

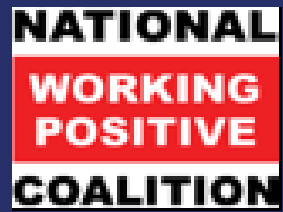


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**2020 NATIONAL
RYAN WHITE
CONFERENCE ON
HIV CARE & TREATMENT**

Navigating Interactions of Work Earnings and Benefits for Positive Employment, Health, and Well-being Outcomes

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Agenda



- Interactions between work earnings and benefits
- Income and housing safety net programs.
 - SSDI
 - SSI
 - HOPWA
- Health care and treatment access programs.
 - ADAP
 - Medicaid
 - Medicare
- Resources: Navigating interactions of work earnings and benefits
 - WIPA
 - Local benefits advisement providers
 - SSA's Red Book
 - DB101

A Quick Refresher: SSDI vs. SSI



• SSDI

- Entitlement
- Long(ish) **work history**, usually at least 10 years, and paid into the system through payroll taxes
- No limit on the assets you have
- No limit on *unearned* income
- Citizen or Legal Permanent Resident - LPR aka green card, no difference

• SSI

- Welfare
- No work history, or very little
- No more than \$2000 in assets
- Unearned income counts against you
- LPR/Green card holders must have work history
- State supplemental payments

The claimant must be **disabled** by Social Security’s standards to get either one. Some recipients may receive both SSDI and SSI, so be cognizant of the rules apply to the respective program.

(You can also get either benefit because you are “retirement age,” but we’re focusing only on disability-related rules in this training.)

Reporting Income After Returning to Work



- Changes in income should be reported within **10 days** of the change.
- If reporting income from work:
 - Local Office (get receipt)
 - Mail
 - Telephone Automated Wage Reporting System
 - Mobile Application Wage Reporting System
- Talk to the Work Incentive's Liaison before returning to work to confirm what has to be reported and when.

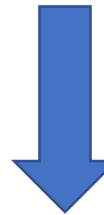
SSDI Employment Supports



Trial Work Period



Extended Period of Eligibility



Expedited Reinstatement Period

Trial Work Period



- The claimant receives a 9 month **Trial Work Period** (TWP)
 - Includes any month in which they **earn >\$910 gross** (before taxes)
 - The months **do not have to be consecutive**, but 9 months within a rolling 60-month period
 - If the gross income <\$910, that month does not count toward the TWP total
- The claimant keeps their **entire SSDI check**, plus their **entire paycheck**, during the TWP, regardless of how much they earn!

Practice Tip - Consider using TWP months when earnings will be substantially over TWP amount.

After the TWP, what happens to the SSDI benefit?



- Claimant transitions to the Extended Period of Eligibility (see next slide).
- The claimant will either **keep** or **lose** their entire check.
- Are they **earning more than an amount called *Substantial Gainful Activity*** (SGA) at the end of the TWP? (\$1260 non blind, \$2110 blind per month in 2020)
 - The claimant will **lose** their entire SSDI check.
- Are they **earning less than *Substantial Gainful Activity*** at the end of the TWP?
 - The claimant will **keep** their entire SSDI check.

Practice tip: If the claimant will be earning close to SGA , make sure they stay under SGA. Think about the possibility of bonuses, commission, extra paychecks in a month, etc.

The Extended Period of Eligibility (EPE)



- For **36 months** after the end of the Trial Work Period, the claimant's check can resume immediately for **any month their income falls below SGA** (\$1260 in 2020).
- No need to reapply. No need to prove disability. **Just provide Social Security with proof of their earnings.**
- The loss of/decrease in income does not have to be caused by the claimant's disability. It can be related to other issues such as decrease in work hours, unpaid time off, or even separation from job.

Practice notes - Income Related Work Expenses (IRWE) can reduce income for SGA purposes.

