

Social Security (and Related) Benefits Training

Hosted by Building Changes

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9:00 AM to 4:30 PM

Spokane Housing Authority

Spokane, WA

Facilitated by

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Progressive Strategies

Seattle, WA

Introduction

- Pedigrees (mine and yours)
- Roles of health and human service workers
- Attendee goals for the day/TIP
- The first disability
- A letter from Social Security (the horror!)
- Competence and comfort
- Myths and truths
- Confidence
- Legalese

Benefits Training

Objectives

- Understand the basic characteristics, differences and similarities between SSDI and SSI programs and benefits, including Medicare, Medicaid, applications and appeals process.
- Identify what information is needed in clinical reports to support a claim of disability.
- Understand what the impact of work and wages is on entitlements and benefits, the particulars of the Social Security Administration's various work incentives and the essential elements of Washington's Healthcare for Workers with Disabilities program.
- Identify other post entitlement events that can adversely affect eligibility for benefits and their proper responses.

Adult Disability Defined

Social Security's general definition of disability for adults that must be met in all cases is as follows:

- Inability to engage in any substantial, gainful activity due to a
- medically determined physical or mental impairment
- that has lasted or is expected to last a minimum of 12 months or result in death.

“Inability to engage in any substantial gainful activity”

- This means the disability must be severe enough to rule out or preclude the performance of any significant and productive physical or mental work for pay or profit.
- In addition to being unable to perform any traditional or previous line of work, a claimant (term for someone who has filed a claim) also must be so disabled as to rule out the performance of any other kind of work.

“Medically determined physical or mental impairment”

- This means that the impairment must result from anatomical, physiological or psychological abnormalities that are demonstrable by medically accepted clinical and laboratory diagnostic techniques.
- The impairment must be documented by signs, symptoms, and laboratory findings from an acceptable medical source such as licensed physicians, licensed osteopaths, licensed or certified psychologists, licensed optometrists (for the measurement of visual fields or acuity) and other individuals authorized to provide copies or summaries of medical records.
- Other sources of information including parents, guardians and other caregivers, schools, social service agencies, audiologists, and speech pathologists/therapists may provide supporting information.

“Has lasted/is expected to last a minimum of 12 months or result in death”

- This means that the disability must be ongoing for at least that minimum period or result in death.
- Any shorter duration, even with significant severity, is not eligible.
- All three of these criteria are far more rigid and exclusionary than those of private disability plans.

Child Disability Defined

Social Security's general definition of disability for children that must be met in all cases is as follows:

- A medically determinable physical or mental impairment (or combination of impairments); and
- the impairment(s) has/have lasted (or is expected to last) for at least one year or to result in death; and
- the impairment(s) result(s) in marked and severe functional limitations.

“Medically determined physical or mental impairment”

- This means that the impairment(s) must result from anatomical, physiological or psychological abnormalities that are demonstrable by medically accepted clinical and laboratory diagnostic techniques.
- The impairment(s) must be documented by signs, symptoms, and laboratory findings from an acceptable medical source such as licensed physicians, licensed osteopaths, licensed or certified psychologists, licensed optometrists (for the measurement of visual fields or acuity) and other individuals authorized to provide copies or summaries of medical records.
- Other sources of information including parents, guardians and other caregivers, schools, social service agencies, audiologists, and speech pathologists/therapists may provide supporting information.

“has lasted or is expected to last for at least one year or to result in death”

- This means that the disability must be ongoing for at least that minimum period of one year or result in death.
- Any shorter duration, even with significant severity, is not eligible.

“The impairment(s) results in marked and severe functional limitations”

- This refers to the child’s behavior and functional capacities: physical, mental, emotional, and social.
- Information about the following areas of functioning is needed:
 1. cognition/communication (all ages)
 2. motor (all ages)
 3. social (all ages)
 4. personal (all ages)
 5. concentration, persistence or pace (Age 3 to Age 18, only)
 6. responsiveness to stimuli (birth to Age 1, only)

Other Considerations for Child Claims

- Social Security assesses the effects of the condition/s on the child's ability to perform daily activities by comparing the child's functioning to that of children the same age who do not have impairments.
- To do this, they consider questions such as:
- What activities is the child able or not able to perform?
- Which activities are limited in comparison with those of same-age peers?
- What type and amount of help does the child need to complete age-appropriate activities?

