

# Medicaid and Social Security Benefits for Transition-Age Youth with Disabilities

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# About PHLP

The Pennsylvania Health Law Project (PHLP) is a statewide, nonprofit law firm. We provide free legal services to help Pennsylvanians get or keep publicly-funded healthcare coverage and services.



# Our Services

- Statewide Helpline
  - Call 1-800-274-3258
  - Open Mondays & Wednesdays beginning at 8 AM
- Legal advice and representation
- Policy advocacy
- Community education
  - Monthly newsletter ([sign up here](#)) and other alerts
  - Resource Library: [www.phlp.org/en/resource-library](http://www.phlp.org/en/resource-library)

# When to Call PHLP

- Help with Medicaid and Waiver eligibility
- Help with loss of Medicaid or Waiver coverage
- Understanding how Medicaid works with private insurance and/or Medicare
- Understanding how to get physical and behavioral health care with Medicaid insurance coverage
- Help with denial or reduction of Medicaid or Waiver services

# Part 1: Medicaid

Presented by:  
Janice Meinert, MSW, Paralegal  
Pennsylvania Health Law Project

# Medicaid Eligibility

- To get Medicaid, must fit category of eligibility
- Four Medicaid categories for children:
  1. Kids getting SSI (J category)
  2. Kids in low-income households (MG category)
  3. Kids with disabilities (PH-95 category)
  4. Kids in Home & Community Based Services (HCBS) Waivers
- A child's Medicaid category will determine what happens when they turn 18

# Medicaid Categories of Eligibility

- Helpful to know how a child qualifies for Medicaid before they turn 18.
- County Assistance Office (CAO) can tell you what category child is in.
- Health care providers can check Medicaid status (i.e., active or inactive; category; dates of coverage) on the state's eligibility verification system, known as EVS.

# Youth on SSI and Medicaid

- Anyone who receives Supplemental Security Income (SSI) from the Social Security Administration is automatically enrolled in Medicaid.
- Social Security has separate disability criteria (called “Listing of Impairments”) for children under 18 and adults 18+.
- A 17-year-old on SSI does not automatically continue on SSI when they turn 18. They must apply as an adult! (more on that later)



## Youth on SSI and Medicaid at Age 17+

- When 17-year-old turns 18, do they plan to apply for SSI as an adult?
  - If yes, apply right away after turning 18
  - Provide CAO with proof of adult SSI application
  - Medicaid coverage must continue until Social Security decides on the on SSI application

## 18-Year-Old Not Applying for SSI

- What if soon to be 18-year-old is not planning to apply for SSI as adult?
- Other Medicaid options:
  - Eligible based on household size and income
  - Eligible for Medical Assistance for Workers with Disabilities (MAWD) if doing some type of paid work and documented health conditions or disabilities (**NOT** required to apply for SSI under this category!)

## 18-Year-Old Not Applying for SSI (cont.)

- Apply for Home and Community Based Services (HCBS) Waiver
  - People on Waiver automatically get Medicaid!
- The Children's Health Insurance Program (CHIP) is an option until age 19.
  - Visit <https://www.dhs.pa.gov/CHIP>

# Children on Medicaid Based on Household Income

- Kids can qualify for Medicaid based on household size and income and tax filing status
- Medicaid income limits by age grouping (see chart):

Child's Age	Income Limit: Household of 4
Newborns to Age 1	220% FPL (\$5,720 per month)
Age 1 through 5	162% FPL (\$4,212 per month)
Age 6 and older	128% FPL (\$3,588 per month)

## Children on Medicaid Based on Household Income (con't)

- Youth aged 18 and older can qualify for Medicaid even if parents claim them on taxes. Household income (including the parents' income) must be under the monthly limit.
- **IMPORTANT:** Under this category, parental income counts when determining eligibility for Medicaid until the youth turns 19.

