



Executive Office of Health & Human Services
Ryan White HIV Provision of Care & Special Populations

AIDS DRUG ASSISTANCE (ADAP ENROLLMENT and RE-CERTIFICATION POLICY AND PROCEDURE
ADAP Policy Clarification Notice RIRW #05-19

Scope of Coverage: Rhode Island, Ryan White Part B

Purpose of Policy: This policy notice clarifies the requirements and guidelines for ADAP Enrollment and Re-Certification.

- ***Background:*** AIDS Drug Assistance Programs (ADAP) is a State-administered program authorized under Part B of the Ryan White HIV/AIDS Treatment Modernization Act of 2006. ADAP were originally authorized by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, which was enacted in 1990, and reauthorized in 1996 and again in 2000. The intent of state and federal legislation is to assure that ADAP funds are used only for the purchase of ADAP formulary drugs that cannot be paid for through other sources. ADAP must be the payor of last resort.
- Provides Food and Drug Administration (FDA) -approved medications to low-income clients who are uninsured and underserved.
- Eligible ADAP clients must be living with HIV and meet income and other eligibility criteria as established by the state.
- ADAP funds are used to purchase both drugs and may also be used to purchase cost-effective Health Insurance or services that enhance access to, adherence to, and monitoring of antiretroviral.
- Provides outreach (awareness) to individuals with HIV/AIDS, and as appropriate the families of such individual. (PHS ACT 2616(c) (3-5))
- Encourage, support and enhance adherence to and compliance with treatment regimens including related medical monitoring. (PHS ACT 2616 (g); HAB Policy Notice 07-02)



ADAP Eligibility Requirements: All Ryan White clients for ADAP must meet the following eligibility requirements:

- **HIV Positive Status** – This documentation is only necessary upon initial enrollment. Re-verification of HIV diagnosis is not required.
- **Financial Eligibility**- 500% at or below the Federal Poverty Level (FPL)
- **Income/Asset Limits**- Client must provide the total household gross income before taxes and deductions. Liquid assets include any savings, checking, or money market account, stocks, bonds, investments, or other easily convertible assets EXCEPT for your primary residence and automobile.
- **State Residency** – Must show proof of Rhode Island residency. Proof of RI residency must match what is provided as the clients address on the ADAP application/re-certification form. Clients who are not a Rhode Island resident cannot apply for RI ADAP. P.O Box addresses is acceptable form of proof of Rhode Island residency, as long as there is another means to verify the address.

******All documentation is required at the time of client's enrollment/re-certification.**

Prohibition of Presumptive Eligibility:

- *It is unallowable for an ADAP to provide services before a client has been determined to meet the ADAP's eligibility criteria (i.e. "presumptive eligibility")*
- *The ADAP section of the RWHAP legislation states that "to be eligible to receive assistance from a State under this section an individual shall (1) have a medical diagnosis of HIV/AIDS; and (2) be a low-income individual, as defined by the State" (Section 2616.300ff-26(b)). HRSA has interpreted the legislation to mean that an individual must be determined eligible for ADAP prior to receiving services. As such, it is unallowable for an ADAP to provide services before a client has been determined to meet the ADAP's eligibility criteria.*
- *Expedited enrollment (i.e. "emergency enrollment") is allowed if the process ensures that clients have been determined eligible prior to services being provided.*
- *Temporary provision of assistance to ADAP-eligible clients while eligibility is determined for Medicaid or other insurance (i.e. "provisional status") is allowed, with the clear understanding that the ADAP will submit for retroactive reimbursement if there is another payment source.*

Prohibition of Grace Periods

- *It is unallowable for a client to receive ADAP services after their six-month eligibility period has expired and before they recertify their eligibility.*



RI ADAP Application Process

To apply for RI ADAP, the case manager/medical case manager, health care provider and /or the client must complete an RI ADAP application form and fax, scan, or mail it to the Executive Office of Health & Human Services (EOHHS) Ryan White HIV Provision of Care & Special Populations Unit. An RI ADAP staff person will determine the client's eligibility for the program. For most client's enrollment into RI ADAP takes less than 48 hours.

Procedure: The process of submitting an ADAP application to the Ryan White Program consists of:

- 1) RI ADAP accepts and processes only applications that are filled out completely and accurately at the time of enrollment or re-certification. Any incomplete or missing supported documents will not be processed.
- 2) All applications must include the required eligibility documentation as outlined in our eligibility determination requirement.
- 3) The case manager/medical case manager (if involved), the physician and the client must sign the application.
- 4) No one can sign for the client, unless the client is completely physically unable and cannot sign his/her name. There must be written justification with the completed application if this is the case (Durable Power of Attorney etc.)
- 5) If the client is connected to a case manager/medical case manager, the case manager must review the application to assure that it is complete and contains all supporting documentation.
- 6) Once the application is received at EOHHS, an ADAP staff person will review the information for completeness. If everything is complete and all documentation is accounted for, the application will be processed.
- 7) For a new ADAP enrollee, a letter of acceptance will be mailed out to the client.
- 8) For incomplete applications, a letter of denial/disenrollment will be sent out to the client and the case manager will be cc'd on the letter.



