

# Social Security and SOAR Spotlight Series: Post-Eligibility Issues and More

October 21, 2020

# **Webinar Information**



All participants lines are muted.



Use the questions feature in the GoToWebinar control panel to submit questions.



This webinar will be posted to COHHIO's website.



This webinar is being recorded.

# **SSA** Disclaimer

 The information presented in this webinar is accurate and effective as of calendar year 2020

 Participation in this presentation does not constitute an endorsement by the Social Security Administration (SSA) or its employees of the organizations and information and products not provided by SSA.



# What is SOAR?



SOAR stands for SSI/SSDI Outreach, Access, and Recovery.



SOAR is for people who are experiencing or at-risk of homelessness



SOAR is a model for assisting individuals to apply for Social Security disability benefits.



SOAR has been sponsored by SAMHSA in collaboration with SSA since 2005.



50 states are currently participating.

# Why is SOAR Important?



The SSA application process is often overwhelming and time consuming.



People
experiencing
homelessness are
often denied for
reasons unrelated
to their disability or
lack thereof



SOAR provides access to housing and healthcare, increasing the likelihood of stability for anyone at-risk or experiencing homelessness.



SOAR decreases the chances of homelessness for those exiting institutions.

# Interested in learning more about SOAR Ohio and becoming SOAR certified? Reach out.

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## SOAR Disability Spotlight Series: Part 2 – Post Eligibility Events



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#### Contacting Social Security

▲ Coronavirus (COVID-19) Updates ▲



#### Call 1-800-772-1213

Representatives from 8am to 5:30pm, Monday through Friday. Information is provided by automated phone service 24 hours a day.

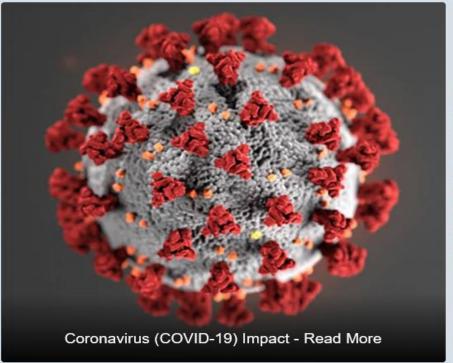
**Local Offices – Not Open to In-Person Service due to COVID-19** 

Use www.socialsecurity.gov/locator to obtain the local office phone number for cases of dire, urgent need. Local hours 9am to 4pm weekdays.

#### Get Updates at www.socialsecurity.gov/coronavirus

- Benefits are being paid timely for retirement, disability, survivors, and SSI.
- For COLA updates, see www.ssa.gov/cola
- Beware of letters or calls threatening Social Security payment stoppage due to COVID, it is a scam!















#### my Social Security

Check out your Social Security Statement, change your address & manage your



#### Social Security Number

Your Social Security number remains your first and continuous link with Social



#### **Retirement Estimator**

Calculate your benefits based on your actual Social Security earnings record.



#### **FAQs**

Get answers to frequently asked questions about Social Security.





#### Using Your mySocialSecurity Account

#### Not getting Social Security yet? You can -

- View your online Social Security Statement and earnings record
- Check application status
- Order a replacement Social Security card

#### If you get Social Security benefits, you can—

- Get your benefit verification letter;
- Change your address and phone number; and
- Start or change your direct deposit
- Get a replacement Medicare card or 1099

#### If you are the Representative Payee for a beneficiary, you can-

- Report monthly wages
- Complete annual accounting
- View/print proof of benefits
- Update or enroll in direct deposit



#### SSI vs SSDI – Session 1 Review

Social Security Disability Insurance	Supplemental Security Income
<ul> <li>AKA SSD, Regular Disability, RSDI</li> <li>Check arrives on the 3<sup>rd</sup> or Wednesday</li> <li>Dependent benefits may be payable</li> </ul>	SSI  Check arrives on the 1st
Payments are based on a person's earnings.	SSI payments are not based on work.
Is "insurance" that you earn through paying FICA taxes on your work.	Needs-based public assistance program that does not require a person to have work history.
Is not based on your income, resources, living arrangement – nor your spouse's.	No work needed. Based on limited income, resources, and living situation.
Leads to Medicare	Leads to Medicaid





# The Representative Payee Program





# **Types of Representative Payees**

#### **Individual**

- Single person whom the beneficiary recommends or trusts to manage benefit.
- Cannot charge a fee.

