

INFORMATION SUMMARY BENEFIT PROGRAMS FOR ADULTS WITH DEVELOPMENTAL DISABILITIES ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION

There are two programs administered by the Social Security Administration (SSA) that may provide financial and other benefits for adults with developmental disabilities. The eligibility requirements, benefits, and general operating modality of each of these programs are different. The following outline is designed to provide an introduction to these programs and summarize the key highlights of each. The information that follows applies only to individuals who are 18 years of age or older. Please request additional information if you are interested in benefit programs for children.

SUPPLEMENTAL SECURITY INCOME:

Supplemental Security Income (SSI) is a federal program (supplemented by the state in California) designed to provide subsistence income for individuals who are disabled, have minimal resources, and limited income. To qualify, applicants must demonstrate that their resources and income are within the limits of the program, and that they have a disabling condition that substantially impairs their ability to work.

SSI rules generally limit the amount of savings and other value resources to no more than \$2000.00. Certain resources are not countable, including a home where the person resides, an automobile used for work or medical purposes, and a burial plan. Any other valuable asset that is held in the individual's name will most likely be counted. The income and resources of parents are not considered for adults (even those who reside with their parents). If an individual applying for benefits is found to exceed the resource limit, he or she will be found ineligible for SSI. If a recipient of SSI is found to exceed the resource limit, he or she will become ineligible for benefits until the excess resources are reduced.

If an applicant for SSI receives income from other non-work sources, the majority of this income will be counted by SSA in determining eligibility and the benefit rate for recipients. SSI rules exclude the first \$20.00/month of any unearned income, but will reduce SSI benefits dollar-for-dollar for any unearned income above this level. SSI recipients who are determined to be potentially eligible for other public assistance programs will be required to apply for these benefits.

SSI rules have been modified in recent years to provide a number of special programs and incentives for recipients to assist individuals in becoming employed. SSI excludes the first \$65.00/month of earned income (the first \$85.00/month if the person has no unearned income), and will reduce benefits by \$1.00 for each \$2.00 earned thereafter. [NOTE: In all cases, earned income means gross income.] Recipients may apply to have certain Impairment Related Work Expenses (IRWE) deducted from their earned income, and may submit a Plan for Achieving Self Support (PASS) that will reduce countable income to enable the recipient to accumulate money to be applied to a vocational goal.

SSI benefit rates are determined based upon the individual's living arrangement. Different rates are paid for individuals who reside in the home of another, who rent housing, or who reside in a residential facility. [NOTE: Benefits are reduced to minimal levels for individuals who reside in any type of long term medical facility including Intermediate Care Facilities (ICF).] For individuals who reside in family homes, the SSI rate will depend upon the level of care the individual requires and whether he or she is paying a fair share of the housing costs. [CAUTION: If individuals are unable to pay their fair share of housing costs, the difference between what they are able to pay and their full share can be deemed to be income and result in a further reduction of benefits.] For individuals who reside in board and care facilities, the majority of their benefits are payable to the residential provider to cover the costs of room and board. (Residential providers also receive a monthly payment from the regional center to cover the costs of



additional services for residents with developmental disabilities.)

In California, recipients of SSI become eligible for MediCal (the California supplemented version of the federal Medicaid program). When an individual qualifies to receive SSI, MediCal eligibility will follow automatically. [NOTE: If individuals achieve a level of earned income that results in the loss of SSI benefits, there are other programs than can enable them to retain their MediCal insurance coverage.] SSI recipients who reside in their own homes (pay rent) may also be eligible to receive specific care services through the In-Home Supportive Services (IHSS) program, and will not be required to reestablish financial eligibility for IHSS.

SSI benefits are paid on a monthly basis at the beginning of each calendar month. If SSA later determines that resource or income factors for any month affect the level of benefits due, retroactive adjustments will be made. It is extremely important that recipients report their earnings to SSA regularly and advise SSA of any other changes that might affect their benefits in a timely fashion. Failure to report changes can result in recipients being held responsible to repay overpaid benefits, and can result in reductions in future benefits to collect prior overpayments.

