Using Ohio DB101 in Everyday Business Practice
September, 2015
Sponsor
Division of Policy and Strategic Direction
Ohio Department of Developmental Disabilities

Disability Benefits 101 Information Services
© Copyright 2015 by the World Institute on Disability
Permission to copy pro bono will be granted to non-profit entities with appropriate acknowledgement of credit.
The Real World Context on Work and Benefits

**Coordination of Benefits, the Affordable Care Act (ACA), Churning**

**FACTS**

Job seekers and workers use different benefits at the same time. Transition from one type to another type can occur voluntarily, and involuntarily, referred to as “churning.”

A change in income can mean a change in benefits. Clients and their family can need assistance understanding and planning for program interactions, and program integration that support paid work and careers.

U.S. Benefit Types

- Means-Tested Programs
- Social Insurance
- Veterans Compensation
- Private sector disability and health coverage benefits
The Real World Context on Work and Benefits

- **What is a Means-Tested Program?**
  - Supplemental Security Income, *(SSI)*
  - Medicaid, and the income based Medicaid Expansion
  - Veterans Pension
  - Section 8 Housing Voucher

- **What is Social Insurance?**
  - Social Security Disability Insurance, *(SSDI)* and *(Medicare)*
  - Childhood Disability Beneficiary, *(CDB)* and *(Medicare)*
  - Worker’s Compensation
  - Unemployment Insurance
Real World Context on Work and Benefits

- Private sector disability and health care benefits
  - Rules differ per plan; private disability and health benefits are state regulated.
  - Work and family plans: “group” health care plans from employer or associations
Social Security and Work

Social Security Definition of Disability:

“the inability to engage in any substantial gainful activity (SGA) because of a medically determinable physical or mental impairment(s): that can be expected to result in death, or that has lasted or that Social Security expects to last for a continuous period of not less than 12 months.”
## SSI & SSDI Work Incentives

*Courtesy University of Iowa*

<table>
<thead>
<tr>
<th>Work Incentive</th>
<th>SSI</th>
<th>SSDI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impairment Related Work Expense (IRWB)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Subsidies and Special Conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unincurred Business Expense</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Unsuccessful Work Attempt</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Continued Payment Under a Vocational Rehabilitation Program</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Trial Work Period</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Extended Period of Eligibility</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Continuation of Medicare Coverage</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Medicare for People who Work</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>General Income Exclusion $20.00</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Earned Income Exclusion $65.00</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Student Earned Income Exclusion</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Blind Work Expenses</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Plan for Achieving Self Support (PASS)</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Property Essential for Self Support</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>SSI Payments for People who Work (1619A)</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Continued Medicaid Eligibility (1619B)</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Reinstating Medicaid Without a New Application</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>
Benefits Planning Tools & Tips

- **Social Security’s Benefits Planning Query**, the BPQY: Know what benefits the client receives now; see AZ DB101 Home page insert: “What benefits am I on?”

- **The Work and Benefits Binder**: the client 3 ring binder/notebook and log of phone calls, office visits, and names of service staff contacted/business conducted. Portable file for original paycheck stubs, government letters and fact sheets.
Benefits Planning Tools & Tips

- **Reporting Requirements**: Who is responsible, when? If there is a representative payee, the payee is responsible to report monthly changes to Social Security by the 10th of the next month. If not, it’s on the disability beneficiary. Reporting income and other life changes that can affect benefits is required.

- Know about appeal rights: A **Notice of Action** explains them.

These tools, rules and skills can support employment success.
Work Incentives Experts

Social Security trained work and benefits experts.

