WAIVER ELIGIBILITY INCOME LIMITS STUDY

INTRODUCTION

This report reviews the Florida Developmental Disabilities Council (FDDC) current findings on how Medicaid and other benefits affect having a job for people with disabilities in Florida.

It then offers steps for policy change relating to Medicaid Buy-In (MBI) and income limits for the Medicaid Waiver in the state.
INCOME LIMITS

The monthly maximum amounts for SSI for 2019 are:

- $771 for an eligible individual
- $1,157 for an eligible individual with an eligible spouse.

It is possible to earn more and still receive SSI payments. “Countable” income is determined by subtracting the first $65 per month of earned income, plus one half of the remainder.

Meaningful work is an important part of adult life. However, few people with disabilities are working compared to everyone else. And for those who work, many could have more hours.

One barrier to employment is fear of losing benefits.

Two Florida programs provide home supports and medical services for eligible people with disabilities: The iBudget and Consumer Directed Care Plus Medicaid Waiver (CDC+).

Both programs provide health benefits through Medicare or Medicaid. But they both have an income limit of $2,000 per month.

Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) provide income support to individuals due to their inability to engage in what is called “substantial gainful activity” (SGA).

What is SGA?
SGA is defined as earning $2,040 for blind individuals and $1,220 for non-blind people with disabilities.
MEDICAID BUY-IN (MBI)

MBI allows people with disabilities to keep Medicaid benefits by paying a premium based on income. Florida does not have such a program.

In Florida, the Department of Children and Families (DCF) determines Medicaid eligibility except for SSI recipients, who are automatically eligible.

In addition to Medicaid, the Waiver program also has income and asset limits.

*iBudget and Community Choice First*

The HCBS Waiver specific to individuals with developmental disabilities is known as iBudget, and is provided by the Agency for Persons with Disabilities (APD). This can be exchanged for CDC+ for a reduced budget with more flexibility and independence.

During the fiscal year of 2017-18, APD served 34,285 individuals through HCBS Waivers, with 21,471 on the waitlist.

A Community First Choice (CFC) benefit increases home and community-based services and helps people guide their own services.

INCOME LIMITS AND DISABILITY PROGRAMS

*Achieving a Better Life Experience (ABLE) Act*

This is a tax-free savings and investment account for individuals with disabilities. You must be a Florida resident and be blind or have a disability before age 26, and also entitled to SSI or SSDI.

Up to $100,000 in an ABLE account is not “counted” for SSI eligibility.

If the ABLE money is spent on qualified disability expenses, the earnings on the money withdrawn are tax-free.

Funds in the ABLE account do not count for Medicaid eligibility, even if the SSI payment is suspended because the balance exceeds $100,000.

Money may be withdrawn at any time and for any reason. Anyone can contribute up to $14,000 per year. There is no federal income tax deduction.
Qualified Income Trust (QIT)

QIT allows you to place income into an account each month and still get Medicaid long-term care.

It can be set up when income, before deductions, is over the limits for the Institutional Care Program (ICP), Institutional Hospice, HCBS Waiver, or Programs of All-inclusive Care for the Elderly (PACE).

A QIT agreement must be approved by DCF and cannot be canceled.

Impairment-Related Work Expenses (IRWE)

This allows individuals to deduct the cost of certain work expenses from their earnings to determine SGA. This includes transportation, attendant care, service animals, medical devices and services, and assistive technology.

A Plan to Achieve Self-Support (PASS)

You can set aside income other than SSI so you can pursue a work goal that will reduce or eliminate SSI or SSDI benefits. PASS is frequently used for higher education.

Ticket to Work (TTW)

Free and voluntary service available for people with disabilities who want to work.

SSI and SSDI beneficiaries can select a state Vocational Rehabilitation (VR) agency or an approved provider, including Employment Network (EN).

ENs are private organizations or government agencies that work with SSA to provide employment services.

Expedited Reinstatement (EXR)

If cash payments end because of the money you make, and you stopped work within 5 years of when benefits ended, you can request benefits to start again right away.