# Children Turning 18 on Medicaid in PH-95 Category

- **PH-95 category ends when youth turns 18!**
- Medicaid Options:
  - Apply for SSI as adult – provide proof to CAO of SSI application so Medicaid continues as “presumptively disabled.”
  - Apply for Medicaid as nondisabled adult if tax dependent and household income is less than 138% federal poverty level

# Children Turning 18 on Medicaid in PH-95 Category (cont.)

## Options Continued...

- Apply for Medical Assistance for Workers with Disabilities (MAWD)
  - Must be doing some type of paid work
  - Need proof of disability or significant physical and/or behavioral health condition
  - Higher income & resource limits
- Apply for HCBS Waiver

**NOTE:** PH-95 Medicaid category ends at age 18, but EPSDT services (e.g. shift care) continue until age 21.

## Medicaid & HCBS Waivers

- Waivers offer services that help people with disabilities live as independently as possible in the community; avoid institutions .
- Enrollment in one of PA's Medicaid Home and Community Based Services (HCBS) Waivers provides full Medicaid health insurance!
- This is automatic. No separate application needed.



## Medicaid & HCBS Waivers (cont. 1)

- PA has several HCBS Waiver programs for children & adults with disabilities
- Waivers for those with ID and/or Autism:
  - Person/Family Directed Supports waiver (any age)
  - Community Living waiver (any age)
  - Consolidated waiver (any age)
  - Adult Autism Waiver (age 21+) – for adults with Autism diagnosis and meet medical need
- However – all have waiting lists 😞

## Medicaid & HCBS Waivers (cont. 2)

- Waivers for adults with physical disabilities:
  - OBRA waiver (age 18+) – for those with developmental physical disabilities
  - Community HealthChoices (CHC) waiver (age 21+) – for those with physical disabilities
- No waiting lists for OBRA or CHC! 😊

# 2024 Waiver Income & Resource Limits

## **Income limit** - \$2,829 per month

- Counts only the income of the applicant, even if they are married.

## **Resource Limit** - \$8,000

- Includes money in the bank, cash on hand, investments, etc.
- Does not include: the home where applicant lives, one car, prepaid funeral expenses & burial accounts

# Waiver Eligibility Challenges

- Clinical eligibility varies depending on the waiver program you are applying for.
- Age requirement for eligibility also varies based on the waiver program you are applying for.
- Long waiting lists for all three ID waivers and the Adult Autism Waiver. [PA Waiting List Campaign](#)
- No waiting list for the CHC waiver but must be age 21 or older.

# Children's Health Insurance Program (CHIP)

- Available from birth to age 19
- Can't have any other insurance to be eligible for CHIP
- Free CHIP, Low-cost CHIP and Full-cost CHIP
  - Based on household size and income
  - Income based on tax filing status & household
- Does not cover all the benefits that Medicaid does, but still very good health insurance coverage.
  - Children with disabilities are generally better served on Medicaid because of EPSDT.

# Children's Health Insurance Program (CHIP) cont.

- Income limits for free, low-cost, and full-cost CHIP vary based on age of the child and number of people in the household.
- **Premiums**
  - Low-cost CHIP: \$53 to \$86 per month
  - Full-cost CHIP: \$235 per month
  - No premium for free CHIP
- **Co-pays**
  - Low-cost CHIP: \$5 to \$25 per service
  - Full-cost CHIP: \$15 to \$50 per service
  - No co-pays for free CHIP

# Getting Help from PHLP

- PHLP can explore Medicaid options for youth on Medicaid turning 18 (or at any age!)
- Statewide Helpline
  - 1-800-274-3258
  - Open for new client intake beginning at 8am on Mondays and Wednesdays
- Janice Meinert: 412-434-5637, [jmeinert@phlp.org](mailto:jmeinert@phlp.org)

# QUESTIONS?





# Part 2:

# Social Security Benefits

Presented by:  
Elaine Cole, Public Affairs Specialist  
Social Security Administration

# Disclaimer

This information is current at the time of the presentation.

Social Security policy is subject to change.

Please visit **SSA.gov** for up-to-date information on our programs.



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# Questions We Will Answer Today

- What is the difference between Social Security and Supplemental Security Income?
- If receiving benefits from Social Security, what type of benefits are you receiving?
- What type of benefits could you qualify for?
- What happens when a child turns 18 and is already receiving Social Security benefits from a parent's record?
- What happens when a child turns 18 and is already receiving SSI benefits?
- What happens when a child with a disability turns 18, but does not receive benefits?
- How do you file a disability claim?
- If a disability claim is denied can an appeal be filed?
- What is the time frame to appeal a denial decision?
- How do you contact Social Security?