#### **Organizational**

- Community organization which provides care or services for beneficiaries.
- May charge a fee, but ONLY with SSA authorization.



## **Organizational Payee – Fee Information**

- Must complete Fee-For-Services request paperwork, see details at <u>www.ssa.gov/payee</u>.
- Proof of organization bond insurance and licensure are also required.
- In 2020 SSA approved fees = \$44/month in 2020. That amount can be up to \$83/month if the beneficiary has an SSA determined drug or alcohol secondary disabling condition.
- SSA may ask for annual re-certification and reviews.





- Having power-of-attorney, being legal guardian or co-owning a joint bank account with a beneficiary is NOT the same as being a representative payee.
- Social Security representative payee is not entitled to manage any funds that aren't Social Security or SSI payments.





#### Local Offices Determine if a Payee is Needed

- For initial claims: cases flagged when disability approved for issues of potential mental "incapability".
- Direct payment is assumed for all adults. Normally children under age 18 must have a Representative Payee.
- Adults with mental impairments (including substance abuse) who need assistance handling benefits and personal finance will need a payee:
  - Legal Guardian or Family member is preferred.
  - Organization may be more suitable than family/friend in some situations.
  - Payee Applicant must visit a local Social Security office.



#### Applying to be a Representative Payee

- An in-person interview is required for all individual payee applications. COVID process – we can do a telephone application.
- Organizational applications will also have a PHONE contact for each case.
- A contact MUST be made for every rep payee application, even for a facility!
- All payee applicants complete the payee application with the local office. This is not an online form!



#### Requests Involving a Change of Payee

#### **Social Security will:**

- Contact current payee for his/her views about change.
- Investigate allegations raised about current payee's suitability to serve.
- When we choose a payee, we have a "preference list" similar to what the Courts use with guardianship:
  - Family is first choice
  - Organizations, second.
- It is a case-by-case determination.



#### Others Forms with Payee Applications: SSA-787

# SSA-787 – Physician's/Medical Officer's Statement of Patient's Capability to Manage Benefits

- Not necessary if beneficiary already has a payee.
- SSA will send this form <u>directly</u> to the beneficiary's medical source, and it must be returned to us from this source.
- We will not accept 787s which appear to be mass produced or fail to explain the incapability.
- Note: SSA makes the capability determination, not this form.



#### Once a Change of Payee is Made

#### **Social Security will:**

- Send notice to current payee explaining change.
- Send Advance Notice (with appeal rights) to beneficiary explaining SSA's payee selection.
- Prior payee is asked to return any saved funds or benefits to SSA.
- Note: Typically, this process takes 4-8 weeks from start to finish. We can suspend benefits if a fraud allegation is made regarding the current payee, but again – we will determine if benefit suspension applies to each individual case.



#### Representative Payees and mySocialSecurity

- Individual payees can access beneficiary information online by using their OWN mySocialSecurity account.
- The payee can monitor benefits and submit wage reporting for the beneficiary.
- NEW: if you get a Social Security benefit, you can make an "Advanced Designation of Payee" for yourself in the case that you become incapacitated! Note-you cannot do this for the beneficiary, it is only for your own benefit.



#### Individual Representative Payee Accounting

- Complete Annual Accounting of:
  - Amount spent on beneficiary's basic needs and personal items.
  - Amount saved, if any.
- Exempted from Accounting: spouse or parent with beneficiary in same household.
- Submit by Mail or via mySocialSecurity.



