

HELPING PATIENTS WORK USING SSA WORK INCENTIVES

Beth Witten, MSW, ACSW, LSCSW

Witten and Associates, LLC

beth@wittenllc.com

Incident Patient Data from CMS 2728

All Ages (2014-2016 from USRDS 2018 Annual Data Report)

	Full-Time		Part-time		Student	
	Prior	Current	Prior	Current	Prior	Current
0-4					10.8	7.2
5-9					58.5	56.4
10-13					67.5	65.7
14-17	6.1	5.0	1.6	1.8	66.0	64.9
18-21	16.3	10.5	10.2	7.7	26.9	24.4
22-24	25.3	17.6	11.5	9.6	8.3	7.6
25-29	31.6	22.0	8.4	6.5	2.2	1.7
30-34	33.0	23.4	6.8	5.5	0.7	0.7
35-39	34.2	24.4	5.8	4.8	0.3	0.3
40-44	33.5	23.9	4.7	4.1	0.2	0.3
45-49	31.0	22.3	4.2	3.5	0.1	0.1
50-54	26.9	19.0	3.7	3.0	0.1	0.1
55-59	21.6	14.9	3.3	2.8	0.0	0.1
60-64	15.4	10.3	2.7	2.4	0.0	0.1
65-69	6.5	4.2	2.2	1.9	0.0	0.1
70-74	3.3	1.9	1.6	1.5	0.0	0.1
75-79	1.9	0.9	1.0	0.9	0.0	0.1
80-84	1.2	0.5	0.6	0.6	0.0	0.1
85+	0.8	0.4	0.5	0.4	.	0.0

Dialysis Patient Vocational Status, 2016 (from ESRD Organization Summary Annual Report)



Table 16: Number of Dialysis Patients Aged 18–54 Years, Number and Percent Employed, Number and Percent Receiving Vocational Rehabilitation Services, Number and Percent Attending School, and Number and Percent of Facilities Offering Dialysis after Regular Business Hours, as of December 31, 2016

Network	Number of Dialysis Patients Aged 18–54 Years as of December 31, 2016	Number Employed*	Percent Employed*	Number Receiving Vocational Rehabilitation Services	Percent Receiving Vocational Rehabilitation Services	Number Attending School*	Percent Attending School*	Number of Dialysis Facilities After Regular Hours (5 PM)	Percent of Dialysis Facilities After Regular Hours (5 PM)
1	3,468	807	23%	25	1%	37	1%	59	30%
2	7,864	1,679	21%	44	1%	97	1%	113	40%
3	4,986	992	20%	19	0%	47	1%	70	32%
4	5,068	968	19%	17	0%	31	1%	50	15%
5	7,936	1,767	22%	16	0%	47	1%	74	18%
6	15,354	2,466	16%	73	0%	166	1%	36	5%
7	8,072	1,707	21%	62	1%	176	2%	65	15%
8	8,917	1,341	15%	15	0%	53	1%	25	6%
9	9,001	1,884	21%	46	1%	60	1%	89	15%
10	5,722	1,197	21%	7	0%	40	1%	35	11%
11	7,698	1,792	23%	99	1%	173	2%	280	55%
12	4,444	1,006	23%	10	0%	33	1%	33	10%
13	6,406	1,208	19%	134	2%	120	2%	26	8%
14	15,044	3,131	21%	137	1%	233	2%	68	11%
15	7,276	1,609	22%	16	0%	46	1%	91	25%
16	4,237	1,097	26%	57	1%	104	2%	111	52%
17	7,536	1,606	21%	14	0%	63	1%	68	24%
18	13,278	2,413	18%	61	0%	142	1%	386	100%
TOTAL	142,307	28,670	—	852	—	1,668	—	1679	—
% of Total	—	—	20%	—	1%	—	1%	—	24%

*Full- or part-time. NOTE: Items in this table are reported on the CMS-2744 Form in CROWNWeb. Due to the manner in which CROWNWeb calculates employment, vocational rehabilitation, and school on the CMS-2744 Form, the numbers reported in this table may vary slightly from actual totals.

SOURCES: ESRD NCC Data Tables provided to Networks 1–18 for Annual Reports, 2016.

How Much Does SSDI Replace of Work Earnings?

SSA uses a formula based on the person's earnings prior to disability to calculate SSDI benefit. **EXAMPLE:** Table shows how SSDI in 2017 compares to work earnings for worker who became eligible for SSDI at age 55 in 2014.

