

## **210.00P Social Security and Ticket Procedure**

### **PRO-11-01**

April 2011

See corresponding policy: 210.00 Serving Individuals who are SSDI/SSI Participants Policy

**Note:** Vocational Rehabilitation procedures provide internal guidance for ACCES-VR staff only and create no procedural or substantive rights for any individual or group.

### **Table of Contents**

- Serving Individuals who are SSDI/SSI Participants
- Orientation and Intake
- Documentation for the Determination of Eligibility
- Verification of SSDI/SSI for Eligibility and Significance of Disability
- Significance of Disability
- Benefits Counseling
- When to Refer an Individual for Benefits Counseling
- Work Incentive Planning and Assistance (WIPA) Organizations
- Documentation in the Record of Services
- Making an Informed Choice Regarding the Ticket to Work Program
- If an individual has already assigned a Ticket to an Employment Network
- Appendix I - Basic Information About the Ticket to Work Program
- Appendix II - Definitions

### **Serving Individuals who are SSDI/SSI Participants**

ACCES-VR staff will:

- provide vocational rehabilitation services to all eligible SSDI/SSI participants who intend to achieve an employment outcome and complete the ACCES-VR application process;
- provide information about resources where VR eligible individuals can receive a complete benefits analysis including long-term work incentives management if needed (see **Benefits Counseling**);
- review the results of any benefits analysis with the eligible individual and discuss options for using available work incentives, including the SSA Section 301 (Continued Payment Under a Vocational Rehabilitation Program) provision, the Plan to Achieve Self-Support (PASS), Expedited Reinstatement of Benefits, Partnerships Plus and any other available options that need to be considered in order to achieve the employment goal identified in the IPE;
- inform all SSDI/SSI beneficiaries of the benefits of having Continuing Disability Review (CDR) Protection when their TTW is “in-use- State Vocational Rehabilitation (SVR)” status; and,

- provide the Ticket to Work Fact Sheet to the individual at application and again prior to closure.

The record of services will indicate that the above information was shared with consumers.

## **Orientation and Intake**

Starting at orientation/intake, ACCES-VR staff or a ACCES-VR representative will provide information to all Social Security Disability Insurance and Supplemental Security Income applicants on the services available through ACCES-VR as a provider of vocational rehabilitation services. A Ticket to Work Program Fact Sheet will be provided to each individual during the intake process.

ACCES-VR staff will describe the availability of benefits counseling and the options available to individuals who receive a Ticket To Work.

Beneficiaries will be advised of the availability of benefits counseling through the Work Incentives Planning and Assistance (WIPA) organizations, Independent Living Centers, the Work Incentive Information Network, the Social Security Administration and other available sources.

If an individual on SSDI/SSI is only interested in extended employment, ACCES-VR staff, upon case closure, must refer the individual to the Social Security Administration (SSA) and/or to the SSA-funded WIPA about work incentives available through SSA.

## **Documentation for the Determination of Eligibility**

The information required for eligibility can be summarized in the Social Security Verification for Eligibility header that is available in either:

- **The Eligibility SSI/SSDB/Significance of Disability Case Note;** or
- **The Eligibility/Significance of Disability Case Note.**

The *Social Security Verification for Eligibility* header is a required header in both Eligibility Case Notes.

If the individual presents verification of SSI/SSDI, then use the *Eligibility SSI/SSDI/Significance of Disability Case Note*. This documents presumed eligibility. The information required for eligibility is summarized in the Social Security Verification for Eligibility header alone. In this case note, statements of the impairment, impediments/functional limitations and requirement of services are not required. In this instance, the eligibility determination must not be delayed to secure additional evidence of physical or mental impairment.

If an individual presents evidence of physical or mental impairment in advance of verification of SSDI/SSI status then use the *Eligibility/Significance of Disability Case*

*Note.* In this instance, the eligibility decision should not be delayed to wait for Social Security verification. Enter NA in the Social Security Verification for Eligibility header.