Illness and the Resulting Disability

It is essential to know that Social Security reviews disability claims alleging a mental or physical impairment by examining BOTH the presence of clinical signs and symptoms suggestive of an impairment AND the resulting degree of functional limitations. Some of the disability definitions reference this explicitly, such as the listings of mental impairments.

Psychiatric Disability

Evaluating a claim of disability for a mental impairment includes the presence of signs and symptoms that support the existence of a mental impairment AND limitations in areas such as activities of daily living; social functioning; concentration, persistence and pace; and deterioration in work or work like settings.

Physical Disability

Evaluating a claim of disability for a physical impairment includes the presence of signs and symptoms that support the existence of a physical impairment AND consideration of:

- the claimant's daily activities;
- the location, duration, frequency and intensity of the pain or symptoms;
- precipitating and aggravating factors;
- type, dosage, effectiveness and side effects of any medications;
- treatments other than medications for the relief of the pain or symptoms;
- any measures the claimant uses or had used to relieve pain or other symptoms;
- and other factors concerning the claimant's functional limitations due to pain or other symptoms.

Records and Documentation

- Documentation is necessary to establish the presence of a disabling condition.
- Reports and or records will be requested from individual providers such as doctors and facilities such as hospitals and clinics.
- Often, these reports and records do not contain descriptions of the functional limitations needed to review whether the condition is disabling per Social Security's definitions.
- Providers that work where there is frequent and prolonged contacts with claimants are in a good position to comment on these functional limitations.

Schizophrenia

12.03: Schizophrenic, paranoid and other psychotic disorders are characterized by the onset of psychotic features with deterioration from a previous level of functioning. The required level of severity for these disorders is met when the criteria in both part A and B are satisfied, or when the requirements in C are satisfied.

A. Medically documented persistence, either continuous or intermittent, of one or more of the following:

- Delusions or hallucinations; or
- Catatonic or other grossly disorganized behavior; or
- Incoherence, loosening of associations, illogical thinking, or poverty of speech if associated with one of the following:
 - blunt affect; or
 - flat affect; or
 - inappropriate affect; OR
- Emotional withdrawal and/or isolation. AND.....

Schizophrenia (continued)

- B. Resulting in at least two of the following:
1. Marked restrictions of activities of daily living; or
 2. Marked difficulties in maintaining social functioning;
or
 3. Deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or
 4. Repeated episodes of deterioration or decompensation in work or work like settings, which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors). OR....

Schizophrenia (continued)

- C. Medically documented history of one or more episodes of acute symptoms, signs, and functional limitations which at the time met the requirements in A and B of this listing, although these symptoms or signs are currently attenuated by medication or psychosocial support, and one of the following:
1. Repeated episodes of deterioration or decompensation in work or work like settings, which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors).
 2. Documented history of two or more years of inability to function outside of a highly supportive living situation.

Multiple Sclerosis

- A. Disorganization of motor function (significant and persistent disorganization of motor function in two extremities, resulting in sustained disturbance of gross and dexterous movements, or gait and station; or
- B. Visual or mental impairment with contraction of the visual field in the better eye, with the widest diameter subtending an angle around the point of fixation no greater than 20 degrees; or psychological or behavioral abnormalities associated with a dysfunction of the brain. History and physical examination or laboratory tests demonstrate the presence of a specific organic factor judged to be etiologically related to the abnormal mental state and loss of previously acquired functional abilities; or
- C. Significant, reproducible fatigue of motor function with substantial muscle weakness on repetitive activity, demonstrated on physical examination, resulting from neurological dysfunction in areas of the central nervous system known to be pathologically involved by the multiple sclerosis process.

Diagnosis and Disability

- Diagnosis alone is inadequate for purposes of establishing disability under Social Security's regulations.
- The resulting impairment or disability in role and/or task performance must also be clearly and strongly established.
- Merely stating that so and so is "disabled" in a letter is also inadequate and does not help a claim.
- It must be medically based, severe and meet the duration requirement.