Contact a local Work Incentives Planning and Assistance counselor

Work Incentives Planning and Assistance (WIPA)

WIPA projects work to enable beneficiaries with disabilities to make informed choices about work, and to support working beneficiaries to make a successful transition to financial independence.
SSI and Work: Key Terms

- Countable Income
  - Countable Earned Income
  - Countable Unearned Income

- **Eligibility Status vs. -0- Cash Benefit**

- Impairment-Related Work Expense (IRWE)
- Blind Work Expense (BWE)
- Reporting Requirements
- Expedited Reinstatement
SSI Monthly Cash Benefit 2015

SSI Federal Benefit Rate, FBR

- $733 for an individual, $1,121 for a couple
Impairment-Related Work Expenses, IRWE

- Costs related to disability and related to work and are paid out of pocket
  - Examples:
    - Personal assistance services
    - Assistive technology
    - Prescription drug co-payments
  - No fixed list
    - Negotiate IRWEs with Social Security
SSI and Individuals Who Are Blind

Blind Work Expenses (BWE)

- **Any** earned income used to maintain employment
  - Bus pass, journal subscriptions, clothes etc.
  - Attendant services
  - Federal and state taxes
  - Union dues
SSI  Income Exclusions

Start with Gross Monthly Income  
(before any payroll deductions)

Subtract:

- $20 Monthly General Income Exclusion
- $65 Monthly Earned Income Exclusion
- Out of Pocket IRWE expenses
- **Divide** the remaining income in half
  
  = **Countable Income**

Subtract:

- Out of Pocket Blind Work Expenses (BWE)
  
  = **Countable Income for SSI recipient who is blind**
Student Earned Income Exclusion, SEIE

Under 22, regularly attend school, married or single (2015 figures)

- Up to $1,780 disregarded per month
- Maximum disregarded per year = $7,180 for the SEIE

For student earnings above the 2015 SEIE limits:
- General Income Exclusion applies next as needed
- Earned Income Exclusion applies next
- Divide by two for the SSI Countable Income
SSI and Self-Employment

- Prior year state and federal tax return is used
- Prior net taxable income determines future SSI monthly benefit amount
  - Net annual income divided by 12 used to determine SSI cash check for next 12 months or until new changes are reported
Plan to Achieve Self-Support, PASS

- An approved plan that allows SSI eligible disability beneficiaries to set aside income and/or resources for a specified period of time to be used to achieve a chosen occupational objective

- Funds set aside:
  - Reduce SSI countable income
  - Do not count toward SSI resource limits
Plan to Achieve Self-Support, PASS

- A strong PASS candidate:
  - Has income other than SSI
  - Wants to be self-supporting and improve their employability
  - Has a plan that may need fine tuning.
  - Could already be an Ohio VR client
  - Is using other work incentives
  - Has ability or support(s) to manage PASS procedures and tracking
SSDI Work Terms and Rules

- Substantial Gainful Activity (SGA)
  - $1090 and $1,820 if blind (2015)
- Social Security Work Credits: workers earn 4 credits per year maximum, 1 per quarter
  - Quarter of Coverage (QC): $1,220 gross earnings over three months in 2015
  - SSDI eligibility depends on recent work history
- Continuing Disability Review (CDR)
- Medical improvement review standard
2015 Work Rules and SSDI
Key Timelines

1) Nine Month Trial Work Period (TWP)
   - A rolling window 5 year “look back” in time
   - Same concept as used in CA Unemployment Insurance (UI)
   - Any nine months working looking back 60 months from now
   - Trial Work Month: $780 or more in gross wages (2015)
   - No income exclusions are allowed in the Trial Work Period

2) The Extended Period of Eligibility (EPE)
   - A fixed 3 year clock starts at end of the completed Trial Work Period
   - Substantial Gainful Activity (SGA)
     - $1,090 or more in gross monthly wages; $1,820 if blind (2015)
     - Impairment Related Work Expenses allowed (IRWEs)
Work and SSDI

Key Terms

- Impairment-Related Work Expense (IRWE)
- Subsidy (for SSDI only): after award of benefits but not during Trial Work Period months
- Unsuccessful Work Attempt (for SSDI only): after award of benefits but not during Trial Work Period months
- Expedited Reinstatement
- Reporting Requirements
SSDI WORK RULES