This allows you to receive up to 6 months of temporary cash benefits during the medical review.

You also can be eligible for Medicare and/or Medicaid during this provisional benefit period.
The Jimmy Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance (JP-PAS)

This is for Floridians with all types of disabilities. It is provided by the Florida Association of Centers for Independent Living (FACIL).

You must earn between $11,880-$120,000 and not have cash benefits from SSI or SSDI, or services under a Medicaid Waiver.

**SELF-ADVOCATE SURVEY**

Key findings from the 2017 survey of self-advocates include:
- 49% have at least some college education.
- A third are employed, 36% work 36-40 hours/week.
- Of those not employed, 65% had jobs and 17% worked 36-40 hours.
- Of those employed, 77% make less than $2,500/month.
- 32% said they knew of ABLE Accounts.
- 25% had turned down more hours or other opportunities due to fear of losing benefits.
- 45% said if they lost Medicaid and Waiver services, they would not be able to work.
- 51% are willing to pay a premium to retain benefits to earn a higher income.

**IMPACT OF INCOME LIMITS IN FLORIDA**

**FAMILY MEMBER SURVEY**

- 52% of family members with a disability have a high school diploma/equivalent.
- Only 17% are employed, and no one worked 36-40 hours/week.
- Of those not employed, only 17.5% worked in the past, and no one had ever worked 36-40 hours/week.
- Of those employed, 100% make less than $1,500/month.
- 40% said they knew of ABLE Accounts.
- 9% had turned down more hours or other opportunities due to fear of losing benefits.
- 86% said if they lost Medicaid and Waiver services, they would not be able to work.
- 27% are willing to pay a premium to retain benefits while earning a higher income.

**KEY FINDINGS FROM DISABILITY PROFESSIONALS INCLUDE:**

- 69% have over 10 years of experience.
- 81% have an Associate’s Degree or higher.
- 43% believe their clients could work more but don’t due to fear of losing benefits.
- 68% say they know the appropriate resources to provide accurate information.
- 69% have clients who turned down additional hours or income due to fear of losing benefits.
Family members were frustrated receiving different answers to the same questions from different agencies and lack of knowledge from Waiver Support Coordinators (WSCs).

Many disability professionals were frustrated at being unable to call Social Security Administration (SSA), Vocational Rehabilitation (VR), and others.

Other frustrations included employee turnover at disability service provider organizations and a general lack of job opportunities.

People felt there needs to be better cooperation across agencies that provide services for people with disabilities.

According to the Agency for Persons with Disabilities (APD), 3,071 APD clients have competitive employment as of 2018.

RECOMMENDATIONS

**Training and Toolkits**

Develop training to increase awareness of programs that allow workers with disabilities to earn more money without losing their Medicaid, Medicare, and Waiver benefits.

Use toolkits to help individuals learn about how to get into these programs.

**Education for Self-Advocates**

Promoting the Readiness of Minors in Supplemental Security Income (PROMISE) Grants is a federal program that helps young adults learn the benefits of employment.

Florida should watch how these grants work in other states and pursue this opportunity if additional funds are offered.

**State Plan Amendment for Community First Choice**

Florida should request adding the Community First Choice (CFC) benefit. This allows eligible individuals on waitlists for Medicaid Waivers to receive some funding for services while they wait for the Waiver.
A state may have one HCBS Waiver for their developmental disability community and another for their physical disability community.

Medicaid Buy-In (MBI) through the TTWIIA

The state should estimate of the number of people who could become eligible for Medicaid through MBI.

- Advocate the benefit of work to legislators.
- Talk about decreased medical spending, increased earnings, self-sufficiency, and quality of life.
- Avoid the perception of expanding Medicaid.
- Provide effective marketing so families and others are aware of the program.

A New Waiver Program

Create a new Medicaid Waiver program similar to APD’s iBudget waiver to have more control over transportation, employment, and other services needed for work.

This Waiver would not have to cover Adult Day Training (ADT) programs that employed people would not need. However, the high costs associated with creating a new program may not be affordable.