

 **SOAR WORKS**

Using SOAR To Assist Individuals Involved In The Criminal Justice System


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SAMHSA SOAR TA Center

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Overview of Agenda

- SOAR Overview
- SOAR and Justice-Involved Persons
- Open Q&A

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Disclaimer

The views, opinions, and content expressed in this presentation do not necessarily reflect the views, opinions, or policies of the Center for Mental Health Services (CMHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), or the U.S. Department of Health and Human Services (HHS).

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What is SOAR?

- A model for assisting eligible individuals to apply for Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI)
- For individuals who are experiencing or at-risk of homelessness and have a serious mental illness, co-occurring substance use disorder, or other physical disabilities
- Sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA) in collaboration with the Social Security Administration (SSA) since 2005
- All 50 states and Washington, D.C. currently participate

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Changing Lives Since 2005

- 34,919 persons experiencing or at risk for homelessness have been approved on initial application
- 65% approval rate overall, in an average of 96 days in 2017
- Compares to 10-15 percent for unassisted applications from people who are homeless and 28 percent for all applicants
- Appeals can take a year or more; many people give up and do not appeal
- Estimate that in 2017 alone, SSI/SSDI for the individuals served by SOAR brought nearly \$356 million into the economies of participating states and localities.

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How do States & Communities Benefit?



SSI/SSDI and Medicaid/Medicare bring federal dollars into states, localities, and community programs:

- Health providers can recoup cost of uncompensated care (2016: \$1,168,097)
- States and localities can recoup the cost of public assistance
- Cash benefits and back payments received by individuals is spent in the local community (2016: \$317,641,152)

A Foundation for Recovery

SSI/SSDI provides more than income:

- Access to health care and housing
- Increased employment opportunities
- Decrease in incarcerations and hospitalizations

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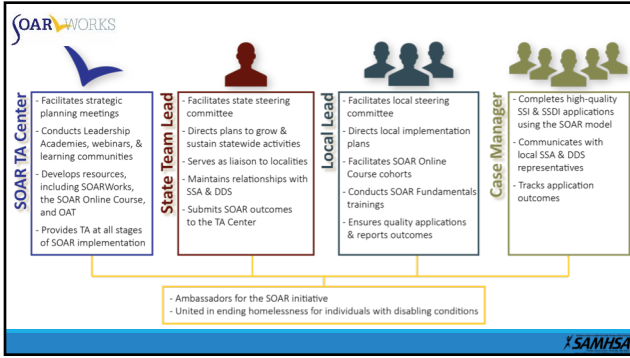
The SOAR Model

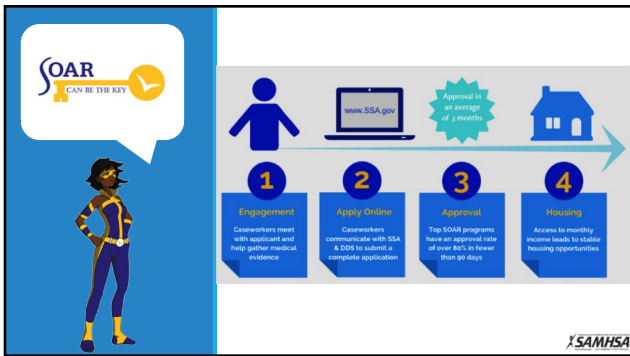
How Does SOAR Work?