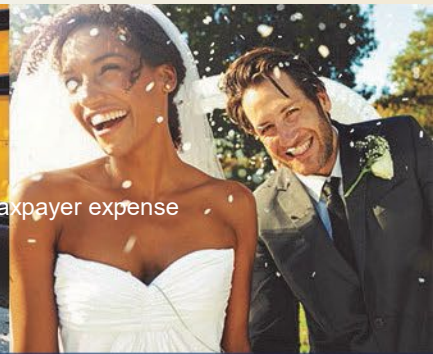




# Social Security: *New & Noteworthy*



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## *Social Security Scams*



- **HANG UP** on Social Security scams.
- **DON'T** make payments with gift cards or wire transfers.
- **TELL** your family and friends.

Learn more at  
**[ssa.gov/scam](https://ssa.gov/scam)**

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# Scam Awareness & Social Security

Fraudsters pretend to be government employees and claim your identity has been stolen or that there is another problem with your SSN, account, or benefits. These criminals continue to evolve and find new ways to steal your money and personal information.

Generally, we will only contact you if you have requested a call or have ongoing business with us, but we will never:

- Threaten you with arrest of legal action.
- Suspend your Social Security number (SSN).
- Demand immediate payment from you.
- Require payment by cash, gift card, pre-paid debit card, internet currency, or wire transfer.
- Ask for gift card numbers over the phone or that you wire or mail cash.
- Ask for personal details or banking info to give you a cost-of-living adjustment (COLA).

**If there is a problem with your Social Security number or account, we will mail you a letter.**



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 What should I do if I get a call claiming there's a problem with my Social Security number or account?



Social Security

Benefits ▾

Medicare ▾

Card & record ▾

Search SSA.gov



Español

Sign in

## Securing your **today** and **tomorrow**



### Prepare

Check eligibility for benefits

Plan for retirement



### Apply

Apply for benefits

Sign up for Medicare

### After you apply

Check application or appeal status

Appeal application decision

Feedback

## Manage benefits & information



### Documents

Get benefit verification letter

Get tax form (1099/1042s)