## **Verification of SSDI/ SSI for Eligibility and Significance of Disability**

Several methods can be used to verify that an individual receives either SSDI and/or SSI:

1. An individual on SSDI/SSI can show ACCES-VR staff current proof of benefits such as an entitlement or award letter, a current benefit check stub, or a current Ticket to Work.
2. An individual who is receiving 1619b Medicaid is still considered an SSI recipient under ACCES-VR policies. This can be verified for anyone who was previously receiving SSI cash benefits and now has 1619b status by asking a SSA Work Incentive Liaison (WIL) to confirm status. Contact information for NYS SSA WILs can be found at: <http://www.ssa.gov/ny/win-liaisons.htm>.
3. The Social Security Administration (SSA) provides a Social Security Benefit Statement (Form SSA-1099) for each tax year. The benefit statements show the amount of Social Security benefits.

If the applicant is unable to provide evidence to support that they are receiving Social Security benefits, then ACCES-VR must verify the applicant's SSDI/SSI status by contacting the Social Security Administration. This verification must occur immediately so that eligibility is not delayed.

District Offices can use the **Verification of Public Assistance** standard letter in CAMS for this process or a form letter that the District Office may have developed with the local SSA Office.

## **Significance of Disability**

Individuals on SSDI and/or SSI are considered to have at least a significant disability. Eligible individuals are also assessed for meeting the criteria for most significant disability. When serious limitations exist in three or more functional capacities, then a most significant disability exists.

## **Benefits Counseling**

ACCES-VR staff will work with referral agencies and SSDI/SSI recipients to encourage the use of benefits counseling prior to a referral to ACCES-VR or to another EN so that the recipient is able to make an informed choice about work. At the point an individual is referred to the ACCES-VR, the ACCES-VR will offer all SSDI/SSI recipients benefits counseling during the vocational rehabilitation process.

## **When to Refer an Individual for Benefits Counseling**

ACCES-VR will provide benefits counseling when it will enable the individual to achieve and sustain an employment goal. Prior to engaging in employment, individuals who are on SSDI/SSI will require benefits counseling in order to:

- understand the impact of earnings on their benefits, including Medicaid and/or Medicare; and,
- maximize the use of work incentives that can allow for earnings above the Substantial Gainful Activity (SGA) limits.

Benefits counseling services are provided by many independent living centers, SSA-funded **Work Incentive Planning and Assistance** providers, the members of the Work Incentives Information Network and some other community-based organizations, such as housing or vocational service providers.

Benefits counseling can assist a consumer in making informed choices regarding work and the level of earnings necessary to achieve the employment goal in the IPE. Often, individuals will need to determine the level of earnings that will be necessary to offset the potential loss of cash or medical benefits. When pursuing employment, benefits counseling should enable the individual with a disability to obtain or maintain supports necessary to achieve their employment outcome.

ACCES-VR can provide for benefits counseling for the purposes of benefits screening and assessment of current situation and advisement, planning and utilizing specific benefits and work incentive options. Benefits counseling is not contingent on economic need.

## **Work Incentives Planning and Assistance (WIPA) Organizations**

The Social Security Administration has funded work incentives planning and assistance to SSA beneficiaries through community providers. In each region of New York State, a project is available to assist SSDI/SSI participants to understand how working will affect benefits (including Medicaid or Medicare). The WIPA will also help recipients understand how to make use of the work incentives available under SSA rules. In addition, trained and certified benefits and work incentives practitioners are available through the Work Incentives Information Network and through independent living centers. For specific contact information in your region of the state, call the State Work Incentives Support Center, toll free, at 1-888-224-3272, or 1-877-671-6844 TDD or link to: <http://www.ilr.cornell.edu/edi/nymakesworkpay/rny-benefits.cfm>. In addition, specific questions pertaining to work incentive use can also be directed to the State Work Incentives Support Center at the above toll-free technical assistance line.

## **Documentation in the Record of Services**

If individuals are referred for benefits counseling, regardless of whether it is authorized for payment by ACCES-VR, the referral and the results of the service should always be documented in the record of services.

## **Making an Informed Choice Regarding the Ticket to Work Program**

All SSDI/SSI recipients will be eligible to participate in SSA's Ticket to Work Program. Individuals with Tickets will be informed that upon agreeing to vocational rehabilitation services from ACCES-VR, the Ticket will be considered "in use with the State VR Agency". The Ticket to Work Fact Sheet will be provided and explained to all Ticket holders. This process must be documented in the record of services.