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Community Collaborations

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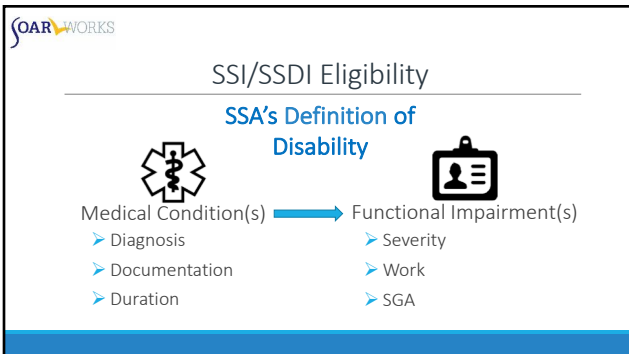


SOAR TA Center

- SAMHSA funds the SOAR TA Center to support states and communities
- Offers virtual and on-site technical assistance
- SOAR TA Liaisons are responsible for SOAR in multiple states
- Get to know your SOAR TA Liaison
- Reach out for help or answers to questions about any aspect of SOAR

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Definition of Disability

1. Medically Determinable Physical or Mental impairment
 - Illness must either meet or be equivalent to the "listing" criteria used by DDS. Supporting information must be documented in medical records
2. Duration
 - The impairment tied to the illness(es) must have lasted OR be expected to last 12 months or more OR be expected to result in death
3. Functional Information
 - Applicants must demonstrate that significant functional impairment related to the illness(es) exists that impede their ability to work

Substantial Gainful Activity (SGA) = \$1,130/month

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SSI & SSDI: The Basics

<p>Supplemental Security Income (SSI)</p> <p>Needs based; federal benefit rate is \$735 (2017); provides Medicaid in most states</p>	<p>Social Security Disability Insurance (SSDI)</p> <p>Amount depends on earnings put into SSA system; Medicare generally provided after 2 years of eligibility</p>
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SOAR Partners

<p>SSA</p> <p>Social Security Administration</p> <ul style="list-style-type: none"> Federal agency that administers SSI/SSDI Makes the non-medical decision 	<p>DDS</p> <p>Disability Determination Services</p> <ul style="list-style-type: none"> State agency under contract to SSA Makes the medical/disability determination 	<p>Medical</p> <ul style="list-style-type: none"> Medical/Treatment providers Assessments/evaluations Medical records 	<p>You</p> <ul style="list-style-type: none"> SOAR trained case managers are actively involved every step of the process
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Application Process

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graph LR
    A[Application Initiated at SSA] --> B[SSA Determines Non-Medical Eligibility]
    B --> C[SSA Transfers Claim to DDS]
    C --> D[DDS Determines Medical Eligibility]
    D --> E[DDS Returns Record to SSA]
    E --> F[SSA Notifies Applicant]
  
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Critical Components for Success

SOAR Trained Staff	Maintain contact with the applicant	Become the applicant's representative (SSA – 1696)	Obtain all medical records, past and present	Collaborate with physicians
Electronic submission of information	Collaborate with SSA & DDS	Ensure quality applications	Arrange for a representative payee	Track and report all outcomes

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Sequential Evaluation

The SSA Sequential Evaluation

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graph TD
    S1[Step 1: Is person working at SGA?] -- YES --> D1[DENIAL]
    S1 -- NO --> S2[Step 2: Does person have severe impairment?]
    S2 -- YES --> A1[APPROVAL]
    S2 -- NO --> S3[Step 3: Does impairment meet or equal the listing?]
    S3 -- YES --> A2[APPROVAL]
    S3 -- NO --> S4[Step 4: Does impairment allow for past relevant work?]
    S4 -- YES --> D2[DENIAL]
    S4 -- NO --> S5[Step 5: Does impairment allow for any other work?]
    S5 -- YES --> D3[DENIAL]
    S5 -- NO --> A3[APPROVAL]
  
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Step 3 is Key!

- Person can be found disabled at Step 3 and begin receiving benefits
- If adequate evidence is presented that impairment meets the Listings and the applicant is unable to work
- Connecting functional limitations to their inability to work with appropriate medical documentation is key

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Documenting the Disability

- Collect medical records from all treatment sources
 - Applicant report
 - Collateral sources (friends, family, other service providers)
 - Common treatment providers
- If medical records are not current then arrange for assessments to be done
- Mental status exams must be done within 90 days of submitting application
 - DDS requires that the applicant has a diagnosis from a doctor (MD/PhD/EdD)
- Records are used to meet the Listings
- Organize your search!