#### Organizational Payee Accounting

- All organizational payees are strongly encouraged to complete payee reporting online via "internetRepPayeeAccounting" = iRPA.
- Organization must register for online access, allowing them to complete the accounting request online at www.ssa.gov/payee/form/index.htm.



#### Misuse of Beneficiary Benefits

- Occurs when money is not spent on beneficiary or saved for future needs.
- SSA decides if misuse has occurred, and makes a misuse determination. Ex:
  - Use of beneficiary's benefits for rep payee's own personal expenses
  - Put beneficiary funds in rep payee's or another person's account
  - Keep conserved funds after no longer rep payee
  - Charge beneficiary for services unless authorized by SSA



#### If Social Security Uncovers Payee Misuse

#### **Social Security may:**

- Appoint a new payee, or
- Make direct payment to beneficiary, and
- Obtain restitution from misuser, and
- Refer case to Office of the Inspector General (OIG) for possible criminal prosecution.
- SSA will initiate action to recover misused funds.

You can make a confidential report of benefit misuse online at <a href="https://oig.ssa.gov/report">https://oig.ssa.gov/report</a>.



# www.socialsecurity.gov/payee

#### When People Need Help Managing Their Money

Representative Payee Home		
Organizational Payee	~	
Individual Payees	~	
Beneficiary Information	-	
More Information	~	
*NEW*		

Representative Payee Interdisciplinary Training

CFPB Consumer Advisory: 3 pension advance traps to avoid

Consumer Finance: Planning for Financial Decisions as You Age

Social Security's Representative Payment Program provides financial management for the Social Security and SSI payments of our beneficiaries who are incapable of managing their Social Security or SSI payments. If you are concerned that someone you know becomes incapable of managing or directing the management of his or her benefits, please call us at 1-800-772-1213 (TTY 1-800-325-0778) to request an appointment to discuss your concerns.

Generally, we look for family or friends to serve as representative payees.

When friends or family are not able to serve as payees, Social Security looks for qualified organizations to be representative payees.

If you are a representative payee, you can complete the Representative Payee Accounting Report online. You must be 18 or older to complete the Representative Payee Accounting Report online. If you are under 18 and a representative payee, you must complete the paper Representative Payee Report form you received in the mail and return it to the address indicated on the form.

Complete your payee accounting online

#### More Information

#### Payee Publications

Frequently Asked Questions for:

- · Representative Payee
- Beneficiaries who have a Payee
- Representative Payees Completing Accounting Online

#### **Payee Accounting**

Complete your payee accounting online

Contact Us





# Overpayments



#### **Overpayment Notices**

- If a client is paid more than they are due, Social Security will send an overpayment notice (to the individual or payee).
- The notice should explain how and why the overpayment occurred.
- Appeal rights are explained in the notice as with a medical denial, a person has 65 days from the notice to appeal the overpayment determination.
- We do not collect an overpayment while an appeal decision is pending.





#### **Appeals vs Waiver Request**

#### **Appeal**

- You don't agree with our determination or think the information used to make the determination was incorrect.
- Must be filed 65 days after the notice is sent.

#### **Waiver**

- You don't feel the overpayment is your fault, and
- Paying it back would cause financial hardship or be unfair.
- No time limit to file a waiver.



# Filing an Appeal www.ssa.gov/forms/ssa-.html

- You can file a non-medical appeal online!
- You can also download and complete SSA-561 from the same link above and fax it to a local office (or mail it).
- Or you can call us and a rep will intake the SSA-561 information and send the form out for completion.
- Reminder: a reconsideration is disputing the facts of our determination. Ex: My wage amount was input incorrectly.



## Filing a Waiver www.ssa.gov/forms/ssa-632.html

- You can download the waiver form from the link above and fax it to a local office (or mail it).
- Or call us and a rep will send the form out for completion.
- Reminder: a waiver isn't disputing the facts of the overpayment, it's disputing fault and that a person cannot pay it back – or shouldn't have to pay it back.
- Waivers can be filed at any point in time.