To ensure that a Ticket holder is making an informed choice, ACCES-VR staff will explain:

1. the advantages of the Ticket being "in use-SVR" with ACCES-VR, particularly the scope of vocational rehabilitation services available for achieving an employment outcome;
2. that when a Ticket holder signs a plan to go to work with the VR Program, the Ticket is "in use-SVR" status;
3. there is protection from SSA medical Continuing Disability Review when a Ticket is "in use-SVR";
4. the Ticket Program timely progress requirements;
5. the period of a Ticket being in use begins on the original IPE date; and,
6. at plan development, ACCES-VR will electronically confirm with Maximus ticket "in use-SVR".

When Maximus confirms the Ticket assignment, a program code **Ticket in use - SVR** will be automatically inserted into the CaMS record of services and a tickler will notify the VR counselor. If the Ticket is already assigned to an EN, then a program code **Ticket Assigned to EN** will automatically be inserted into the record of services. A tickler will notify the VR counselor.

Note: The Ticket assignment process is done automatically by the ACCES-VR Central Office Social Security Unit when an IPE is completed. The VR Counselor does not need to take any additional action in order to assign the Ticket.

## **If Ticket Already Assigned to an Employment Network**

If an individual has already assigned a Ticket to an EN, the following procedures will be followed by the ACCES-VR Social Security Unit:

1. When Maximus receives the electronic list of Tickets "in use-State VR", Maximus will notify ACCES-VR of any Tickets already assigned to an EN.
2. The ACCES-VR Social Security Unit will contact the consumer by letter to notify of the need to rescind the Ticket in order for the Ticket to become "in use - SVR" with ACCES-VR. The assigned VR counselor will receive a copy of this letter for the record of services.
3. Maximus will notify ACCES-VR of subsequent listing of Ticket "in use-SVR". Ticket holders whose Tickets are still assigned to an EN will be sent a second letter with a follow up telephone call to stress the need to rescind the Ticket from EN so Ticket "in use-SVR" can be accomplished.

If the individual still does not withdraw their Ticket from the EN, the VR Counselor will need to contact the individual and explain the Ticket to Work as a comparable benefit. If the individual still does not change Ticket status through Maximus, any additional services should be not be authorized until the situation is resolved.

*See Letter to Ticket Holder with Ticket Assigned to EN and Second letter to Ticket Holder with Ticket Assigned to EN.*

## **Appendix I - Basic Information About the Ticket to Work Program**

### **Description of the Ticket to Work Program**

The Ticket to Work and Self-Sufficiency Program is a Social Security Administration (SSA) initiative that allows Social Security Disability Insurance and Supplemental Security Income beneficiaries to seek the employment services, vocational rehabilitation services and other support services needed to obtain, regain or maintain employment and reduce their dependence on cash benefit programs. This program is intended to provide employment services and supports so that the individual can return to work.

The "Ticket" is a document that provides evidence of SSA's commitment to pay an employment network or a State VR agency to provide employment, vocational rehabilitation or other support services to a beneficiary.

### **Who is eligible to receive Tickets?**

SSA has established that individuals who are SSDI/SSI participants between the ages of 18 and 64, in current pay status for monthly cash benefits are eligible to participate in the Ticket to Work Program.

**Note:** SSI recipients must meet the SSI eligibility standard for adults.

### **How is the Ticket Program Administered?**

The Social Security Administration has contracted with a "program manager" – Maximus - to assist SSA in administering the Ticket to Work program. Beneficiaries will receive Tickets to Work in the mail and will be told to call Maximus for information. Maximus will provide beneficiaries with contact information for ACCES-VR services and for Employment Networks (EN) serving the region.

### **Informing Participants of the SSA Ticket Timely Progress Requirements**

One important advantage to SSA beneficiaries using Ticket to Work is the suspension of medical Continuing Disability Review (CDR) for participants who meet timely progress in demonstrating an increasing ability to work at levels which will reduce or eliminate dependence on Social Security entitlements. SSA has established "timely progress" criteria for the Ticket to Work program.