Expedited Reinstatement (EXR)



- After the Trial Work Period and the conclusion of the Extended Period of Eligibility, what happens if the claimant gets sick again and has to stop working?
- The claimant has **five years from the date the SSDI/SSI check stopped due to earnings** to request Expedited Reinstatement.
- “Medical improvement” standard applies.
- SSA will give **provisional benefits** for up to six months while the EXR is being processed.
- The claimant cannot be earning over SGA in the month they apply.
- **EXR also applies to SSI.**

Initiating a Trial Work Period will likely trigger a **Continuing Disability Review** (CDR)



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- Social Security evaluates whether the claimant is still **medically disabled**.
- Social Security cannot use income as part of the evaluation.
- Instead, Social Security will look for “**medical improvement**” since the last time the claimant was found disabled.
- If there is no evidence of medical improvement, they are still considered disabled, no problem.
- If there is evidence of medical improvement, Social Security must show that improvement is relevant to work activities, and that the improvement is great enough to render the claimant no longer disabled.

Continuing Disability Review, *continued*



- CDR can happen **at any point** during a Trial Work Period.
- If the claimant doesn't “pass” the CDR, **their SSDI check will stop**, even if they are earning under SGA – because they are no longer considered “disabled.”
- Ticket to Work - SSA **should not** perform a medical CDR if the claimant's ticket is “in-use”.

*Practice tip: If the claimant is using Trial Work Period months, I recommend they **keep up with all of their medical appointments**, keeping their providers up to speed on all their functional limitations.*

SSI Work Incentives



As wages go up, SSI check amounts go down.
That's about it.

- No Trial Work Period
- No Extended Period of Eligibility

How SSA Counts Work Income for SSI



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- Step 1. *Disregard* first **\$85** from work income.
- Step 2. *Divide* the remainder in **half** to find “countable income”.
- Step 3. *Subtract* that amount from your regular SSI check (normally \$783 in 2020) to get the new SSI amount.
- Social Security uses **gross income** (before taxes).

Example – Janet Jenkins

Janet Jenkins grosses \$1285 per month in her new job.

1. *Disregard*: $\$1285 - \$85 = \$1200$
2. *Divide*: $\$1200 \div 2 = \600 (this is the “countable income”)
3. *Subtract*: $\$783 - \$600 = \$183$



Ms. Jenkin’s new SSI check will be \$183. Her total income from work and SSI will be **\$1468.**

Practice note – For some of your clients the difference between \$783 and \$1468 may significantly impact the quality of their life.

Example - Gina Ramos

Gina grosses \$705 in her new job:

1. *Disregard:* $\$705 - \$85 = \$620$
2. *Divide:* $\$620 \div 2 = \310
3. *Subtract:* $\$783 - \$310 = \$473$



Gina's new SSI check will be \$473. Her total combined income will be \$1256 per month.

How long can this go on? **Indefinitely**, as long as Gina is still considered disabled.

Last One : Katie Carter

Katie grosses **\$1685** in a month.
How much will her SSI check be?



1. *Disregard*: first \$85: $\$1685 - \$85 = \mathbf{\$1600}$
 2. *Divide*: in half to find countable income : $\$1600 \div 2 = \mathbf{\$800}$
 3. *Subtract*: countable income from SSI check: $\$783 - \$800 = \mathbf{-\$17}$
- **Katie does not receive SSI this month.**

Client's SSI check can vary from month to month, depending on income



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Why?

- If client is paid hourly, and their schedule varies.
- If they take vacation days.
- If they get bonuses.

Get copies of their paystubs to Social Security (local office), and prove they did it.

- Send them certified mail with return receipt requested.
- Utilize app or other online means if available.
- Drop them off in person and get a written receipt

Reinstating SSI benefits



- *Reinstating SSI Eligibility Without a New Application*
 - *When benefits are terminated for reasons other than work or medical improvement, they can be reinstated within 12 months of suspension of benefits.*
- *If cash payments and Medicaid benefits ended because of work and earnings, and the claimant stops work within 5 years of when the benefits ceased, SSA may be able to restart benefits again under Expedited Reinstatement. Provisional benefits are available.*

2017



Securing today
and tomorrow

2017 Red Book

A Summary Guide To Employment Supports For
Persons With Disabilities Under The Social Security
Disability Insurance (SSDI) and Supplemental
Security Income (SSI) Programs

SocialSecurity.gov | f t i n

<http://www.socialsecurity.gov/redbook>

Report Income!