### Number & card

Replace card

Request number for the first time

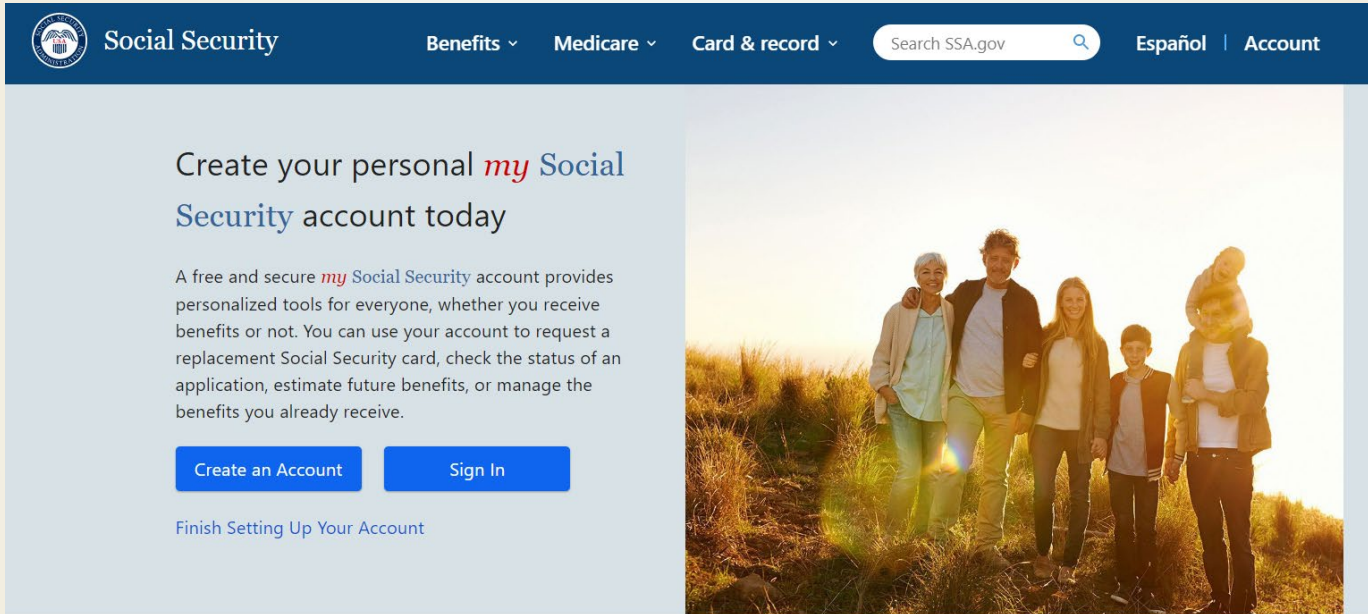
Report stolen number



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# my Social Security



The screenshot shows the top navigation bar of the my Social Security website. On the left is the Social Security Administration logo. The navigation menu includes "Benefits", "Medicare", and "Card & record", each with a dropdown arrow. A search bar contains the text "Search SSA.gov" and a magnifying glass icon. On the right, there are links for "Español" and "Account".

The main content area has a light blue background. The heading reads "Create your personal *my* Social Security account today". Below this is a paragraph: "A free and secure *my* Social Security account provides personalized tools for everyone, whether you receive benefits or not. You can use your account to request a replacement Social Security card, check the status of an application, estimate future benefits, or manage the benefits you already receive." There are two blue buttons: "Create an Account" and "Sign In". Below the buttons is the text "Finish Setting Up Your Account". To the right of the text is a photograph of a diverse family of five (two adults and three children) standing in a field of tall grass at sunset.

[ssa.gov/myaccount](https://ssa.gov/myaccount)



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# Social Security Disability **or** Supplemental Security Income What's the Difference?



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# Social Security Benefits (Title II)

**When you work, you pay taxes into Social Security. We use the tax money to pay benefits to:**

- People who have already retired – Retirement Benefits
- People who are disabled – Disability Benefits
- Survivors of workers who have died – Survivor Benefits (spouses, divorced spouses, and children)
- Dependents of beneficiaries – Auxiliary Benefits (spouses, divorced spouses, and children)

## **Other Factors:**

- The amount a qualified beneficiary will receive is determined by the worker's work history.
- The amount is not dependent upon income and resources.
- Benefits are paid from the Social Security Trust Fund.



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# Social Security Benefits for Children

Social Security benefits may be payable to a child:

**A child must have:**

- A parent who's disabled or retired and entitled to Social Security benefits; or
- A parent who died after having worked long enough in a job where they paid Social Security taxes.

**The child must be:**

- Unmarried;
- Younger than age 18;
- 18-19 years old and a full-time student (no higher than grade 12);
- **18 or older and determined to be disabled by Social Security prior to age 22.**  
**(Childhood Disability Benefits – CDB)**



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# Supplemental Security Income (SSI) (TXVI)

## **SSI Program provides monthly payments to:**

- Adults under the age of 65 with disability or blindness
- Children with disability or blindness
- Individuals over the age of 65 (does not need to file for disability)

## **Who have:**

- Limited income and
- Limited resources

## **Other Factors:**

- SSI is a Federal program funded by general tax revenues (not Social Security taxes)
- An individual receiving Social Security may also qualify for SSI





# SSI Benefits for Children

**A child (under the age of 18) may qualify for SSI if:**

- they are determined disabled by Social Security rules
- they have limited income and resources
- the child lives with parent(s), the parent(s) have limited income and resources (child does not need to be living with parents to qualify).



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# What Happens When A Child Turns 18



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# Turning 18 and Already Receiving Benefits

**If you are under 18 and receiving Social Security benefits, at the age of 18 Social Security must determine:**

- If you are still in school, and
- If you are disabled

## **What happens:**

- Just prior to your 18<sup>th</sup> Birthday, SSA will mail you a form [SSA-1372-BK](#), Advance Notice of Termination of Child's Benefits. This form needs to be completed and returned to SSA.

## **This form will let SSA know:**

- If you are still in full-time student (no higher than grade 12). If so, SSA can continue to pay you up to graduation or age 19 (which ever occurs first).
- If you allege disabilities. If so, SSA needs to secure a disability application to determine if you can continue to receive this benefit as a disabled adult child (CDB).

