

## **2005.05.10 WHO CAN BE INTERVIEWED**

In addition to who can be interviewed for an applicant/recipient, this section may also be applied towards who DFR can discuss missing and needed verifications to determine Medicaid eligibility for an applicant/recipient.

An applicant or authorized representative may be the interviewee and can conduct all business related to the application process. The initial contact person (ICP) who makes the initial request for assistance cannot be interviewed or request an interview be rescheduled unless they are the designated Authorized Representative, or the applicant or member are also present and gives one-time permission. For Authorized Representatives, the Authorized Representative for Health Coverage, State Form 55366 must be used to authorize someone to apply on behalf of an AG and must be filed in the case record. Alternatively, the prospective authorized representative and the applicant/member may call DFR and jointly agree to the authorized representative relationship over the phone.<sup>1</sup>

Any individual other than the parent of an applicant/recipient under age 18 must be authorized in writing by the applicant unless medical documentation (such as a doctor's statement) is presented showing that the applicant is medically unable to provide such authorization.<sup>3</sup> For a spouse of an applicant/recipient to be interviewed, the spouse must either be an authorized representative for the applicant/recipient or be given verbal permission by the applicant/recipient to be interviewed on behalf of the applicant/recipient. Verbal permission can occur in person or over the phone. If it is done over the phone, DFR must ensure that the applicant/recipient giving the verbal permission is in fact the applicant/recipient by asking that person to verify a few things about themselves including but not limited to last four digits of SSN, date-of-birth, address, case number, and RID number. An applicant/recipient may also give verbal authorization to someone other than a spouse. Someone who is merely given verbal permission is not an authorized representative and is not authorized to speak with the DFR about the applicant/recipient's case beyond that occurrence.

Despite the availability of an authorized representative, the DFR may require personal contact with the applicant if such contact is necessary to determine eligibility under any program.

**Note: If an applicant/recipient is failing to cooperate with the Authorized Representative or third party, then the worker must reach out to the applicant/recipient.**

The authorized representative must be familiar with the AG situation to represent them properly. The worker will determine if the authorized representative is representing the AG appropriately. If the applicant/recipient is failing to cooperate with the Authorized Representative, and the Authorized Representative is unable to obtain the required verifications needed to complete an eligibility determination, then contact should be made with the applicant/recipient to obtain verifications.

Authorized representatives assume responsibility for the accuracy of the information provided. AGs who utilize an authorized representative are subject to the same disqualification penalties and possible prosecution as AGs representing themselves.

Unless there is a valid Authorized Representative form, employees of nursing facilities may not be interviewed on behalf of a resident in their facility unless the client is medically incapable of being interviewed and there is no one else to act on the client's behalf. A doctor's statement verifying the incapacitation is required in these instances.

Legal guardians and powers of attorney may apply for assistance on behalf of the applicant and must present the appropriate documents verifying their status to be interviewed. A power of attorney document must be general enough to encompass applying for assistance. If it is specific to only a certain activity, it does not suffice for application purposes and a POA crafted for the sole purpose of applying for Medicaid is not acceptable.

The chief of social services (or his/her designee) of any institution under the control of the Family and Social Services Administration may apply for assistance on behalf of patients in the institution and be interviewed. The social services staff person may apply for assistance for an individual who will remain in the facility or for whom plans are in process to move to an alternative placement and be interviewed.<sup>4</sup> The most common usage of this procedure will occur with state institutions under the supervision of the Division of Mental Health.

When an application is received for a deceased applicant, the application must be processed, and an eligibility determination completed. If an interview is required, then the data gathering interview can only be completed with a verified Authorized Representative or Court appointed Personal Representative. The interview can't be completed if a valid AR or Court appointed Personal Representative Form is not in the file nor can any information be released to an interested party that is not a verified AR or Court appointed Personal Representative.

An interested party that has information specific to the applicant's situation can provide required verifications including the death certificate, but the interested party's ability to intervene begins and ends with providing documentation or verification. Each situation must be evaluated to determine if necessary, information to complete the eligibility determination can be obtained. Any application processing questions for this scenario should be sent to the Central Office Policy Unit for clarification.

---

<sup>4</sup> 42 CFR §435.923(f))