Research Protocol for State Supplemental Payments for Children with Disabilities

Prepared by the Policy Surveillance Program Staff

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RESEARCH PROTOCOL
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State Supplemental Payments for Children with Disabilities

I. Date of Protocol: November 1, 2018

II. Scope: Compile and analyze state-level statutes and regulations related to key features of optional state supplemental programs (SSP), including income exemptions and cutoffs, payment amount information and application requirements, for children with disabilities across all 50 states and the District of Columbia from January 1, 1996 to November 1, 2018. A concurrent project analyzed the federal Supplemental Security Income (SSI) program during the same time period, to complement the state data.

III. Primary Data Collection

a. Project dates: June 1, 2018 – April 2019

b. Dates covered in the dataset: January 1, 1996 through November 1, 2018. This dataset is a longitudinal, analyzing statutes and regulation administering the optional state supplement to the Federal SSI program as they exist across time.

c. Data Collection Methods: The research team (“Team”) building this dataset consisted of one project supervisor (“Supervisor”), three legal researchers from the Center for Public Health Law Research, and one lawyer from the Centers for Disease Control and Prevention (CDC) (“Researchers”). The Researchers began by writing background memorandums to understand the key policy components of SSP laws. Next, each Researcher wrote a five-state policy memorandum, summarizing laws related to the key components identified in the background memorandum for five states each. The Team consulted secondary sources to determine the scope of the dataset, including the Social Security Administration website and various state agency websites. WestlawNext and LexisNexis were used to identify states with legislation regulating the SSP program. All jurisdictions were redundantly researched to confirm that all relevant law was collected. Divergences, or differences between the original research and redundant research, were reviewed by the Supervisor and resolved by the Team.

d. Databases used: Research was conducted using WestlawNext, LexisNexis, and state websites for statutes and regulations. Because the dataset extended over two decades, the researchers also reached out to state archival departments and
agencies to assist in compiling historical versions of some regulations and statutes. Full text versions of the relevant laws were collected from each state’s respective legislature and administrative websites.

e. Search Terms:
   i. The nomenclature for the state supplemental payment varied across states and keyword searches included:
      - Optional state supplement (OSS)
      - State supplementary payment
      - State supplemental program
      - Supplemental security income (SSI)
      - Aid to the Aged, Blind, and Disabled (AABD)
   
   ii. Keyword searches were supplemented by reviewing the table of contents of each relevant section of state law identified as a statute or regulation related to the SSPs.
   
   iii. Once all relevant statutes and regulations were compiled for a jurisdiction, a Master Sheet was created for each jurisdiction. The Master Sheet summarizes all the relevant statutes and regulations. It also includes the relevant effective dates for each version of the law.

   Note: States varied in how they titled their SSPs. However, for consistency, the abbreviation “SSP” was used to encompass all variations of the program title in this project and protocol.

f. Information about initial returns and additional inclusion or exclusion criteria:

The following variables were included in the dataset:
- Whether the state offers a supplemental payment
- Children with disabilities
- Program administration
- Application
- State income cutoff
- Income exemptions
- Living arrangements
- Payment amounts and formulas
- Interim cash payments
- Application for other benefits as condition of continued SSP enrollment

The following variables were excluded from the dataset:
- Mandatory state supplements
- Children who were blind but not disabled
- Resource exemptions and exclusions
- State medical assistance programs
- Laws or regulations that did not, or could not, potentially apply to children
- Laws or regulations pertaining to essential persons
• Information described in cross-referenced or internally-referenced manuals was not included but was included in a caution note

IV. Limitations

a. Redactions of Legal Text: In certain states, the Team redacted the legal text of specific statutes and/or regulations to only include the provisions, or sub-sections, of the statute and/or regulation that were necessary to answer the coding questions. Redactions were noted by using “…” in the legal text display. The following state laws were redacted because they were nonresponsive to the coding scheme:

ii. Nebraska: Sections of 469 Neb. Admin. Code 2-010
iii. Oregon: Sections of Or. Admin. R. 461-120-0510
iv. Rhode Island: Sections of 218-RICR-20-00-5.3 (2017-2018) and of RI Dept. of Human Services SSI and SSP Program Rules and Regulations (2011-2017)


b. Inaccessibility of Regulatory Text: Statutory and/or regulatory text that could not be retrieved from legal research databases and state legislative or administrative websites were deemed inaccessible – a caution note indicating inaccessibility issues will appear on the question, “Does the state provide an optional supplementation payment (SSP) in addition to federal SSI?” The following states had laws with inaccessible text:

i. Colorado: Regulations effective prior to 2006 were inaccessible.

