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# Texas Department of Human Resources

706 Banister Lane · P. O. Box 2960 · Austin, Texas 78769



January 13, 1982

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Commissioner

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The Honorable Lloyd Bentsen  
United States Senate  
912 Federal Building  
Austin, Texas 78701

3462  
Smla Fe

Attn: Wanda Garcia

Re: Domingo Pena and Herminia Pena  
P. O. Box 10572  
Corpus Christi, Texas 78410

Dear Senator Bentsen:

Thank you for your telephone call concerning Mr. Domingo Pena, who has been confined to the Retama Manor Nursing Home in Corpus Christi, Texas, and who is being rehospitalized because of his deteriorated condition.

According to information available to this office from Supplemental Security Income headquarters, both Mr. Domingo F. Pena and his wife, Ms. Herminia Pena, receive SSI disability benefits. As recipients of SSI, Mr. and Mrs. Pena are eligible for medical services through the Texas Medical Assistance program (Medicaid) and for allowable prescribed drugs through the Texas Vendor Drug program.

Our records also indicate that Mr. Pena is receiving an Aid to Families with Dependent Children grant on behalf of his three children (Jessica Pena, dob. 8/21/74; Rebecca Pena, dob. 9/28/73; and Jessie Pena, Jr., dob. 7/22/78). As recipients of AFDC, the children are also eligible for Medicaid and Vendor Drugs.

The Pena family is participating in the The Food Stamp program, which is administered according to guidelines established by the United States Department of Agriculture, based upon the number of individuals sharing a household and the amount of income available to the household group. Mr. Pena has been certified as the head of this five member household with a total monthly income of \$475 (\$397 SSI and \$78 AFDC) netted to \$390 after allowable deductions, making them eligible for \$160 food stamps. We feel sure they have found this program beneficial.

As discussed with you, it is possible for this Department to participate in the payment for nursing home care from Title XIX (Medicaid) funds on behalf of those individuals who have been determined "financially eligible" by the

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Medical Eligibility staff of this Department and "medically eligible" by the Patient Care Unit of the State Health Department. Federal regulations prohibit this Department, however, from paying Title XIX funds to any nursing home on behalf of any individual who has been denied a level of care. This determination is the responsibility of the State Health Department; however, if denied a level of care determination by the State Health Department, an appeal may be filed through the regional office of this Department. All available medical information may be submitted to the regional hearing officer for consideration to determine the validity of the denial of level of care. If the medical report substantiates a need for skilled nursing care, the decision will be reversed; however, if the medical information indicates that the individual can be cared for safely outside a nursing home, the decision will be sustained. The decision of the hearing officer is the final administrative action of this Department. If an individual does appeal and continues to be dissatisfied following the appeal hearing, the only recourse would be judicial review (court hearing).

In order to gain a better understanding of this situation, I am requesting a report from the local staff and will advise you when this information is available.

Sincerely,

Joyce R. Salm, Director  
Division of Special Services

JRE/eb