Presumptive Eligibility

Some disabilities for children are **presumptively** eligible for SSI benefits. These are:

- HIV infection
- Total blindness
- Total deafness
- Cerebral palsy
- Down syndrome
- Muscular dystrophy
- Severe mental retardation (child age 7 or older)
- Birth weight below two pounds, 10 ounces

If Social Security makes these special payments, and later decides that the child's disability is not severe enough to qualify for SSI, the benefits do **not** have to be paid back.

Essential Features of SSDI and SSI

Social Security Disability Insurance

It is an insurance program. The “claimant” or his/her spouse or parents must have paid money into it through the Federal Insurance Contributions Act (FICA payroll tax deductions) for enough years to be covered and at least some of these taxes must have been paid in recent years.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- Payment amounts vary based on the worker's earnings. Higher earnings for more years typically equal a larger monthly benefit. Lower earnings for fewer years typically equal a smaller monthly benefit.
- A worker who becomes disabled must wait 5 months after disability begins before receiving SSDI benefits. An onset date for the disability is established in order to begin this waiting period. The onset date must be during the period the worker had insured status.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- Insured status has to do with the number of work credits you have registered with Social Security. One credit is earned for each quarter of work with earnings in excess of \$1090. Generally, you need 20 credits earned in the last 10 years ending with the year in which you became disabled. Benefits are paid from this onset date forward.
- The maximum benefit depends on the age at which a worker chooses to retire. The maximum amount for 2009 for a person retiring at age 66 years and 10 months is \$2323.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- An SSDI recipient is eligible for Medicare after receiving cash benefits for 24 months.
- Medicare has four parts:
 - hospital insurance (Part A),
 - medical insurance (Part B),
 - a managed care option (Part C), and
 - prescription drug coverage (Part D).

Essential Features of SSDI and SSI

Social Security Disability Insurance

- About 99 percent of Medicare beneficiaries do not pay a premium for Part A services, since they have at least 40 quarters for Medicare-covered employment.
- However, other seniors and certain people under age 65 with disabilities who have fewer than 30 quarters of coverage may obtain Part A coverage by paying a monthly premium set according to a statutory formula. This premium will be \$433 per month for 2009. In addition, seniors with 30 to 39 quarters of coverage, and certain disabled persons with 30 or more quarters of coverage, will pay a premium of \$244 in 2009.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- Medicare Part A pays for inpatient hospital, skilled nursing facility and some home health care. The \$1068 deductible is paid by the beneficiary when admitted as a hospital inpatient.
- The Part A deductible is the beneficiary's only cost for up to 60 days of Medicare-covered inpatient hospital care in a benefit period. Beneficiaries must pay an additional \$267 per day for days 61 through 90 in 2009, and \$534 per day for hospital stays beyond the 90th day in a benefit period.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- Medicare Part B has a premium of \$96.40 per month, which is typically deducted from a beneficiary's check with a \$135 annual deductible.
- Part C (Medicare Advantage) plans allows a beneficiary to choose to receive all health care services through a provider organization. These plans may help lower the costs of receiving medical services, or a beneficiary may get extra benefits for an additional monthly fee. One must have both Parts A and B to enroll in Part C.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- Part D (prescription drug coverage) is voluntary and the costs are paid for by the monthly premiums of enrollees and Medicare.
- Unlike Part B ,in which one is automatically enrolled and must opt out if it is not wanted, with Part D one must opt in by filling out a form and enrolling in an approved plan. If they choose this option, they cannot get drugs (or drug classes) normally covered by Part D through the Medicaid program.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- SSDI is part of Old Age, Survivors and Disability Insurance (OASDI), also known as Title II of the Social Security Act.
- It is good to know some of the language of SSA when communicating with it.

Essential Features of SSDI and SSI

Social Security Disability Insurance

Certain members of a worker's family may qualify for benefits on the worker's record or social security account. These are as follows:

- The unmarried son or daughter of a worker, including an adopted child, or in some cases, a stepchild or grandchild. The child must be under the age of 18 or 19 if in high school full time.
- The unmarried son or daughter of a worker, 18 years of age or older, if he or she has a disability that started before age 22. If a disabled child is receiving benefits as a dependent of a retired, deceased, or disabled worker, Social Security should be contacted to have these benefits continued at 18 on the basis of disability.