iii. Idaho: The text of the regulations ID ADC 16.03.05.255, ID ADC 16.03.05.413, ID ADC 16.03.05.451, and ID ADC 16.03.05.453 was inaccessible. The text of regulation ID ADC 16.03.05.514 effective prior to April 7, 2011 was also inaccessible.

iv. Iowa: Regulations effective prior to 1998 were inaccessible.

v. Kentucky: Regulations were inaccessible for the entire project plan.

vi. Oklahoma: Regulations effective in the 1990s were inaccessible.

V. Coding

a. Development of Coding Questions: The Team worked collaboratively with partners from CDC, Division of Human Development and Disability, and ChangeLab Solutions to determine the scope of the research and to develop key questions to be coded. When the questions were finalized, the Researchers entered the questions into MonQcle, a software coding program. In addition, the Team consulted with these partners to discuss and refine the coding scheme throughout the life of the project.
Throughout the coding of each jurisdictions’ record (a “record” refers to a set of coded responses for each jurisdiction for each point in time included in the dataset), the Team frequently met as a group to narrow the scope of the dataset. As necessary, the coding scheme was altered to accommodate newly identified features of the law and completed states were re-coded.

Citations to the relevant legal text were included whenever a question was answered in the affirmative. No citation was provided when the answer was “No” or where the law was silent on the question.

b. Coding Methods: Researchers coded responses based on objective, measurable aspects of the law. Caution Notes were provided to explain any unique regulations and/or where the law was unclear.

c. Coding Rules: Below is an explanation of the rules used when coding specific questions in the State Supplemental Payments for Children with Disabilities dataset. Note that this section only includes questions and responses that required further explanation to understand how they were coded. Descriptions were not included below for questions and responses that were coded on their plain language or meaning alone.

Question 1. Does the state provide an optional supplementation payment (SSP) in addition to federal SSI?
   - Coded “No” when the state only provided a mandatory state supplement.
   - When the text of historical regulations was inaccessible from legal research databases and state legislature websites, a caution note was added.

Question 2. Is the state’s SSP available to children with disabilities?
   - Coded “Yes” when the law was silent on age requirements.
   - Coded “No” if state required eligible individual to reside in an adult-only facility or had other adult-specific language.
   - Coded “No” when state so significantly limited application to children with disabilities, had effect of being a de minimis offering and added a caution note explaining the limitation and citing to the eligibility law.
   - Coded “No” when eligibility applied to dependent children who are not disabled.
   - When the law was ambiguous as to whether the program applied to children but there was an additional law that more explicitly excluded children, only the legal text of the primary law was built. The question was coded “No” and a caution note was added citing to the additional law.

Question 3. Which entity administers the SSP?
   - Coded “Social Security Administration” when the law stated the SSA will administer both the Federal and State supplement.
   - Coded “Law does not indicate which entity administers the SSP” when the law authorized the state to enter into an agreement with the federal government regarding administration but did not state a clear mandate.
Question 4. Is a state application required for SSP eligibility?
  • Coded “Yes” when the law explicitly stated a separate state application was required for SSP applicants.

Question 5. What is the state income cutoff for SSP eligibility?
  • Coded “State specified amount” when the law explicitly mentioned a specific monetary amount.
  • Coded “State income cutoff is not specified in the law” when the law was not explicit or where the law only required the recipient to be eligible for the SSI program.
  • An eligible individual or an individual living alone was used as the default category to determine state income cutoff.

Question 6. What types of income are exempt from the income calculation for the SSP?
  • Coded “Type of income is not specified” when the law was silent on income exemptions.

Question 7. Is the SSP eligibility dependent on living arrangements?
  • Coded “Yes” when the law required individuals to live in specific living arrangements as a threshold to eligibility.