Earnings Before Disability (Lifetime Average*)	Annual DI Benefit	Percent of Earnings Replaced by Benefit
\$20,000	\$12,288	61%
\$40,000	\$18,612	47%
\$60,000	\$24,948	42%
Taxable maximum (\$127,200 in 2017)	\$33,672	26%

*Average indexed earnings; average SSDI benefit in 2017 was \$1,172/month or \$14,064/year.

<https://www.nasi.org/learn/socialsecurity/disability-insurance>

Messages That May Motivate Your Patients to Work

Working gives you...

- Greater independence & self-esteem
- More opportunities to socialize
- Less depression
- Options for better health plans
- Being able to afford to follow your treatment plan
- Higher income for desired expenses/fun activities
- Better chance of transplant & longer graft survival

Reminder: Patients Must Report Any Change That May Affect Benefits to SSA

Each of these booklets provides a list of what must be reported depending on what benefit(s) are received:

- *What You Need to Know When You Get Social Security Disability Benefits* - <https://www.ssa.gov/pubs/EN-05-10153.pdf>
- *What You Need to Know When You Get Supplemental Security Income (SSI)* - <https://www.ssa.gov/pubs/EN-05-11011.pdf>
- *What You Need to Know When You Get Retirement or Survivors Benefits* - <https://www.ssa.gov/pubs/EN-05-10077.pdf>

SSDI ONLY WORK INCENTIVES

Trial Work Period

- SSDI recipient gets a check while working and earning as much as possible as long as s/he hasn't used all 9 trial work months during a 5-year rolling period.
- Any month earnings are \$850+ (2019) or 80+ hours/month (if self-employed) uses a trial work month. Earnings below that don't count as a month of trial work.

NOTE: SSA defines disability as an impairment expected to last 12 months so can't get SSDI or TWP if work starts within 12 months from disability start or before SSA approves claim.

Extended Period of Eligibility

- SSDI recipient can get a check any month income is less than the **substantial gainful activity** (SGA) level during the 36 months after the trial work period (TWP) ends.
- Substantial gainful activity (SGA) level in 2019
 - *\$1,220 if not blind*
 - *\$2,240 if legally blind*

Unincurred Business Expenses (Self-Employed)

- Social Security won't count as income donated time or equipment if the donated item/service is one that IRS allows businesses to count as a business expense.

Continuation of Medicare Coverage

- A person with a disability can keep Disability Medicare Part A for free and Part B and D with a premium for 8.5 years after his/her TWP if SSDI ends due to work earnings.

NOTE: A transplant recipient with another disability besides ESRD could use this work incentive. Dialysis patients can keep Medicare no matter how much they make from work so they do not need this work incentive.

Medicare for Persons with Disabilities Who Work

- Those <65 who are disabled and lost SSDI due to work can pay a premium to keep Part A after the 8.5 years ends.
- The premium is based on work credits
 - *\$437/month with <30 credits*
 - *\$240/month if ≥ 30 credits in 2019*
- If eligible under a living or deceased spouse or if divorced after 10 or more years, the premium is based on the spouse's credits

SSI ONLY WORK INCENTIVES

Earned Income Exclusion

- When someone who gets just SSI has work earnings, in figuring how much to pay a worker with SSI, Social Security doesn't count:
 - *\$20 (general income exclusion, working or not)*
 - *The first \$65 of work earnings; or*
 - *1/2 of the rest of his/her work earnings*

Student Earned Income Exclusion

- Students with disabilities under age 22 who regularly attend school earn up to \$1,870/month or \$7,550 a year in 2019 without a change in their SSI check. “Regular attendance”...
 - *12 hours/week in grades 7-12*
 - *8 hours/week in college*
 - *12 hours/week in a training course to prepare for work*
 - *can be less if due to illness*
- Student earned income exclusion is applied before the \$20 general income exclusion or earned income exclusion

Special SSI Payments for People Who Work

Section 1619(a)

- Someone who got an SSI check any month before earning at the SGA level may still get SSI if s/he is still disabled and meets other eligibility rules for SSI (income & resources).
- With Section 1619(a) there's no need for a trial work period or extended period of eligibility for SSI recipients.
- “Break-even point” for someone who has earned but no unearned income in 2019 is $[2 \times \$771] + \$85 = \$1,627$.

Medicaid While Working - Section 1619(b)

- Someone with a disability who works can keep Medicaid if s/he loses SSI cash due to work.
- Workers with disabilities can have Medicaid with much higher income than those who do not work. How much varies by state. For the threshold amount in each state, see <https://www.ssa.gov/disabilityresearch/wi/1619b.htm>.