**If none of the conditions apply, then benefits will stop when you turn 18.**



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# Turning 18 and Already Receiving SSI

If you are turning 18 and receiving SSI, Social Security must determine:

- if you meet the definition of disability as an adult for Social Security purposes;
- if you qualify for SSI based on your own income and resources;
- your benefit amount based on your living arrangement, income and resources as an adult; and
- if you can manage your funds directly.

**This is called “Age 18 Redetermination”**



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# SSI Redetermination for Children Turning 18

**What Happens:** SSA must complete an age 18 redetermination.

- Around your 18<sup>th</sup> birthday, SSA will schedule an appointment for the age 18 redetermination interview.
- During this interview SSA will:
  - Take an adult disability claim
  - Update your living arrangement
  - Update your income
  - Update your resources
  - Make a capability decision

**What Happens next:**

- Determine if you still meet the income and resource guidelines.
- If you do, we determine what your new monthly amount will be.
- Decide if you still need a representative payee to manage your funds.
- We will send your disability application to Disability Determination Services (DDS) for an adult disability decision.



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# SSI Redetermination for Children Turning 18: Disability Decision

## What happens while waiting for DDS decision:

- If you still meet the income and resource guidelines, we will continue to pay you monthly SSI benefits.

## What happens when DDS makes a decision:

- If approved, your SSI payment will continue.
- If disapproved, your SSI payment will stop the 3<sup>rd</sup> month after the month we no longer find you disabled.
  - Example: You are determined no longer disabled as of January. You will receive a check for January, February and March. Your benefits will stop as of April.



# SSI Determination for Children Turning 18: Your Right to Appeal

If DDS determines that you are not considered disabled as an adult, you have the right to:

- appeal the decision within **60 days** from the date of the denial notice
- request payment continuation within **10 days** of the denial notice

Forms to Appeal:

- SSA 789 Request for Reconsideration – Disability Cessation
- SSA 795 Statement from Claimant – Request Benefit Continuation
- SSA 827 Authorization to Disclose Information to SSA
- SSA 3441-BK Disability Report

**Forms can be found at [SSA.gov](https://www.ssa.gov)**



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# If a Claimant Disagrees With Social Security's Decision

## Four levels of appeal:

1. Reconsideration\*
2. Hearing by Administrative Law Judge (ALJ)\*
3. Review by Appeals Council
4. Federal Court review

\*can request statutory payment continuation under certain circumstances



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# Statutory Benefit Continuation (SBC)

## What You Need to Know

You may elect SBC at the reconsideration or hearing level of the appeal process.

If you elect for payment continuation you need to be aware that:

- Receiving SBC during the appeals process can result in an overpayment if we determine you are not disabled.
- You may request the overpayment be waived if you appealed your case in good faith.



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# Age 18 Redetermination: Other Things to Consider

**Upon a periodic medical review, if we find that you are no longer disabled, you may still receive monthly benefits if:**

You are participating in a program of Vocational Rehabilitation or similar services. Some program examples are:

- Individualized Education Plan (IEP), age 18 thru 21
- The Ticket to Work Program
- State or private program using Individualized Plan for Employment (IPE)
- Plan to Achieve Self-Support (PASS)

**This is referred to as Section 301 Payment Continuation**



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## SSI and Age 18 Foster Children

A youth with a disability transitioning out of foster care may file an SSI application if the youth:

- lives in a foster care situation;
- alleges blindness or disability;
- appears likely to meet all of the non-medical eligibility requirements when foster care payments terminate;
- expects foster care payments to cease within 180 days of the application filing date; or
- is within 180 days of losing foster care eligibility because of age.

Contact SSA for more information or schedule an appointment.



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# Turning 18 and Not Receiving Benefits

If you **do not** receive Social Security or SSI as a child, but you have disabilities, at 18 you can:

- Apply for Social Security Disability and/or SSI
  
- For Social Security disability, you must meet eligibility based on:
  - Disability **and**
  - Insured based on your own work history **or**
  - Eligible for Childhood Disability Benefits (CDB) based on a parent(s) benefit record
  
- For SSI purposes, Social Security will consider your:
  - disability,
  - income,
  - resources, and
  - living arrangement.