- Whether they receive SSI or SSDI, the claimant must **report any change in their income to Social Security.**
- Encourage a reporting routine.
- **Ensure the claimant has evidence that they reported.**
- If they do not, they will undoubtedly get an overpayment, and have to pay a lot of their benefits back.

HOPWA – Earned Income Disregard (EID)

Housing Opportunities for Persons With AIDS (HOPWA)

- Program was initiated in 1992. The program is administered by Office of HIV/AIDS Housing (OHH) under the US Department of Housing and Urban Development (HUD).
- Administered locally by each state's delegate agencies.



What is the EID and How it Works



- HUD allows housing providers to disregard some or all of the earned income of tenants with disabilities.
- This disallowance can be applied for a maximum of 2 years.
- Initial 12 months of increase in income from employment - the housing provider must exclude this increase from the “annual income”.
- Second 12 months of increase in income from employment – the housing provider must exclude 50% any increase in income from “annual income”.
- Sources – Housing Opportunities for Persons with AIDS (HOPWA) Rental Assistance Guidebook, 24 CFR § 5.617 - Self-sufficiency incentives for persons with disabilities - Disallowance of increase in annual income

How to stay in touch!



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Special thanks to Justin Hayford, Marina Kurakin and Amaria Beecham for their contribution to the content of this presentation.

- Health care and treatment access programs
 - AIDS Drug Assistance Program (ADAP)
 - Medicaid
 - Medicare
- Navigating interactions of work earnings and benefits: resources for assistance and additional information

AIDS Drug Assistance Program (ADAP)



- The AIDS Drug Assistance Program (ADAP) in each U.S. state, territory, and in the District of Columbia, provide medications for HIV treatment, and may also purchase health insurance for eligible clients.
- Individuals eligible for ADAP do not have adequate health insurance or the financial resources to cover the cost of medications.
- The ADAP in each State and Territory is implemented with their own income caps, other eligibility criteria and programmatic structure.
- Individuals who work may be eligible for ADAP, which may include assistance with health insurance premiums and co-pays.
- View individual ADAP programs' guidelines:
<http://adap.directory/directory>

Medicaid - Overview



- Medicaid provides health coverage to eligible individuals who have very low income (it is a means-tested program), and is administered by states, according to federal requirements.
- As a state AND federal program (as opposed to Medicare, which is a federal program), Medicaid policies vary substantially from state to state, and it is very important to become familiar with your state's specific Medicaid program and policies.
- Medicaid eligibility, enrollment and work incentive policies specific to your state would be among those important to be understood:
<https://www.medicaid.gov/state-overviews/index.html>

Keeping Medicaid While Working



- Medicaid While Working - Section 1619(b)
 - Continued Medicaid Eligibility
- Medicaid Buy-In Program
- See an interactive map to learn more about each state's Medicaid Buy-In and assistance programs at:
<https://knowledgecenter.csg.org/kc/content/state-medicaid-buy-programs-workers-disabilities>

Medicaid While Working – Section 1619(b)



- Section 1619(b) of the Social Security Act allows **continued Medicaid eligibility for working individuals** whose earned income is too high to qualify for SSI cash payments, but not high enough to offset the loss of Medicaid.
- Eligibility under 1619(b) requires
 - Continuing to meet Social Security’s definition of disability
 - Eligible for SSI cash payment for at least 1 month prior to cash payment stops
 - Meeting other non-disability SSI requirements (e.g., resource limits, annual re-determinations)
 - Need Medicaid benefits to continue to work
 - Gross earnings below your state’s threshold of 1619(b) eligibility (see state threshold amounts at <https://www.ssa.gov/disabilityresearch/wi/1619b.htm>)