Essential Features of SSDI and SSI

Social Security Disability Insurance

- The spouse of a worker who is age 62 or older, or any age if he/she is caring for a child of that worker who is under the age of 16 or disabled and also receiving checks.
- The disabled widow or widower of a worker who is 50 years of age or older. The disability must have begun prior to the death of the worker or within 7 years of his/her death.

Essential Features of SSDI and SSI

Supplemental Security Income

- It is a welfare program that makes payments to aged, blind and disabled people (including children under age 18).
- As a welfare program, a claimant must meet the means test in addition to being medically disabled, aged or blind.
- The means test examines these three areas: income, resources and living arrangements.
- Means testing is used in all welfare programs.

Essential Features of SSDI and SSI

Supplemental Security Income

- When a child under age 18 is living with his or her parents, Social Security must count a portion of the parents' income in determining the child's eligibility and payment amount. In this process, called "deeming," the law recognizes that part of the parents' income and resources normally are used to support the children.
- The resource limit is currently \$2000 for an individual, \$3000 for an eligible couple. Not all resources count toward the SSI resource limit. Items such as the home one lives in; a car, depending on its use or value; burial plots for an individual and immediate family; burial funds up to \$1500, or more if held in an irrevocable fund; and life insurance with a face value of not greater than \$1500, are generally not counted as resources. When resources are over the limit, eligibility for SSI ceases.

Essential Features of SSDI and SSI

Supplemental Security Income

- In cases where a lump sum payment in excess of this amount is received, a recipient is given 6 to 9 months before that money is counted as a resource.
- In order to spend that money down to acceptable limits, recipients must purchase items that will not accrue value (e.g. clothing, a car, furniture, electronic equipment, irrevocable burial plan, payment of outstanding bills, prepayment of rent and/or utilities).

Essential Features of SSDI and SSI

Supplemental Security Income

- Payment amounts are set by the state. The Federal government funds SSI from general tax revenues. Individual states choose how much, if any, additional dollars to add to the standard federal benefit level. Some states like CA and NY choose to add a good deal more so their maximum amount is much more than what WA pays.
- The standard payment amount for an individual with no other income in WA is \$674, which is the federal benefit level. The standard payment amount for an eligible couple with no other income in WA is \$1011, which is the federal benefit level. SSI benefits are paid retroactive to the date of application.

Essential Features of SSDI and SSI

Supplemental Security Income

- An SSI recipient in WA and most other states is co-entitled to Medicaid retroactive to the date of application. In other states, a separate application is required.
- The July 1, 2006 requirement that proof of citizenship is required of all Medicaid beneficiaries, initially and for all recertifications, does not apply to those who are co-entitled.
- SSI is also known as Title XVI of the Social Security Act. Know the language!

Essential Features of SSDI and SSI

Concurrent Claims

- Some claimants may be eligible for BOTH SSDI and SSI.
- Known as a “concurrent claim”, this happens when a claimant’s work history permits an SSDI payment but at an amount less than the SSI maximum of \$674. Should the claimant also meet the means test for SSI, SSI would pay the difference between the SSDI amount and the SSI maximum of \$674.
- Younger claimants with a fair work history would likely fall into this category. As an example, a claimant whose work history permits an SSDI payment of \$200 who also meets the means test would additionally receive an SSI check for \$474. Total benefits would equal the SSI amount of \$674.

Applications

Many begin by filing for General Assistance at their local DSHS Community Services Office.

General Assistance-Unemployable (GA-U) General Assistance Unemployable (GAU) is a state-funded program that provides cash and medical benefits for persons who are physically and/or mentally incapacitated and unemployable for 90 days from the date of application. GAU is subject to elimination in the various budgets being considered in Olympia. Stay tuned.

Eligible persons:

- Are "incapacitated" (unable to work).
- Are at least 18 years old, unless married.
- Meet income and resource requirements.
- Meet citizenship/alien status requirements.
- Reside in Washington State.
- Agree to have their needs for medical treatment and referral assessed.