#### **Local Offices Intake the Appeal or Waiver Form**

- Local offices will process the appeal or waiver request. However, the final appeal determination may be made at a processing center.
- Again, collection is stopped until a decision is made on the overpayment or waiver.
- If we determine the individual is at fault and must repay the overpayment amount, the individual can appeal that determination.
- Ex: A reconsideration denial can be appealed to the hearings level.



## If Overpayment Is Upheld

- SSI collection cannot exceed 10% of the maximum SSI federal rate. For 2020 – \$78.30.
- For SSDI, we withhold full benefit checks.
   However, a person can request to hold a partial amount from the SSDI.
- Download form SSA-634 from www.ssa.gov/forms to ask for a change in the withholding rate.
- The individual will receive billing statements if not receiving a benefit.



# Disability Work Incentives





#### Working While Receiving SSI and/or SSDI



#### 2018 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

The Red Book is available at: https://www.ssa.gov/redbook





### **Terminology**

#### **Ticket to Work**

- Opened up FREE options for beneficiaries to obtain employment services, vocational rehabilitation (VR) services, benefit planning and other employment support services.
- Beneficiaries use a "Ticket" when they use these support services, but there is no penalty or mandate.

#### **Work Incentives**

- SSA rules that help beneficiaries keep benefits as they explore work.
- AKA Employment Supports





#### **SSI Work Incentives – Some Highlights**

- Earned Income Exclusion and Full Medicaid
- Student Earned Income Exclusion (SEIE)
- SSI and 1619 Medicaid
- IRWEs





#### **Earned Income Exclusion**

- All work must be reported monthly to SSI. The monthly SSI payment is determined based on monthly gross wages, so it may change each month depending on gross earnings.
- However -SSA does not count the first \$65 of the earnings received in a month, plus one-half of the remaining earnings.
- We apply this exclusion in addition to a \$20 general income exclusion (which applies first to any unearned income).
- Under 1619(a) and 1619(b) Medicaid provisions, full Medicaid normally continues with SSI and work.





### **Example of SSI and Monthly Earned Income**

SSI recipient earns \$1000 in gross wages in Jan 2020

- \$1000 20 (general income exclusion) = \$980
- \$980 \$65 (earned income exclusion) = \$915
- \$915 / 2 = 457.50 is countable earned income
- \$783 \$457.50 = \$325.50 SSI amount for March 2020.
- SSI income changes affect check 2 months later.





#### **SSI Student Income Exclusion**

If you are under age 22 and regularly attending school, we do not count up to \$1,900/month in wages. The maximum yearly exclusion for 2020 = \$7,670.

#### "Regularly Attending School" means:

- in a college or university for at least 8 hours a week, or
- in grades 7-12 for at least 12 hours a week, or
- in a training course to prepare for employment for at least 12 hours a week (15 hours a week if the course involves shop practice), or
- for less time than indicated above for reasons beyond the student's control, such as illness, or
- home schooling, if instructed in grades 7-12 for at least 12 hours a week.



# Impairment Related Work Expenses (IRWE)

- SSA deducts the cost of certain impairment-related items and services that are needed for employment from gross earnings when look at the monthly SGA level, or for what is counted when figuring the SSI amount.
- IRWEs must be related to the disability and paid for out of pocket by the beneficiary.
- Example: Beneficiary is earning \$1280.00 per month in gross wages. His monthly co-pay for his medications is \$80.00.
- \$1280 \$80 = \$1200. This is countable income SSA will use when determining SGA and/or SSI amount.



#### **IRWE Examples**

Type of Expense	Example
Transportation Costs	The cost of structural or operational modifications to vehicle that is needed to travel to work.  The cost of driver assistance or taxicabs if public transportation is not available or not accessible.

Services performed in the work setting. Services performed to help prepare for work, the trip to and **Attendant Care Services** 

from work and after work. Service Animals Expenses paid in owning a guide dog or other service animal that enables beneficiary to overcome

Deductible devices include wheelchairs, dialysis equipment, pacemakers, respirators, traction **Medical Devices** 

functional limitations in order to work.

equipment, and braces.