**Note:** Maintaining SSA's "timely progress," as defined by SSA, is not a condition of obtaining services from the VR Program. The IPE outlines the services and time required to achieve the chosen employment goal. Also, work-triggered CDR has been eliminated for all SSDI beneficiaries (who have received SSDI benefits for at least 24 months), regardless of Ticket status. However, all SSDI/SSI beneficiaries may be subject to a loss of benefits if their earned income exceeds the levels established by SSA regulations.

<b>Table 1</b> <b>Timely Progress Guidelines</b> <b>During Each 12-month Progress Review Period</b>	
<b>1st-12 months</b>	<b>(after 12 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 3 months of work at Trial Work Level (TWL), OR</b></li> <li>• <b>Complete a GED® or high school diploma, OR</b></li> <li>• <b>Complete 60% of a full-time course load for an academic year in a college or technical/trade/vocational training program, OR</b></li> <li>• <b>Complete a combination of this work and education requirement</b></li> </ul>
<b>2nd-12 months</b>	<b>(13-24 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 6 months of work at Trial Work Level (TWL), OR</b></li> <li>• <b>Complete 75% of a full-time course load for an academic year in a college or technical/trade/vocational training program, OR</b></li> <li>• <b>Complete a combination of this work and education requirement</b></li> </ul>
<b>3rd-12 months</b>	<b>(25-36 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 9 months or work at Substantial Gainful Activity (SGA) level, OR</b></li> <li>• <b>Complete an additional full-time academic year of study, OR</b></li> <li>• <b>Complete a 2-year or 4-year college program, OR</b></li> <li>• <b>Complete a 2-year technical/trade/vocational training program, OR</b></li> <li>• <b>Complete a combination of this work and education requirement</b></li> </ul>
<b>4th-12 months</b>	<b>(37-48 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 9 months of work at Substantial Gainful Activity (SGA) level, OR</b></li> <li>• <b>Complete an additional academic year of full-time study, OR</b></li> <li>• <b>Complete a combination of this work and education requirement</b></li> </ul>
<b>5th-12 months</b>	<b>(49-60 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 6 months of work at Substantial Gainful Activity (SGA) level with no SSDI and/or SSI cash benefits in months worked, OR</b></li> <li>• <b>Complete an additional academic year of full-time study, OR</b></li> <li>• <b>Complete a 4-year degree program</b></li> </ul>

<b>6th-12 months</b>	<b>(61-72 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 6 months of work at Substantial Gainful Activity (SGA) level with no SSDI and/or SSI cash benefits in months worked, OR</b></li> <li>• Complete a 4-year degree program</li> </ul>
<b>7th-12 months</b>	<b>73-84 months of ticket use)</b> <ul style="list-style-type: none"> <li>• <b>Complete 6 months of work at Substantial Gainful Activity (SGA) level with no SSDI and/or SSI cash benefits in months worked *</b></li> </ul>

**The guidelines for any subsequent twelve-month Progress Review are the same as for the Seventh Twelve-Month Progress Review period.**

### **Consequences of Not Meeting Timely Progress Criteria**

Maximus, or the designated Program Manager, will conduct progress reviews at the end of each time period. If the consumer does not meet the timely progress guidelines, SSA will inform individuals that:

- the consumer will no longer be considered to be using a Ticket and Ticket is “inactive”;
- CDR protection will cease; and
- they are again subject to Continuing Disability Reviews.

However, the consumer can continue to pursue their employment goal with ACCES-VR. The individual may still be able to participate in the Ticket to Work program and be reinstated to "in use" status if they meet certain criteria established by SSA.

### **Appendix II - Definitions**

**"Assigning" a Ticket** - A beneficiary has the choice of obtaining employment services from approved providers through the Ticket to Work program by "assigning" the Ticket to an EN or ACCES-VR. Beneficiaries receiving services from ACCES-VR in a plan status will have their Tickets “In use-SVR”.

**Continuing Disability Review (CDR)** - A Continuing Disability Review (CDR) is a review conducted by SSA to determine if a beneficiary is still disabled under SSA's rules. Under the Ticket provisions, an individual will not be subject to medical CDRs during the period for which he or she is meeting SSA's "timely progress" criteria while using a Ticket. ACCES-VR consumers, who participate in the Ticket to Work program, are protected from medical CDR's if they meet the timely progress criteria.