Applications

- **General Assistance-Expedited Medical Disability (GA-X)** provides material support to those GA-U recipients who are actively pursuing a disability claim for SSI or SSDI benefits and who are working with a DSHS SS facilitator.
- Under this program, an expedited determination of probable disability is made. If found eligible, GA-X recipients are eligible to receive Medicaid coverage under the Categorically Needy Medical Program (CN). This medical coverage is broader in scope than what is available in the GA-U program, especially in the areas of mental health and dental care. Medical reviews are lengthened to 12 months.
- Eligibility continues until the client is approved for SSI and/or SSDI or denied for these benefits by the Social Security Appeals Council. GA-X is intended as an interim assistance program while seeking SS benefits.
- Once found eligible, the State is reimbursed by SSA from the recipient's past due benefits.

Applications

If not eligible for assistance from DSHS, initial applications for SSDI/SSI can be made

- in person at any SSA District Office,
- by telephone (1-800-772-1213) or
- via the internet (www.ssa.gov).

Applications

- Forms to fill out and releases to sign.
- Providers and other advocates can be helpful.
- Consumer resume.
- Division of Disability Determination Services.
- File development.
- Medical records.
- Consultative Examinations.
- More is better. More earlier is definitely better.

Denials and Appeals

- It takes from 3-6 months for a claim to be adjudicated by DDDS.
- Many claims are denied initially. Rationale. 60 days.
- The first level of appeal is known as reconsideration.
- Forms to request reconsideration.
- Another 3-6 months as DDDS reviews the case.
- If denied again, the next level of appeal is to request a hearing before an Administrative Law Judge. 60 days.
- Forms to request a hearing.
- Another 3-6 months to have the hearing scheduled.
- Conduct of the hearing and representation.

Appeals

- If denied at the hearing level, the next level of appeal is to request review by the Appeals Council. 60 days.
- If denied by the AC, the next level of appeal is to file an action in Federal District Court. 60 days.
- If denied at the FDC level, the final level of appeal is the Supreme Court and only if constitutional law issues are involved.

More on Representation

- Public Interest Law Firms (Columbia Legal Services).
- Referral from CLS to a private attorney.
- Bar Association referral (county or state).
- TV Guide Attorneys.
- Non-attorneys that advertise.
- People like you and me.
- Appointment of Representative.

Case Examples

- Does anyone have any case examples of people they are working with that are having any kind of problem establishing their eligibility for SSDI or SSI?
- This is a great opportunity to tap the collective wisdom in the room and to apply the knowledge that you have obtained so far today.
- Taking it into practice!

Post Entitlement Activities

- I want to work, but.....
- Changes in.....
- Overpayments: their prevention and management.
- Continuing Disability Reviews.
- Representative Payees.
- Other advocacy techniques and resources.

Essential Features of SSDI and SSI

Social Security Work Incentives

- There have been many positive changes in Social Security's rules over the last several years that now permit beneficiaries of SSDI and SSI to test their ability to work without fear of losing their monthly cash benefits or health insurance.
- These changes have enabled thousands of people with disabilities to take advantage of employment opportunities, either on their own or through community based employment programs or via vocational rehabilitation.
- The work incentives vary according to what type of benefits someone receives.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Impairment Related Work Expenses- This provision allows the costs of certain impairment related items and services that a beneficiary needs for work and that are paid by the beneficiary to be deducted from gross earnings and, hence, not counted in figuring if the earnings are at the “substantial gainful activity” level (\$980 or more, \$1640 if blind).
- Examples include out of pocket expenses for medications, therapy, doctor visits, lab work; expenses for a “job coach” if in an SE program; fees or co pays to attend outpatient clinic or other program; mileage expenses for an approved vehicle and limited to travel related to employment, etc.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Trial Work Period- This provision allows a period of nine months in which a beneficiary can work and receive full benefits no matter how much is earned. The nine months need not be consecutive and start with the first month in which more than \$700 in net wages is earned.
- When the beneficiary has accumulated nine such months within a 60-month rolling period, SSA will review the work. Earnings exceeding the SGA level of \$980/\$1640 indicate that the beneficiary is able to work in spite of a disabling impairment. If this is the case, benefits continue for a “grace period” of three more months. If the work and its earnings are below the SGA level, SSDI benefits continue.