Case study:
How SSDI work rules play out over time, please read DB101’s SSDI Work Rules Focus
Ticket To Work Program, TTW

- All SSI/SSDI beneficiaries “in cash pay” have a “Ticket” or are Ticket eligible
- DOR consumer: “In-Use SVR” = Cost Reimbursement funding
- Employment Network: EN = “Ticket Assigned” = Monthly Payments from SSA when beneficiary reaches key earnings levels
- Timely Progress Review
- [Link](https://www.yourtickettowork.com)

[Image]
Ticket To Work Program, TTW

- Medical Continuing Disability Review (CDR) protections for Ticket holders who sign up for services

- The Ticket to Work Helpline 1-866-968-7842
  - Run by MAXIMUS, the TTW program administrator for Social Security
Keeping Medicaid and Planning Work

Free Medicaid: three “doors in”

- Medicaid expansion (income based Medicaid) for those with gross income below 138% of the federal poverty line
- Aged, Blind and Disabled Medicaid from the state of Ohio

Medicaid Buy-In for Workers with Disabilities (MBIWD)

- Eligible disabled worker who is Medicaid eligible according to Social Security’s medical rules for disability

Medicaid with a Spend down (deductible)

- Can have serious out of pocket costs to receive the same Medicaid services above
Ohio Medicaid based on Income

Health care benefits now available to Ohio residents at a low cost:

- **Individuals eligible:**
  - Are under age 65

- **The main income rules for income-based Medicaid:**
  - If your family’s income is at or under 138% of the Federal Poverty Guidelines (FPG) ($16,243 per year for an individual; $33,465 for a family of four), you may qualify.
  - If you are 18 or younger and your family’s income is at or under 211% of FPG ($51,168 per year for a family of four), you may qualify.
  - If you are pregnant and your family’s income is at or under 205% of FPG ($49,713 per year for a family of four), you may qualify. The unborn baby is counted as a family member.
Ohio Medicaid based on Income

- Do not qualify for or are not enrolled in Medicare
- Do not qualify for or are not enrolled in other Medicaid programs

- No asset tests; no tests for disability
Free Medicaid based on Disability

Aged and Disabled Federal Poverty Level Medicaid

- Free full scope Medicaid services
- For individuals with
  - Total countable earned and unearned monthly income that is $643 per month or less ($1,100 or less for couples) for the living situation of the applicant
  - Less than $1,500 in assets ($2,500 for a couple), for example cash in a savings or checking account for applicants and for those found eligible
Medicaid with a Spenddown

Medicaid with a Spend Down (deductible)

- Same full scope Medicaid services
- For individuals with
  - Countable monthly income above $643 for the applicant’s living situation
  - Less than $1,500 in assets ($2,500 for a couple) for example cash in a savings or checking account
  - Income above certain limits pays for the Medicaid services before Medicaid starts to pay the bills.
Medicaid for SSI Recipients Who Work (1619a and b)

- SSI cash benefit gradual decrease to -0- due to earnings
- Eligible for SSI cash payment for one month
- Meet medical disability rules
- Meet other eligibility rules, including the resources test
- Need Medicaid to work
- Insufficient gross earned income to replace SSI, Medicaid and any publicly funded attendant care
- 2015 gross annual earnings in Ohio below $37,914
  - Annually indexed, amount changes at the beginning of the year
Medicaid for SSI Recipients who work (1619b)

A higher Individual Earnings Threshold can be allowed with one or more of these present:

- IRWEs
- Blind Work Expenses (BWEs)
- PASS program participant
- Publicly funded attendant or personal assistance services
- Higher medical expenses than the state per capita amount
Medicaid Buy-In for Workers with Disabilities, MBIWD
MBIWD in Ohio, since 2008

To qualify:

- U.S. citizen or qualified alien
- Ohio resident between the ages of 16 and 64 with a disability (as defined by the Social Security Administration or Ohio Medicaid)
- Able to meet certain financial criteria
MBIWD in Ohio, since 2008

