria for Applicants Age 65 and Over

The county department shall establish the eligibility of an OAP "C" applicant who has attained the minimum age of sixty-five years in the same way as for an OAP "A" applicant (see Section 3.360, et seq.).

3.380.22 Eligibility Criteria for An Applicant Age 60 to 64

The county department shall establish the eligibility of OAP "C" applicant who has attained the minimum age of sixty years but has not reached age sixty-five years in the same way as for an OAP "B" applicant (see Section 3.360, et seq.).

3.381 OLD AGE PENSION "C" (OAP "C") PROCESSING STANDARDS AND PAYMENT POLICIES

3.381.1 OLD AGE PENSION "C" (OAP "C") APPLICATION PROCESSING STANDARDS

3.381.11 Where the inmate has been committed to the institution by order of the district or probate court, the superintendent or chief administrative officer of the institution shall apply for OAP "C" for and in behalf of the inmate.

When a guardian has been appointed by the district or probate court, application shall be made by the guardian on behalf of the applicant. Action to approve or deny the application will be taken within 45 calendar days from the date of receipt of a completed and signed application. Action shall mean that the notice to the applicant, guardian, or superintendent or chief administrative officer shall be hand-delivered or mailed on the State Department's prescribed form.

3.381.12 Old Age Pension "C" (OAP "C") Redetermination Cycle

OAP "C" cases shall be redetermined every 12 months.

3.381.13 Old Age Pension "C" (OAP "C") Payment Policies

Assistance payments under the Old Age Pension granted to a recipient shall be in the recipient's name in care of the chief financial officer of the institution within which the recipient is confined or in care of the court-appointed guardian. When payment is made in care of a court-appointed guardian, such person shall make semi-annual reports to the county department of payments received and expenditures made on behalf of the recipient.

A reserve shall be provided to the recipient by the financial officer of the institution or the guardian for personal needs.

3.382 FINANCIAL ELIGIBILITY REQUIREMENTS FOR OLD AGE PENSION "C" (OAP "C")

3.382.1 DETERMINATION OF NEED AT APPLICATION OR REDETERMINATION

3.382.11 Resources and Income

At the time of application or redetermination, two elements shall be considered to determine an applicant's or recipient's need for financial assistance:

A. Resources available to the applicant or recipient, and,

B. Income available to the applicant or recipient.

3.382.2 OLD AGE PENSION "C" (OAP "C") RESOURCE LIMITS

3.382.21 Limit

For Old Age Pension "C" , the resource limit is \$2,000 for an individual and \$3,000 for a couple.

3.382.22 Availability

A resource is considered available when it is actually available or when it is legally accessible to

the applicant or recipient. Real and personal property must have a cash value that is available to the applicant or recipient upon disposition to be considered a resource.

3.382.23 Home Exemption

The home of an Old Age Pension "C" recipient shall not be countable as a resource during the period of commitment.

3.382.24 Life Insurance

If the total face value of all policies owned by an applicant or recipient is equal to \$1,500 or less, the cash surrender value is exempt. Life insurance policies, with total cash surrender values of \$50,000 or less which were purchased more than 48 months prior to application, are exempt. However, if the applicant has contributed additional monies to the policies within 48 months of application, those additional monies contributed are counted toward the resource limit; the original cash value amount prior to the 48 month period remains exempt. If the total cash surrender value of the life insurance policies is equal to \$50,000 or less but the policies were purchased within the 48 months prior to application, the total cash surrender value is a countable resource.

3.382.25 Resources in Excess of Limit

If total countable resources exceed the individual or couple limit, the applicant or recipient shall not be eligible for Old Age Pension "C" .

3.382.3 OLD AGE PENSION "C" (OAP "C") STANDARD OF ASSISTANCE

3.382.31 Standard Allowance

The Old Age Pension "C" grant standard of assistance shall be the same as the standard allowance for Old Age Pension "A" (OAP "A") and Old Age Pension "B" (OAP "B")."

3.382.32 Countable Income

The total countable income of the applicant or recipient shall be deducted from the standard in determining the payment amount. Income shall be countable in the month it is received.

3.382.33 Income in Excess of Grant Standard

If total countable income equals or exceeds the grant standard of assistance, the applicant or recipient shall not be eligible for assistance.

Editor's Notes

Primary sections of 9 CCR 2503-1 have been recodified effective 09/15/2012. See list below. Versions and rule history prior to 09/15/2012 can be found in 9 CCR 2503-1. Prior versions can be accessed from the History link located above the rule text.

Rule section 3.000 – 3.100, et seq. has been recodified as 9 CCR 2503-1, GENERAL RULES.

Rule section 3.200, et seq. has been recodified as 9 CCR 2503-2, GENERAL FINANCIAL ELIGIBILITY CRITERIA.

Rule section 3.300, et seq. has been recodified as 9 CCR 2503-3, OLD AGE PENSION.

Rule section 3.400, et seq. has been recodified as 9 CCR 2503-4, AID TO THE NEEDY DISABLED AND AID TO THE BLIND.

Rule section 3.500, et seq. has been recodified as 9 CCR 2503-5, (Reserved for Future Use).

Rule section 3.600, et seq. has been recodified as 9 CCR 2503-6, COLORADO WORKS PROGRAM.

Rule section 3.700, et seq. has been recodified as 9 CCR 2503-7, OTHER ASSISTANCE PROGRAMS.

Rule section 3.800, et seq. has been recodified as 9 CCR 2503-8, ADMINISTRATIVE PROCEDURES.

Rule section 3.900, et seq. has been recodified as 9 CCR 2503-9, COLORADO CHILD CARE ASSISTANCE PROGRAM.

History

Section 3.360.44 eff. 09/15/2012.

Sections 3.360.42, 3.360.44 emer. rules eff. 01/01/2013.

Sections 3.360.42, 3.360.44 eff. 03/02/2013.

Section 3.360.44 emer. rule eff. 04/05/2013.

Section 3.360.44 eff. 07/01/2013.