NOTE: Earnings above \$700, but below \$980/\$1640, mean that the TWP has ended, but that benefits will continue.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Extended Period of Eligibility- If disability benefits stop after successful completion of the trial work period because of working at the substantial gainful activity (SGA) level, Social Security can automatically reinstate benefits without a new application for any months in which earnings drop below the SGA level (\$980 or more).
- This reinstatement period lasts for 36 consecutive months following the end of the trial work period. The beneficiary must continue to have a disabling impairment in addition to having earnings below the SGA level for that month.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Continuation of Medicare Coverage- Most people with disabilities who work will continue to receive at least 93 consecutive months of hospital and medical insurance under Medicare. The beneficiary pays no premium for hospital insurance.
- Although cash benefits may cease due to work, the beneficiary has the assurance of continued health insurance. The 93 months start the month after the last month of the trial work period.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Medicare for Persons with Disabilities Who Work- After premium-free Medicare coverage ends due to work, some people who have returned to work may buy continued Medicare coverage, as long as they remain medically disabled.
- One can buy Premium Hospital Insurance (Part A) at the same monthly cost that uninsured eligible retired beneficiaries pay, \$433 if one has less than 30 quarters of coverage, or \$244 if one has 30 or more quarters of coverage for 2009; and one can buy Premium Supplemental Medical Insurance (Part B) at the same monthly cost that uninsured eligible retired beneficiaries pay, \$96.40 for 2009; or one can buy Hospital Insurance separately without Supplemental Medical Insurance.
- One can buy Supplemental Medical Insurance only if one also buys Hospital Insurance.

Essential Features of SSDI and SSI

SSDI Work Incentives

- Healthcare for Workers With Disabilities- This program recognizes the employment potential of people with disabilities, and represents Washington State's response to the "Ticket to Work" legislation passed by Congress in 1999. Under *HWD*, people with disabilities can earn more money and purchase healthcare coverage for an amount based on a sliding income scale.
- HWD benefits include a Medicaid benefit package, greater personal and financial independence, and enrollees earn and save more without the risk of losing their healthcare coverage. WA residents who are age 16 through 64, meet federal disability requirements, are employed (including self-employment) full or part time and have monthly net income at or below 220% of the federal poverty level - \$1908 for one person or \$2568 for a married couple are eligible.
- The monthly premium is based on a sliding scale. It cannot be more than 7.5% of total income - but it can be less!

Essential Features of SSDI and SSI

SSDI Work Incentives

- Remember that the work incentives that we just covered apply to those that receive SSDI.
- The next set of slides will cover the work incentives that apply to those that receive SSI.
- Do not mix these up. Very different sets of rules apply depending on which benefit someone gets.
- People may be depending on you for accurate information in order to make the best decisions about returning to work. Don't let them down!

Essential Features of SSDI and SSI

SSI Work Incentives

- Impairment Related Work Expenses- As with SSDI, this provision allows the costs of certain impairment related items and services that a beneficiary needs for work to be excluded from earned income in figuring a beneficiary's monthly payment amount.
- Earned Income Exclusion- This provision allows most of a beneficiary's income, including pay received in a sheltered workshop or work activities center, to be excluded when figuring the SSI payment amount. The first \$20 of earnings is excluded as a general income exclusion. The next \$65 of earnings is excluded plus one half of the remaining earnings.

Essential Features of SSDI and SSI

SSI Work Incentives

- Student Earned Income Exclusion- This provision allows a beneficiary who is under the age of 22 and regularly attending school to exclude up to \$1640 of earned income per month. The maximum annual exclusion is \$6600.
- Blind Work Expenses- This provision provides that any earned income which a blind beneficiary uses to meet expenses needed to earn that income is not counted in determining SSI eligibility and the payment amount if the beneficiary is under age 65 or age 65 or older and received SSI due to blindness for the month before he or she attained age 65.