Artificial hip, artificial replacement of an arm, leg, or other parts of the body. **Prosthesis** 

**Residential Modifications** Employed outside of home - modifications to exterior to permit access to the street or transportation. Self-employed at home - modifications inside to create workspace to accommodate impairment.

Regularly prescribed medical treatment or therapy that is necessary to control disabling condition. **Prescription Drugs** This includes co-payments and insurance deductibles.

Other Items and Services Assistive technology that people with disabilities use for employment-related purposes; such as software applications, computer support services, and special tools which have been specifically designed to accommodate the person's impairment



SocialSecurity.gov



### SSI and Medicaid While Working – 1619(b)

- With 1619 (b), Medicaid coverage can continue, even if earnings become too high for an SSI cash payment:
- No application is needed; 1619(b) is applied with wage inputs on the SSI record.
- Normally, if a client is ineligible for SSI and/or Medicaid for any reason other than work or medical recovery, SSA may be able to restart SSI cash payments and/or Medicaid coverage within 12 months without a new application.
- But with 1691b Medicaid provisions, an SSI recipient's record can be kept active beyond 12 months. If work ceases, we may be able to restart benefits without a new claim.





#### **SSDI Work Incentives – Included DAC Beneficiaries**

- Trial Work Period (TWP)
- Extended Period of Eligibility (EPE)
- Subsidy and Special Conditions
- IRWEs



### **SSDI Trial Work Period (TWP)**

- Allows SSDI beneficiaries to test their ability to work by earning as much as they would like for a total of 9 months

   they don't have to be consecutive.
- Cannot use TWP before the disability is approved.
- Full SSDI benefit continues regardless of earnings during the TWP.
- In 2020, gross earnings of \$910+/month or more than 80 hours of self employment, are considered TWP months.
- We do not apply other work incentive rules during the TWP.



# **SSDI Extended Period of Eligibility (EPE)**

- The EPE begins the month after the Trial Work Period (TWP) ends, even if the client stops working after the 9 months.
- The first 36 months of the EPE is a "re-entitlement period":
  - For months where monthly gross earnings are <u>below</u>
     SGA = entire SSDI benefit is payable;
  - For months where work or monthly earnings are above SGA = entire benefit is suspended.



### **EPE: Monthly SGA Amount Is the Key**

- SGA Amount in 2020 = \$1260 gross per month.
- Benefits can stop/start throughout the 36 month EPE, depending on if earnings are above or below SGA – entire SSDI benefit is paid, or is suspended.
- After the 36 month EPE is finished:
  - As long as all monthly benefits are UNDER SGA monthly amount, benefits will continue.
  - ANY month after the EPE where earnings are over the SGA limit will lead to the terminate benefits.
  - In that case, an individual must reapply for disability!
  - More on the expedited process in a moment....



# **SSDI - Subsidy/Special Conditions and SGA**

- A "subsidy" is support provided by an employer that may result in the client receiving more pay than the actual value of the services you perform.
- "Special conditions" refer to support and on-the-job assistance provided by an employer or 3<sup>rd</sup> party (ie-VA program, job coach, Voc Rehab, etc).
- SSA may determine that the individual only does 50% of duties that position would entail without subsidy/special conditions. We adjust the amount of earnings based on this information.



# **Verifying Subsidy/Special Conditions**

- Once the beneficiary completes the Trial Work Period and has a work review, SSA will verify allegations of Subsidy and/or Special Conditions with the employer.
- Employers are asked to complete form SSA-3033, found online at www.ssa.gov/forms/ssa-3033.pdf.
- SSA cannot accept a "blanket subsidy letter" the form must be completed for each individual.
- Ex: my son works as a store bagger. The normal bagger position has 4 duties bagging, price check, cart return, and stocking. My son only bags, he has a 75% subsidy. His \$1500 gross wages this month are counted as \$375, below SGA. He will thus receive his full SSDI benefit.