**Cost Reimbursement Payment System** - Under the Social Security Act, Sections 222(d) and 1645 (1983), state VR agencies will be reimbursed for the cost of services (plus administrative and tracking fees) that lead to an SSDI/SSI recipient at substantial

gainful activity (SGA) or above for 9 (out of 12) months. Under the Ticket program, state VR agencies will only receive cost reimbursement when the Ticket is assigned to the state VR agency.

**Employment Network (EN)** - Any qualified entity that has entered into an agreement with SSA to deliver employment, vocational rehabilitation and support services to beneficiaries of SSI and/or SSDI who have assigned their Tickets to them.

**Individualized Work Plan (IWP)** - An Employment Network is required to develop a written plan outlining the specific services necessary to reach an agreed upon employment goal and indicate who will deliver those services.

**Maximus** - Maximus tracks Ticket status of beneficiaries, recruits for and monitors ENs, facilitates access to ENs by beneficiaries, gathers data necessary for payments to ENs, and other administrative requirements outlined by SSA.

**Protection and Advocacy (P and A) Program** – SSA beneficiaries with disabilities may be eager to work but need someone to help them navigate through an often-confusing web of Employment Networks, Social Security Disability Insurance and Supplemental Security Income beneficiary rules, legal issues and employment issues. SSA has established a network of Protection and Advocacy projects in all states, sometimes referred to as Protection and Advocacy for Beneficiaries of Social Security (PABSS). Although PABSS does provide legal assistance, the scope for PABSS advice does not extend beyond disability-related employment issues. PABSS agencies also do not provide direct cash assistance. **And although Protection and Advocacy services are free, P and A providers cannot take on every case.**

**Section 301** - Section 301 of the Social Security Disability Amendments of 1980 establishes that SSDI and SSI benefits can continue to be paid to a beneficiary whose impairment is determined to be no longer disabling if:

1. the individual is participating in an approved vocational rehabilitation program before the disability ends under SSA rules; and,
2. SSA determines that completion of the VR program will increase the likelihood that the individual may be permanently removed from the disability benefit rolls.

If SSA determines that a consumer has medically improved and is therefore no longer eligible for benefits, the consumer should be able to continue to receive benefits while participating in vocational rehabilitation if they are pursuing an employment outcome that will enable them to leave the benefit rolls. ACCES-VR may need to verify to SSA an individual's participation in vocational rehabilitation services. This enables the consumer to maintain income while completing their vocational rehabilitation program.

This protection extends to children's SSI beneficiaries who, at age 18, will have their claims reviewed for eligibility under adult disability criteria. Although age 18 re-determinations are to be based on adult criteria, the SSI beneficiary under review must

be afforded the same right to continued benefits as other persons being reviewed for medical improvement under a CDR.

**Work Incentives Planning and Assistance (WIPA) Organizations** - Work Incentives Planning and Assistance (WIPA) projects work with SSA beneficiaries with disabilities on job placement, benefits planning and career development. WIPAs are authorized to serve all SSA beneficiaries with disabilities, including transition-to-work aged youth, providing benefits planning and assistance services on request and as resources permit.

**Community Work Incentive Coordinators (CWICs)** - Each WIPA is staffed with Community Work Incentive Coordinators (CWICs). By working with a CWIC, an SSA beneficiaries will be better equipped to make informed choices about work. CWICs are authorized to:

- provide work incentives planning and assistance, particularly in utilizing specific work incentives once earnings begin, including preventing or minimizing “overpayment” scenarios that often plague beneficiaries upon returning to work;
- help beneficiaries and their families determine eligibility for Federal or State work incentives programs;
- refer beneficiaries with disabilities to appropriate Employment Networks or State VR agencies based on individual needs and impairment types;
- provide general information about potential employer-based or federally subsidized health benefits coverage available to beneficiaries once they enter the workforce, including the use of 1691b and the Medicaid Buy-In option; and
- inform beneficiaries with disabilities of further protection and advocacy services available to them.