- 9) Case manager/medical case managers may contact the RI ADAP office to see if a client has been approved.

***** Client eligibility must be recertified every six months; must meet HRSA's minimum requirements for recertification; self-attestation is allowable. *******

Six Month Recertification Requirement:

To maintain eligibility for HRSA RWHAP services, clients must be recertified at least every six months. The primary purposes of the recertification process are to ensure that an individual's residency, income, and insurance statuses continue to meet the recipient eligibility requirements and to verify that the HRSA RWHAP is the payor of last resort. The recertification process includes checking for the availability of all other third-party payers.

Recertification:

- All RI ADAP clients are required to recertify to re-determine clients eligibility every 6 months (on their birth month and six months following) and must meet HRSA's minimum requirements for recertification.
- All RI ADAP clients will be notified by mail with a Recertification Form attached one month prior to the due date.
- The case manager/outreach worker/medical case manager (if seeing one), the physician and the client must sign the Recertification Forms. By signing the ADAP form you are attesting that all information is complete and accurate. **Failure to remit all necessary information at the time of the ADAP recertification will delay the clients from being recertified. **
- Clients must submit ALL required documentation (i.e. income, insurance status, etc.)
- The case manager, nurse, physician, department staff, or other unrelated person is never allowed to sign for the client. A caretaker or spouse is not allowed to sign, unless the client is completely physically unable and cannot sign his/her name. If this is the case, there must be written justification with the completed Recertification Form.
- Once received at the Executive Office, an RI ADAP staff person will review this information for completeness. Eligibility for the RI ADAP must be reviewed and verified to ensure that the Program remains the "payer of last resort." If everything is complete and all documentation is accounted for, the Recertification Form will be processed. This can take up to 48 hours.



Failure to Recertify:

- RI ADAP will notify the case manager at least once by secured email 30 days before the due date, notifying the cases manager that the client is at risk of being terminated from the program.
- Failure to complete and submit the Recertification Form and supporting documents within one month of the letter will result in the client's removal from RI ADAP.
- Clients may apply for re-enrollment at a later date if they are able to provide appropriate documentation.

Incomplete Eligibility Recertification Forms:

- If documentation is missing, the Recertification Form will be considered incomplete and it cannot be processed. It will be returned to the client or enrolling agency.

Ineligibility:

- If the client becomes ineligible upon review of the Recertification Form, the client and the case manager will be notified stating the reason it was denied.

Income Eligibility Criteria:

Individuals who have a gross household income equal to or below 500% of the current Federal Poverty Level (FPL) are eligible for RI ADAP. They must meet the following Income Eligibility:

- At the initial enrollment and every subsequent 6-month recertification date, the client must provide documentation of income for all household members.
- The *Financial Enrollment Form" of the RI ADAP Application (for new or re-enrolling clients) or Eligibility Recertification Form (every 6 months on client's birth month and 6 months following for active RI ADAP clients) must be completed; Self-attestation is allowable but must meet HRSA's minimum requirements for recertification.
- If the client is married, documentation for the spouse's income must be provided.
- If a client states extremely low income coming into the household, there needs to be a notation as to how food, shelter, and utilities are being managed. This may be explained if the client lives with someone rent-free or uses a homeless shelter and receives food stamps.



- If a client states zero income coming into the household, A Proof of NO Income Form must be completed.
- All sources of income, both taxable and nontaxable, must be taken into account.

Accepted Documents (Income):

- Submission of the most recent tax return along with two (2) most recent pay stubs. If client did not file a tax return or had no income, completion of a EOHHS Drug Assistance Program Mock Modified Adjusted Gross Income (MAGI) Worksheet is required along with a copy of the supported document.
- Award letter if individual is receiving SSI, SSDI, Unemployment, TDI, Alimony/other Spousal Support Received, Pensions & Annuities (Veteran or Employer Based Pensions, Retirements, or Disabilities) or other income.

Income counted under MAGI:

- Wages, Salaries
- Profits from self-employment,
- Tips and commissions,
- Unemployment compensation,
- Retirement income from social security (SSA)
- Pensions, Military Retirement and Annuities,
- Dividend payments,
- Lump sums (outside of exemptions) are counted if received in month of application,
- Alimony/other spousal support,
- Business income,
- Capital Gains,
- Other Gains,
- IRA distributions (Taxable amount),
- Rental real estate, Partnership, S Corporations, Trusts, etc.
- Farm income,
- Disability income from Social Security (SSDI),
- Supplemental income from Social Security (SSI),
- Other income (Jury Duty, Gambling Winnings),
- Child Support Received, Workers, Comp, Monetary Gifts.