Question 7.1. Which living arrangements are eligible for SSP?
  • Coded only living arrangements that may possibly include children.
  • Where available, types of living arrangements were coded as defined in the law.

Question 8. Does the law explicitly provide information on the SSP payment amount?
  • Coded “Yes” when the law listed an explicit numerical amount.
  • Coded “No” when SSP amounts were limited to medical assistance recipients.
  • Coded based on SSP amounts or formulas explicitly stated in state statutes or regulations. Information that did not come from a statute or regulation was not coded.

Question 8.1. Does the law explicitly list the SSP payment amount?
  • Coded “No” when state statutes and regulations were silent on SSP payment amounts, but added a caution note when the law cited to a governmental secondary source stating this information.

Question 8.1.1 What is the SSP Payment Amount?
  • Coded individual living alone as default living arrangement category to determine the payment amount unless the law explicitly designated that children with disabilities were in another category.
• In Washington, the SSP payment amount assigned to Living Area II, encompassing all counties except King, Pierce, Snohomish, Thurston, and Kitsap counties, was coded when the law distinguished Living Area II from Living Area I.

**Question 8.2. Does the state provide a formula to calculate the SSP payment amount?**
- Coded the formula that was generally applicable to all recipients unless the law assigned a payment formula to a specific living arrangement under which children with disabilities qualified.
- Coded “Yes” when the law provided an explicit formula that would allow the reader to calculate the SSP payment amount if provided with numeric figures to replace each formula variable.
- When the law defined the variables of the formula, a caution note was added noting this definition.

**Question 8.2.1. What is the SSP formula?**
- Coded individual living alone as default living arrangement category to determine the formula unless the law explicitly designated that children with disabilities were in another category.

**Question 10. Must the SSP recipient apply for other benefits as a condition of continued SSP enrollment?**
- Coded “No” even if law required application for other benefits as condition of initial SSP eligibility.
- Coded “No” when the law was silent on other benefit programs.

**VI. Quality Control**

a. **Background Research:** The research showed that as of November 1, 2018, 45 of 51 jurisdictions offer an optional state supplement to the federal SSI program, and 23 of these 45 jurisdictions deem children with disabilities eligible to receive an optional state supplement to the federal SSI program.

b. **Original Coding:** Quality control consisted of the Supervisor exporting the data into a Microsoft Excel document as the Researchers completed coding to examine the data for any missing responses, citations, and caution notes.

   i. **Batch One:** Montana, Rhode Island, California, Arizona, Mississippi, North Dakota, West Virginia.
iii. **Batch Three:** Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, New York, Oklahoma, South Dakota, Washington, Wyoming, Utah

iv. **Batch Four:** Colorado, Georgia, Hawaii, Iowa, Illinois, Idaho, Kentucky, Oregon

c. **Redundant Coding:** The redundant coding process entails independent, redundant coding by two Researchers for each jurisdiction. Redundant coding means that each jurisdiction’s record is assigned and coded independently by the two Researchers. Within each jurisdiction, redundant coding was only conducted when there was a substantive change in the law (i.e., a change that required a change in coding). Additionally, limited states—states that offered optional state supplemental payments but not to children—were not redundantly coded. Divergences, or differences between the original coding and redundant coding, were resolved through consultation and discussion with subject matter experts and the Team.

Out of 51 jurisdictions, 22 states were limited and not redundantly coded. Of the 23 states that offered SSP programs for children, seven were not redundantly coded (CO, HI, IA, ID, IL, KY, OR).

Quality control of the redundant coding consisted of the Supervisor exporting the data into a Microsoft Excel document each day the Researchers completed redundant coding to calculate divergence rates.

i. **Batches One and Two:** The rate of divergence was 18.88%.

ii. **Batch Three:** The rate of divergence was 14.86%.

d. **Final Data Check:** Prior to publication, the Supervisor downloaded all coding data into Microsoft Excel to do a final review of coding answers, statutory and regulatory citations, and caution notes. All unnecessary caution notes were deleted and all necessary caution notes were edited for publication. Any responses which were inconsistent with the project’s coding rules were updated. Any missing citations were added.