Social Security

There are two programs under which an adult with developmental disabilities can qualify to receive benefits under the federal Social Security program. Individuals who have a substantial work history and who have accumulated the required number of countable quarters of earned income may qualify to receive Social Security benefits on their own earnings record. This program is identified as Social Security Disability Income (SSDI). Individuals who have developmental disabilities and whose parent(s) are retired, have become disabled, or are deceased may be eligible to receive Social Security benefits on the earnings record of a parent. These Social Security benefits are referred to as Dependent Adult Child (DAC) benefits.

There are no resource or unearned income limitations for the Social Security Program. Applicants for Social Security benefits must meet SSA disability requirements and have earned income below a certain threshold. The level of earned income below this threshold will not affect the amount of benefits the individual receives. If an individual earns in excess of the earnings threshold for nine months (need not be consecutive), he or she may be determined to be capable of engaging in Substantial Gainful Activity and found ineligible for future benefits. The threshold for SGA is adjusted annually (\$860/month for 2007).

Social Security benefits are paid at the beginning of each month for the prior month. Two years after the date that an individual is determined eligible for Social Security benefits, he or she will automatically become eligible for the federal Medicare insurance program. [NOTE: Individuals who are also eligible for MediCal should not be charged for Medicare Part B premiums, these will be paid by the state. Individuals who are eligible for MediCal will also be required to enroll in a Medicare Part D prescription as well.]

Representative Payee

SSA makes provisions for another person to be appointed to receive and manage benefits for a recipient with a disability. This person is referred to as the Representative Payee (Rep Payee). [Refer to the Information Summary regarding serving as a representative payee for additional information about this program.] The Rep Payee is responsible for submitting an annual report to SSA documenting how the benefits have been used.

Appeals

As with most governmental programs, the determinations and actions of SSA may be challenged by recipients and/or their payee through due process procedures. Instructions and timelines for initiating due process are provided with every notice of action received from Social Security.

Recordkeeping

All recipients of benefits under any SSA program (even those who have a Rep Payee) will receive regular notices from SSA regarding their benefits. It is essential that these notices be retained because SSA updates the master file with each change and does not maintain files of these notices. Individuals who have other sources of income must also retain paycheck stubs and other documentation relative to this income, as well as statements for all accounts where their personal funds are held. SSA may periodically request that the original documents be submitted for review.

INDEPENDENT LIVING: In the heyday of the continuum approach to residential services, independent living was seen as the ultimate goal for people with developmental disabilities. Although the idea was that people would ultimately achieve a level of independence that would not require staff support, experience has demonstrated that most people with developmental disabilities need to have access to some level of support in order to live successfully in the community. Most of the independent living programs that remain are more properly described as semi-independent living. These programs include cluster apartment programs with living skills training programs and itinerant support programs that provide a generic level of scheduled staff support for individuals residing in apartments. These programs are usually funded by the Regional Centers. [NOTE: Some agencies operate support service programs that provide a predetermined level of support for all participants and may be termed supported living programs. Because the services and supports are not individually defined, however, these programs must be considered to be independent living rather supported living.]

SUPPORTED LIVING: Supported Living is the newest development in residential services for people with developmental disabilities. Supported living is unique in that the housing and the staff support are separated by design. Individuals with disabilities obtain and maintain their own homes (often with roommates) and pay their rent, food and other routine living expenses from their public benefits and earnings. A schedule of services and supports is tailored specifically to meet the particular needs of each person. Services are most commonly provided by an agency, although an increasing number of family and consumer operated supported living arrangements are being developed. Services and supports can range from a few hours/week to 24 hour care as dictated by individual requirements. Supported living uniquely permits individuals to change the provider of their supportive services without leaving their home. Supported Living Arrangements are primarily funded by the Regional Centers, although most also incorporate In-Home Supportive Services (IHSS) to provide an element of the staff support.

WITH FAMILY: The predominate living arrangement for adults with developmental disabilities remains residence in a home with parents or other family members. The nature of such arrangements varies broadly. Because most of the residential support is provided by family members, these types of living arrangements are usually the least costly in terms of public expense. Despite the economy of supporting family residences, both funding and supportive services are limited and in short supply for people who live in these settings. Individuals contribute to their housing costs in varying degrees through their public benefits and earnings. If additional staff support is required, it must be secured separately. Additional supports are most commonly identified through the Individual Program Plan (IPP) process and funded by the Regional Centers.