# IRWEs - Also Apply to SSDI SGA Determination

Type of Expense	<b>Example</b>
Transportation Costs	The cost of structural or operational modifications to vehicle that is needed to travel to work.  The cost of driver assistance or taxicabs if public transportation is not available or not accessible.
Attendant Care Services	Services performed in the work setting. Services performed to help prepare for work, the trip to and from work and after work.
Service Animals	Expenses paid in owning a guide dog or other service animal that enables beneficiary to overcome functional limitations in order to work.
Medical Devices	Deductible devices include wheelchairs, dialysis equipment, pacemakers, respirators, traction equipment, and braces.
Prosthesis	Artificial hip, artificial replacement of an arm, leg, or other parts of the body.
Residential Modifications	Employed outside of home - modifications to exterior to permit access to the street or transportation. Self-employed at home - modifications inside to create workspace to accommodate impairment.

This includes co-payments and insurance deductibles.

designed to accommodate the person's impairment

Regularly prescribed medical treatment or therapy that is necessary to control disabling condition.

Assistive technology that people with disabilities use for employment–related purposes; such as software applications, computer support services, and special tools which have been specifically



Other Items and Services

**Prescription Drugs** 



# **How to Report Wages**

#### For SSDI and SSI recipients, report wages with:

- The mySocial Security account representative payees can also report wages for adult beneficiaries through their OWN mySocial Security account;
- visiting/calling a local office;
- mailing/faxing the information; or
- calling the 800#.

Note: SSI recipients can also report wages via the mobile wage reporting application and the telephone wage reporting service!





# When Should You Report Work Incentives

#### For SSI

 Report any and all work as soon as employment begins call local representative to report any IRWEs and/or Student Income Exclusion as soon as work starts.

#### For SSDI:

- Work incentives should be reported once SSA conducts a "Continuing Disability Work Review", which is after the Trial Work Period.
- The SSA-821 Work Report is how we capture allegations of work incentives! <u>www.ssa.gov/forms</u>. Reminder: the employer is sent the SSA-3033 for subsidy info.



S	SA-821	Work A	ctiv	vity Report				
res	Special Condition	⊑mpioyer ivame	(IVIIVI/YYYYY)	Please Describe	SSA-821 is used	to document		
	Had extra help, extra supervision or a job coach				work activity and work incentives when SSA is making SGA decisions.			
	Worked irregular or fewer hours than other workers							
	Given special equipment because of my condition							
	Took more rest periods than other workers		<b>7</b> . Do	or did you spend any of your own mon	ey for items or services <b>related to your p</b>	hysical and/or mental condition(s)		
	Given special transportation to and from work		device	that you needed in order to work and for which you did not get reimbursed? (For example; medicines or co-pays, medical devices or procedures, Braille equipment, special telephone or equipment, service animal, attendant care, modifications to a car used for work, or other special transportation.) We may ask you for proof of payment.				
Beneficiaries complete this form to document				NO. I did not spend any of my own money for items or services related to my physical and/or mental condition.  YES. Please tell us what you paid below. Do not show any expenses that have been or will be paid by an insurance company, other organization, or other person.				
special conditions, subsidies, and IRWEs so decisions are based on the real value of the work.			Describe Item or Service	Cost	Date Paid (MM/YYYY-MM/YYYY)			
			Example: Service animal	\$100 per day, week, month, or year	01/2000 - 02/2000			
				\$ per				



#### **Work Resources**

- Work Info: www.socialsecurity.gov/redbook
- Work Incentives Summary: <u>www.socialsecurity.gov/disabilityresearch</u> and click "work incentives policy".
- FREE "WIPA" for work and benefits planning beyond Social Security – see map and contacts at <a href="https://www.disabilityrightsohio.org/benefits-counseling">https://www.disabilityrightsohio.org/benefits-counseling</a>.
- Faces of Disability www.ssa.gov/disabilityfacts.





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- Pandemic service updates at www.ssa.gov/coronavirus.





#### Thank You!