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Functional Information

- The question DDS must answer is: "Can the person work and earn SGA?"
- Must make the link between a person's illness, his/her *inability to function* in a work setting
- For mental impairments, the applicant must demonstrate functional limitations specified in the "Listings"
- Document all four areas:
 - Understand, remember and apply information
 - Interact with others
 - Concentrate, persist or maintain pace
 - Repeated episodes of decompensation
- Must demonstrate marked functional impairments in at least two areas

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Functional Information

- For physical impairments, the applicant must demonstrate significant limitations in meeting physical, mental, sensory and other requirements of work
- A limited ability to perform certain physical demands of work activity may reduce a person's ability to do past work and other work
 - Sitting, standing, bending, stooping, walking
 - Lifting, carrying, reaching, handling
 - Seeing, hearing

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Bridging the Gap

Part A
Diagnosis

Part B
Functional Limitations

MSR bridges the connection between A and B

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The Importance of the Medical Summary Report

- Provides a vivid picture of the individual for the DDS examiner who never sees them
- Provides a clear link to the functional impairment
- Often takes place of the SSA-3373 Function Report
- Helps to avoid the limited space and check-boxes of these forms
- Is medical evidence when co-signed by a physician or psychologist
- Can be sent directly to the DDS examiner or hand delivered to SSA
- Receives positive feedback from DDS examiners around the country

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SSA Benefits for Justice Involved Persons

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Myth Buster

Justice Involved Persons can apply for benefits!

- ✓ With active warrants
- ✓ While currently incarcerated (minimum of 30 days prior to release)
- ✓ On probation or parole

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Pre-Release Applications

New applications can be made prior to release!

- General rule → 30 days prior to expected release date
- Pre-release agreements → up to 120 days prior to release

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Receiving Benefits

- Social Security Administration (SSA) regulates the receipt of disability benefits while a person is incarcerated in a penal institution
- The rules are different for SSI and SSDI beneficiaries

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Receiving Benefits: *Supplemental Security Income (SSI)*

Incarceration Time	Effect on Benefits	
< 1 full calendar month	No effect	N/A
1 - 12 calendar months	Suspended	Can be reinstated upon release
12+ consecutive calendar months	Terminated	Must reapply*

*Reapplication can be made 30 days prior to expected release date but benefits cannot begin until release

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Receiving Benefits: *Social Security Disability Insurance (SSDI)*

- Recipients are eligible to continue receiving their benefits until they are *convicted* of a criminal offense *and* confined to a penal institution for more than 30 continuous days.
- After that time, their benefits are suspended.
- Benefits are reinstated the month following their release into the community.

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Receiving Benefits: *Community Supervision*

- Social Security will NOT pay benefits to individuals who:
 - Reside in a facility that is under the authority of the state's Department of Corrections (DOC)
 - Are confined to a state psychiatric hospital or other public institution to serve his or her sentence
- Benefits CAN be reinstated if someone is on home monitoring and wears an ankle bracelet.

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SOAR Helps Reentry Efforts

The diagram features a central blue circle with a white bird silhouette. Three smaller blue circles are connected to it by lines:

- Income**
 - Reduces state cost
 - Promotes recovery
- Health care**
 - Healthier individual
 - Promotes healthier communities
- Access to Housing**
 - From "ex-con" to paying customer
 - Integration into community

Engagement Tips for People in Correctional Settings

- Jails and prisons have distinct cultures
- Anticipate how this culture or "code" affects behavior and functioning in prison
- Expand skills to engage individuals in this culture
- Life experience affects engagement
- Engagement involves creating a safe space

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Documenting Functional Limitations in a Controlled Environment

- Record how the person functioned prior to incarceration
- Frame context for current and past incarcerations
- Describe what has changed since then to make a recurrence less likely
- Avoid broad statements in discharge summary and/or psychiatric evaluations
- Look for disciplinary actions that can demonstrate evidence of limitations
- Include collateral information

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Overlooked Diagnostic Indicators

- Trauma
- Stigma
- Lack of community mental health treatment
- Culture of incarceration
- Substance use


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SOAR Implementation in CJ settings

Challenges

- Leadership
- Collaboration
- Resources
- Competing Initiatives
- Training

Decision Before Discharge!