Income Not Counted

- Employment & Training Programs (i.e. GI Bill)
- Bona fide loans
- Federal Income Tax Refunds and Earned Income Tax Credit
- L&I Income
- Foster Care Payment
- Income given to sponsored immigrants, needs-based assistance from other agencies, American Indian/Alaskan Native Income
- Federal Educational Assistance (student loans, grant and work study)
- Lump sums for wrongful death, personal injury, damage or loss of property.

Accepted Documents (Residency)

In order to be eligible for the RI ADAP, applicants must be living in the state of Rhode Island at the time of the application and this residency must be documented.

- The Demographic Information section of the RI ADAP application must be completed.
- Documentation of RI residency must be included with the application.
- Documentation may include:
 - RI State ID
 - Current W2, 1099, or copy of 1040 tax filing
 - SSI, SSDI, AFDC, or other assistance award letter with name and address
 - Paycheck stub issued in the client's name from their employer
 - Medical Bills or statement
 - Copy of Lease
 - Rent receipt
 - Utility bill, home telephone, or cable bill
 - Voter registration card
 - Property tax statement
- Documentation with a P.O Box is accepted as proof of address, as long as there is another means to verify the address such as a current utility bill or a case manager's verification letter.
- Persons who are homeless will need a letter on agency letterhead, from their case manager or social service provider, providing the location and dates of residency.
- Case managers will have the authority to notarize a statement of behalf of the client, if there is no affiliation with any other agency or shelter.



NOTE: According to the federal government, it is not necessary to be a citizen of the United States or qualified alien to receive RI ADAP services.

Age Eligibility Criteria

RI ADAP benefits are available to anyone living in Rhode Island, regardless of age, sex, sexual orientation, race or ethnicity. Individuals must meet stated eligibility criteria.

Third Party Payer Coverage

A client may not be eligible for services from RI ADAP if the applicant is receiving or is eligible for the same benefits/services from other programs. Lack of other sources to pay for prescribed HIV medications, or documented gaps in third party payments for the medications-to ensure compliance with payer of last resort requirements.

Medicaid

- Most applicants who are Medicaid eligible will not be eligible for HIV/AIDS Drug Assistance Program.
- If a client loses Medicaid benefits, the client may qualify for enrollment in RI ADAP.

Medicare Part D

- Medicare Part D is a prescription coverage for Medicare Part A and B recipients.
- Clients who are seeking assistance with HIV/AIDS Patient Care Programs, who are eligible for Part D, must apply through Social Security Administration.
- Part D recipients are required to select a drug plan.
- Monthly premium costs may vary depending on the plan selected.
- Clients accessing Part D do not need to spend down pharmaceutical benefits prior to enrolling in RI ADAP; however, applicants/clients must apply for the low-income subsidy.
- RI ADAP will cover clients through the donut hole period.
- Clients must provide ADAP a copy of their health insurance card at the time of enrollment or recertification. Failure to remit a copy of the clients' health insurance card at the time of enrollment or recertification will delay the clients ADAP.



Private Health Insurance

- A client with private health insurance are eligible to receive RI ADAP.
- Clients must provide ADAP a copy of their health insurance card at the time of enrollment or recertification. Failure to remit a copy of the client's health insurance card at the time of enrollment or recertification will delay the clients ADAP.
- If a client is a student under the age of 26, ADAP must be notified in writing that the student is choosing not to disclose their parent's insurance plan. Failure to notify ADAP in writing will delay the clients ADAP enrollment/recertification.

Veteran's Administration (VA) Benefits

- Eligible RI ADAP clients, who are also eligible for VA Benefits, may continue to receive RI ADAP medications.

Nursing Homes, Inpatient Care

- A client who is a patient in a nursing home or hospital is ineligible for RI ADAP.
- RI ADAP cannot pay for services that would otherwise be paid from another source.
- If the client is in a nursing home or hospital and has no source of payment s/he is most likely eligible for Medicaid. Medicaid should pay for the cost of all care including medications.
- Once the client is discharged, the client may apply for RI ADAP.

Department of Corrections

- Once an individual is incarcerated, the prison is legally responsible for that individual room, board, and medical care.
- Individuals who are incarcerated are residing in institutions are not eligible for RI ADAP services.
- Any clients who are incarcerated in a prison must be terminated from RI ADAP.
- Persons who are on probation or parole are eligible for RI ADAP services since they are living in the community.



Accepted Documents (HIV Status)

All clients must have a documented HIV infection and meet medical eligibility criteria to be eligible for RI ADAP. Completion of the “Medical Enrollment Form” section of the RI ADAP application with current labs for CD4/viral load documentation should be no later than 12 months. Re-verification of HIV diagnosis is not required. For newly diagnosed HIV clients, the confirmatory lab test showing HIV positive status must be remitted to RI ADAP. The ADAP medical form can be remitted to ADAP once lab results on CD4 and Viral Load is completed. This should be remitted to ADAP no later- than 1 month.