Medicaid Buy-in Programs



- Currently, 46 states offer a **Medicaid Buy-in Program**, an optional state Medicaid benefit group for workers with disabilities who have earnings in excess of traditional Medicaid rules.
- Eligibility requires meeting Social Security’s definition of disability.
 - Not necessary to be receiving Social Security benefits.
- Under certain circumstances, people who receive SSDI benefits may be eligible for Medicaid Buy-in Programs.
- Each state Medicaid Buy-in Program is different – check in with your local Medicaid agency to find out what’s available in your state.
 - Most require working at least a little, and may allow significant earnings from work or self-employment and higher savings than regular Medicaid.

Medicare - Overview



If an individual has been on SSDI for two years (24 months) or more, they are eligible for Medicare.

Social Security policies allow most SSDI beneficiaries to keep their Medicare benefits after beginning, or returning to, work.

These policies, called **work incentives**, help support transitions to work planned with a priority on maintaining or improving the individual's access to health coverage.

Keeping Medicare While Working



- Trial Work Period (TWP)
- Extended Period of Eligibility (EPE)
- Continuation of Medicare Coverage
- Medicare for People with Disabilities Who Work
- Qualified Disabled Working Individual (QDWI) Medicare Premium Assistance

Trial Work Period (TWP) – Medicare Continues



- 9 months are available in an SSDI beneficiary's **Trial Work Period**, when they can work, with no limits on income, and keep getting their Medicare and monthly SSDI cash benefits.
- In 2020, a month with earnings more than \$910 counts as a TWP month.
- Earnings of less than \$910 means that month does not count as one of the 9 TWP months.

Extended Period of Eligibility (EPE) – Medicare Continues



- The **Extended Period of Eligibility (EPE)** begins after the 9th Trial Work Period month, and continues for 36 months in a row, whether the individual is working or not.
- Eligibility for Medicare continues during the 36 months of the EPE.
- After the end of the EPE, eligibility continues as long as the individual is eligible for their SSDI payment.
- If SSDI payments stop, the individual may be eligible for Extended Medicare.

Continuation of Medicare Coverage



- **Continuation of Medicare Coverage** allows most people who receive SSDI to continue Medicare coverage for at least 93 months (7 years and 9 months) after the end of the Trial Work Period, even if cash benefits ceased.
- They must already have Medicare and be working at Substantial Gainful Activity; and
- They must meet the Social Security disability standard (not be found to be medically improved).

Medicare for People with Disabilities Who Work



- Medicare for People with Disabilities Who Work allows individuals who have completed their 93 months of Extended Medicare to enroll in Medicare Part A Premium-Hospital Insurance and also Part B, Supplementary Medical Insurance (SMI).
- SSDI cash payments must have ended because of Substantial Gainful Activity (SGA) rather than medical improvement.
- The individual must continue to have a disabling physical or mental impairment.

- **Qualified Disabled and Working Individuals (QDWI) Medicare Premium Assistance** helps individuals pay the Medicare Part A premium, if they:
 - Are a working person with a disability and under 65
 - Lost premium-free Part A because of work
 - Aren't getting medical assistance from their state
 - Meet the income and resource limits required by their state
 - Current federal limits on Medicare.gov:
 - Individual monthly income limit in 2020 = \$4,339/month
 - Individual resource limit = \$4,000

Work Incentive Planning & Assistance (WIPA) Projects



- WIPA projects offer community-based **benefits planning and assistance to SSI and SSDI beneficiaries** who are working or interested in working.
- WIPA project counselors, called Community Work Incentives Coordinators (CWICs), provide ongoing, individualized support and information to help beneficiaries plan and navigate transitions to work with knowledge about:
 - the effect of work on financial, health coverage and other benefits
 - when, how, and what to report to Social Security
- A network of 95 WIPA projects provide services throughout every state, DC, American Samoa, Guam, Northern Mariana Islands, Puerto Rico.
 - Find local WIPA projects: www.choosework.ssa.gov