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Additional Resources

- ✓ SOAR and Justice-Involved Persons:
 - Issue Brief: *Best Practices for Increasing Access to SSI/SSDI upon Exiting Criminal Justice Settings*
 - Tip Sheet: *Working With Justice-Involved Persons*
 - <https://soarworks.prainc.com/topics/criminal-justice>

Veterans

Importance of SSI/SSDI for Veterans

- SSA disability benefits can provide access to:
 - **Income:** Veterans can receive SSI/SSDI in conjunction with, or as an alternative to, VA disability benefits
 - **Health insurance:** Veterans can use the Medicaid and Medicare health benefits that come with SSI/SSDI to supplement VA health services
- For Veterans with disabilities, SSI/SSDI can increase income & housing stability, and reduce their future risk of homelessness
- Opportunity for staff serving Veterans to help with both SSA and VA disability benefits

Veterans and SSA Benefits

- The definition of disability and application process is different for VA and SSA benefits.
 - Discharge status is not a factor in SSI/SSDI determination
 - Disabling condition does not need to be related to military service
 - There is no partial disability with Social Security
 - Those denied for VA benefits may still be eligible for SSI/SSDI
 - Veterans can access SSA benefits while they are waiting for VA benefits

VHA Memorandum on SOAR

- New memo released in May 2017 to update the 2013 VA memo on SOAR
- Applies to federal VA staff and reaffirms the importance of SOAR to VA Homeless Programs
- Each VA Medical Center will assess their capacity to provide SOAR assistance to Veterans and collaborate with community providers
- Staff are encouraged to participate in SOAR training and fully assist with SSI/SSDI applications, **including acting as the SSA-1696 Appointed Representative** (new!)
 - May not serve as Representative Payee (SSA-11)

<https://soarworks.prainc.com/article/va-staff-appointed-representatives>

SSA Fast Track Programs: Veterans

100% Permanent and Total Veterans Initiative

- Expedites SSI/SSDI applications from Veterans who have 100% P&T rating from the VA
- Does not guarantee SSI/SSDI approval

Wounded Warriors

- Veterans who received disabling mental or physical health injuries while on active duty on or after October 1, 2001
- The injury does not need to have occurred during combat operations.

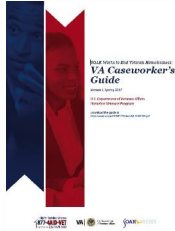
VA Guidance on SOAR

VHA Homeless Programs Office released guidance (updated May 2017):

SOAR Works to End Veteran Homelessness: VA Caseworker's Guide

- Step-by-step guide on using SOAR after completing the SOAR Online Course
- Crosswalk of where to find key information for SSI/SSDI in VHA assessments
- Full of tips on how to efficiently complete applications using the SOAR model

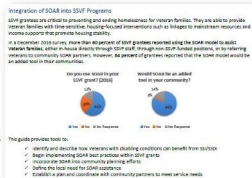
<https://www.va.gov/HOMELESS/docs/VA-SOAR-508.pdf>



VA Guidance on SOAR: SSVF

NEW! In July 2017 the VA released the *Supportive Services for Veteran Families: SOAR Integration Toolkit*

- Over 20 pages of comprehensive guidance for SOAR implementation, including:
 - Using SOAR in community planning efforts, estimating the need for dedicated SOAR benefits specialists, subcontracting with local agencies, and more!



https://www.va.gov/HOMELESS/ssvf/docs/SSVF_SOAR_Toolkit_Final_v1.pdf



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