To qualify:

- You must have **countable income** that is at or below $49,425 per year. For MBIWD eligibility, only your income is counted, not the income of other **household** members.
- You must have less than $11,473 in resources.
- Be employed in paid, taxed work
  - Monthly premiums are required for those eligible for MBIWD with an annual gross income greater than 150% of the federal poverty level $17,508 (FPL)
MBIWD in Ohio

Unearned Income and Earned Income Rules

- Have $29,665 per year or less in total *unearned income*, such as SSDI, and
- Have *countable income* that is at or below $49,425 per year
Ohio Medicaid Consumer Hotline

Get connected, call them toll-free:

(800) 324-8680

The Ohio Medicaid Consumer Hotline has representatives who can help.

Have a question about applying for Ohio Medicaid?

Are you enrolled and need to find a provider in your area?

Or

For help with your application, visit or call your local County Department of Job and Family Services (CDJFS) office.
Employment Support Resources

- Ohio Social Security Area Work Incentives Coordinators (AWIC)
  http://www.ssa.gov/chicago/awic.html

- Social Security PASS Cadres
  www.socialsecurity.gov/disabilityresearch/wi/passcadre.htm

- The Ticket to Work Program
  www.yourtickettowork.com

- Disability Rights Ohio, “We have the legal right of way.”
  http://www.disabilityrightsohio.org/about-dro
Employment Support Resources

- Ohio Senior Health Insurance Information Program (OSHIIP)
  1-800-686-1578

The Ohio Senior Health Insurance Information Program (OSHIIP), founded in 1992, is a state and federally funded program that educates, counsels and advocates for Medicare beneficiaries.

OSHIIP assists Ohio Medicare beneficiaries and their family members through a toll free hotline at 1-800-686-1578, a speakers’ bureau, educational publications, and a network of approximately 700 statewide trained and certified volunteers.
Training Supplement

Social Security’s
Childhood Disability Beneficiary, CDB
and
Pickle Amendment Rules
Childhood Disability Beneficiary, **CDB**

- Child’s insurance benefits may be payable for months in which the child is age 18 or over and is under a disability which began before age 22; CDB formerly called Disabled Adult Child or DAC

- **When?** The person is an unmarried child of a Social Security insured wage earner who
  - Retires and becomes eligible for Retirement Insurance Benefits (RIB)
  - Becomes disabled and eligible for SSDI, or who
  - Passes away

- Marriage terminates CDB benefits except when the marriage is to another Social Security beneficiary

- Medicare Part A eligible after 24 months of CDB cash benefits

- If a second or other benefit is not RIB or SSDI, the child is eligible to receive only the higher benefit
SSI Recipients: Medicaid Protections when certain unearned income exceeds SSI limits

- A new, high CDB or SSDI award can terminate SSI eligibility and is covered by Pickle Amendment rules
- January Cost of Living Adjustment (COLA) of a CDB or SSDI cash benefit could exceed SSI benefit levels and terminate SSI eligibility

“Pickle Amendment” protects these groups allowing them to keep their Medicaid services and eligibility
Pickle Amendment Rules for SSI Clients

- **Pickle formula for 2015**
  - Multiply the current OASDI benefit by .985 to get the OASDI countable income for SSI countable income purposes
  - [http://povertylaw.org/communication/pickle-chart](http://povertylaw.org/communication/pickle-chart)
  - OASDI - Old Age Survivors Disability Insurance

- **Pickle Amendment Rules cover a new CDB award or a Cost of Living Adjustment (COLA) of an SSDI or CDB award**
  - COLA usually takes place January 1
Disability Benefits 101 Information Services

Bryon MacDonald
Phone: 510-225-6304
TTY: 510-225-0478
bryon@wid.org
www.db101.org

© Copyright 2015 by the World Institute on Disability
Permission to copy pro bono will be granted to non profit entities with appropriate acknowledgement of credit.