The Red Book (SSA)



- **The Red Book** is published annually by the Social Security Administration as a reference resource about the employment-related policies of the Social Security Disability Insurance (SSDI) and the Supplemental Security Income (SSI) Programs.
- It is available in multiple online and hard copy formats, designed for educators, advocates, rehabilitation professionals, and counselors who serve people with disabilities:
www.ssa.gov/redbook

Disability Benefits 101 (DB101)



- **Disability Benefits 101 (DB101)** provides people with disabilities and service providers state-specific, individualized tools and information on employment and career planning, health coverage options, disability benefits, asset building, education, housing, and community living.
- DB 101 provides 24/7 access to interactive planning tools, information, and enhanced self-directed learning that deepen the user's knowledge about work possibilities.
- Now developed for 8 states, see the DB101 sites for Alaska, Arizona, California, Michigan, Minnesota, Missouri, New Jersey, and Ohio at: www.db101.org

Legal Services Corporation (LSC)



Legal Services Corporation:

- The Legal Services Corporation (LSC) provides grant funds, training, and technical assistance to a network of 132 independent nonprofit legal aid programs with more than 800 offices, in every state, D.C., and U.S. territories.
- Local LSC grantees may offer benefits advisement services for people with disabilities, including support for considering work, and transitions to employment.
- See an interactive map of LSC grantees:
<https://www.lsc.gov/grants-grantee-resources/our-grantees>

Local Benefits Advisement Providers able to assist individuals to consider and navigate transitions to work may be found through local:

- HIV service providers (possibly Ryan White HIV/AIDS Program-funded)
- Legal aid programs (see Legal Services Corporation)
- Centers for Independent Living (CILs): <https://acl.gov/programs/centers-independent-living/list-cils-and-spils>
- State Vocational Rehabilitation Agencies (local district offices): <https://askearn.org/state-vocational-rehabilitation-agencies/>
- Ticket to Work Providers (Employment Networks, or ENs): <https://choosework.ssa.gov>
- American Job Centers (local One-Stop Career Centers): <https://www.careeronestop.org>

National Working Positive Coalition



- NWPC is a coalition of people living with HIV, service providers, researchers, employers and advocates who are committed to addressing key social and economic determinants of health by strengthening and increasing responses to employment needs of individuals living with or at greater vulnerability to HIV.
- We are a central resource for HIV and employment information, research, capacity building and technical assistance for policymakers, educators and service providers.

Contact:

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www.workingpositive.org

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Resources (1 of 3)



- Individual **ADAP** programs' guidelines:
<http://adap.directory/directory>
- **Medicaid** eligibility, enrollment & work incentive policies of each state:
<https://www.medicaid.gov/state-overviews/index.html>
- Information about each state's **Medicaid Buy-In and assistance programs**:
<https://knowledgecenter.csg.org/kc/content/state-medicaid-buy-programs-workers-disabilities>
- **Medicaid While Working – Section 1619(b)**: Gross earnings below your state's threshold of 1619(b) eligibility (see state threshold amounts):
<https://www.ssa.gov/disabilityresearch/wi/1619b.htm>

Resources (2 of 3)



- **Work Incentives Planning and Assistance (WIPA) Program:**
<https://choosework.ssa.gov>
- **The Red Book (Social Security Administration):**
<https://www.ssa.gov/redbook>
- **Disability Benefits 101 (DB101):**
www.db101.org
- **Legal Services Corporation – local legal aid programs map:**
<https://www.lsc.gov/grants-grantee-resources/our-grantees>

Local Benefits Advisement Providers (additional potential sources):

- Centers for Independent Living (CILs):
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- Ticket to Work Providers (Employment Networks, or ENs):
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- American Job Centers (local One-Stop Career Centers):
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Our Organizations



Legal Council for Health Justice:
legalcouncil.org

National Working Positive Coalition:
www.workingpositive.org