NOTE: State Medicaid offices may not be aware of 1619(b) and may tell people with disabilities they will lose Medicaid if they work. Be prepared to inform/advocate.

SSI & SSDI WORK INCENTIVES

Expedited Reinstatement (EXR)

- If someone who lost cash benefits due to work stops working or earns less than the SGA within 5 years due to the same disability or a related one, s/he can ask SSA to re-start checks with no waiting period.
- SSA will pay SSI and/or SSDI for 6 months while redetermining disability and on an ongoing basis if disability is proven.

Impairment-Related Work Expenses

- A worker with a disability can show receipts for out-of-pocket costs for items/services that keep them healthy enough to work.
- Expenses could include routine drugs/medical services, medical supplies/devices, work-related equipment/home modifications, attendant care, driver/taxi/modified vehicle, etc.
- SSA can deduct approved costs from countable work earnings.
- Deductions allow the disabled worker to earn that much more without risking SSI/SSDI.

Blind Work Expenses

- A worker who is legally blind can show SSA receipts for expenses for items/services that allow him/her to work as well as other impairment-related work expenses.
- Expenses could include such things as guide dog and expenses, transportation to/from work, federal/state/local taxes, attendant care services, visual/sensory aids, translation of materials into braille, professional association fees, and union dues

Continued Payment under Vocational Rehabilitation or Similar Program (Section 301)

- Someone who “medically recovers” while receiving VR or similar program services that has a goal of ending the need for disability benefits can keep SSI/SSDI until...
 - *The program ends;*
 - *The person leaves the program; or*
 - *the program is not expected to keep the person off disability.*
- Someone who gets SSI can keep Medicaid.
- Someone who gets SSDI can keep Medicare.
- This work incentive could help transplant recipients.

Plan to Achieve Self-Support (PASS)

- Someone with a disability who would be eligible SSI if not for income/assets can write a plan for getting a job/starting a business.
- The plan must include:
 - *Steps required (education/training, childcare, equipment);*
 - *Money required other than SSI (SSDI cash, wages, savings); and*
 - *Timeline.*
- SSA won't count money in the PASS when figuring SSI so may get SSI or may increase SSI amount received.
- A VR counselor, relative or a SSA PASS cadre can help write a PASS <https://www.ssa.gov/disabilityresearch/wi/passcadre.htm>.

Resources (1)

- **SSA Red Book** - <https://www.ssa.gov/redbook/>
- **Work Incentive Liaison (WIL)** – located in each SSA office to advise individuals and organizations about work incentives
- **Area Work Incentives Coordinator (AWIC)** – employment experts who do public outreach, oversee training, handle sensitive cases
- **Benefits Planning Query** – provides info about benefits, health insurance, scheduled disability reviews to:
 - *AWICs, PASS specialists, benefits counselors, TTW providers*
 - *Beneficiary, representative payee, authorized representative, who request info (800-772-1213)*
 - *Others can request info by submitting 2 copies of SSA-3288 (release) – one for SSA records & one for IRS earnings record*

Resources (2)

- **Work Incentive Planning & Assistance (WIPA)** counselors help beneficiaries understand benefits, how & what to report, work's effects on benefits, & support transition to work
- **Work Incentive Seminar Events (WISE)** are webinars on topics related to working with a disability; register at choosework.ssa.gov or by calling 1-866-968-7842
- **Employment Networks/Vocational Rehabilitation** provide various services to help people with disabilities work; locate them at choosework.ssa.gov/findhelp.
- **Protection & Advocacy for Beneficiaries of Social Security (PABSS)** IDs employment barriers, addresses complaints, provides legal representation to protect rights, educates about ADA

Resources (3)

- **Individual Development Accounts (IDA)** is a trust-like bank account for those with TANF or Assets for Independence Act to go to school, buy a house, start a business; money set aside is matched by a participating nonprofit & federal government;
www.acf.hhs.gov/programs/ocs/programs/afi.
- **Achieving a Better Life Experience (ABLE)** is a tax-advantaged account to pay for expenses (education, housing, transportation, employment training/support) for someone:
 - *Receiving SSI based on disability or blindness that began before age 26;*
 - *Entitled to SSDI, Childhood Disability Benefits (CDB), or Disabled Widows or Widowers Benefits (DWB) based on disability or blindness before age 26; or*
 - *Whose primary care physician certified he or she is disabled or blind by a condition that began before age 26.*

The Key to Helping Your Patients Work Is in Your Hands...



You Can Do It!