Essential Features of SSDI and SSI

SSI Work Incentives

- **Plan for Achieving Self Support (PASS)**- This provision allows a beneficiary to set aside income and/or resources for a specified period of time for a work goal. For example, a person may set aside money for an education, vocational training or starting a business. Any income or resources set aside is excluded under the SSI income and resources test. An individualized plan is required and must be approved by Social Security.
- **Property Essential to Self Support**- This provision allows a beneficiary to exclude certain resources (e.g. property used in a business or trade), which are essential to the person's means of self-support.

Essential Features of SSDI and SSI

SSI Work Incentives

- Section 1619 Work Incentives- Section 1619a allows beneficiaries to receive cash payments even when earned income exceeds the substantial gainful activity level. All other eligibility conditions must be met.
- Section 1619b allows continued Medicaid coverage for most working beneficiaries when their earnings become too high to allow an SSI cash payment.
- In Washington, SSI beneficiaries may work and earn up to \$27143 before losing their eligibility for Medicaid. That's \$2261.91 per month!

Overpayments

- These happen when SSA alleges that a beneficiary has been paid benefits who was not eligible for them.
- I didn't know....
- Signed statement at application.
- Causes of the most frequent overpayments.
- Short-term gain and long term pain is not worth it.
- Roles for providers.
- Appeal or Request Waiver. 10 days for benefits to continue.

Continuing Disability Reviews

- Disabilities that are subject to improvement.
- Forms to fill out.
- DDDS as before.
- Notice of Decision. 10 days to appeal for benefits to continue.
- Additional levels of appeal as before and as needed.

Representative Payees

- RP is appointed in cases where SSA believes that there is substantial question as to a beneficiary's capability to manage funds.
- Capability Opinion Form.
- Payee responsibilities, legal and otherwise.
- Payees can be changed.
- Someone's capability to manage monies can be restored.

Additional Advocacy Tip

- Constituent Services are available from the local offices of your U.S. Senator or Member of Congress.
- Be selective and judicious in doing so.
- Very effective, but can damage your reputation.
- Caution.

Ticket to Work

- The Ticket to Work and Self-Sufficiency Program is an employment program for people with disabilities who are interested in going to work. The Ticket Program is part of the Ticket to Work and Work Incentives Improvement Act of 1999 – legislation designed to remove many of the barriers that previously influenced people’s decisions about going to work because of the concerns over losing health care coverage.
- The goal of the Ticket Program is to increase opportunities and choices for Social Security disability beneficiaries to obtain employment, vocational rehabilitation (VR), and other support services from public and private providers, employers, and other organizations.
- Under the Ticket Program, the Social Security Administration (also referred to as the Agency) provides disability beneficiaries with a Ticket they may use to obtain the services and jobs they need from a new universe of organizations called Employment Networks (ENs).

Ticket to Work

- Total Outcome Payments Available (60) are \$13,500 for an individual previously on SSI and \$23,520 for someone previously on SSDI.
- Total of the 4 Milestone Payments Available are \$2,299 for an individual previously on SSI and \$4,003 for an individual previously on SSDI.
- Potential Total of Milestone and Outcome Payments Available is \$11,520 for someone previously on SSI and \$20,040 for someone previously on SSDI. These figures represent about 85% of the Outcome payment figures.

Case Examples

- Does anyone have any case examples of people they are working with that are having any kind of problems after becoming eligible for SSDI or SSI, such as returning to work, an overpayment or some other post entitlement activity?
- This is a great opportunity to tap the collective wisdom in the room and to apply the knowledge that you have obtained so far today.
- Taking it into practice!

Essential Features of SSDI and SSI

- It is important to note that the above information is presented as a summary only and is not intended to substitute for written documents or contact with representatives from the Social Security Administration. Each of the eligibility criteria and work incentives have a variety of additional details on eligibility, duration, exclusions, start dates, end dates, etc.
- Social Security makes available a variety of publications detailing work incentives and many other aspects of its disability programs. These may be requested at your local Social Security district office, via the Internet at www.ssa.gov or toll free at 1-800-772-1213. You are encouraged to obtain these and use them in working with disability beneficiaries. Especially helpful is the Red Book on Work Incentives (SSA Pub. No. 64-030).

Finishing Up

- Potpourri/Review of attendee goals for the day.
- Evaluation.
- Thank you! and adjourn.

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