**We will not consider parent(s) income or resources even if you are living with your parent(s).**



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## Definition of Disability - Adult

### The Social Security Act defines disability as:

a person who cannot work due to a severe medical condition that has lasted, or is expected to last, at least one year or result in death; or

the person's medical condition must prevent him or her from doing substantial gainful employment – work that he or she did in the past, and it must prevent the person from adjusting to other work.



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## Requirements for Getting Social Security Disability (SSDI) Benefits

To be eligible for disability benefits based on your own work history, you must be determined disabled by Social Security rules and meet two different earnings tests:

- a recent work test, and
- a duration of work test.

Note: Certain blind workers must meet only the duration of work test.

To be eligible for Childhood Disability Benefits(CDB) you must be found disabled prior to the age of 22 and unmarried.



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## SSDI: What Happens Next?

- Your application will be reviewed to make sure you meet some basic requirements for disability benefits.
- We'll check whether you worked enough years to qualify and evaluate any current work activities.
- If you meet these requirements, we'll forward your case to the Disability Determination Services office in your state.



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## Disability Determination Services (DDS) - State

- This State agency (DDS) completes the initial disability determination decision.
- Doctors and disability specialists in DDS asks your doctors for information about your condition(s). DDS considers all the facts in your case.
- DDS uses the medical evidence from your doctors, hospitals, clinics, or institutions where you've been treated.



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## We'll tell you our decision...

- When the state agency decides on your case, we'll send a letter to you.
- If approved, the letter will show the amount of your benefit, when your payments start, and your reporting responsibilities.
- If not approved, the letter will explain why and tell you how to appeal the determination if you don't agree with it.



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# Requirements for Getting SSI as an Adult

To be eligible for SSI, you must:

- have limited income and few resources;
- be age 65 or older;
- be totally or partially blind; or
- have a medical condition that keeps you from working and is expected to last at least one year or result in death.



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## Requirements for Getting SSI

- Your income – money you receive such as wages, Social Security benefits, and pensions. Income also includes such things as food and shelter.
- Your resources – things you own such as real estate, bank accounts, cash, stocks, and bonds.
- Where you live – must live in the U.S., or Northern Mariana Islands. If you're not a U.S. citizen, but you are lawfully residing in the United States, you still may be able to get SSI.



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# Income

Earned	Unearned
Wages	SSA benefits
Net earnings from self-employment	Veterans' benefits
Payment for services in sheltered workshop	Unemployment benefits
	Interests
	Pensions
	Cash from family/friends



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# Resources

Included Resources	Excluded Resources
Bank Accounts (CDs, IRAs)	Home in which you live
Stocks, Bonds, 401Ks (Liquid Assets)	First car
Second Car	Burial plots for self & family
Life Insurance	Some resources set aside for burial
Property other than where you live	

**Individual Limit: \$2,000 / Couples Limit: \$3,000**



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## Living Arrangements

Living arrangements are another factor to determine how much SSI a person can get. Benefits may vary depending on where you live:

- In someone else's household
- In an institution – generally \$30/month maximum
- In a group care or board and care facility



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# What to Report Under SSI

- change of address
- change in living arrangements
- change in earned and unearned income
- change in resources
- death of a spouse or anyone in your household
- change in marital status
- change in citizenship or immigration status
- change in help with living expenses from friends or relatives
- eligibility for other benefits or payments
- admission to or discharge from an institution (i.e. hospital, nursing home, jail, etc.)
- change in school attendance (if under age 22)
- change in legal alien status
- sponsor changes of income, resources, or living arrangements for aliens
- leaving the U.S. for a full calendar month or for 30 consecutive days or more
- an unsatisfied felony or arrest warrant for escape from custody, flight to avoid prosecution or confinement, or flight-escape



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## SSI: What Happens Next?

- Your application will be forwarded to the state Disability Determination Services (DDS) agency.
- The DDS will contact medical providers to obtain medical records.
- The DDS may ask for additional information about how your condition(s) affect daily activities.



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## We'll tell you our decision...

- When the state agency decides on your case, we'll send a letter to you.
- If approved, the letter will inform you that you were found disabled by SSA rules and an SSA representative will contact you to update your application and determine your benefit amount.
- If not approved, the letter will explain why and tell you how to appeal the determination if you don't agree with it.



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# Appealing a Disability Denial

If DDS determines that you do not meet SSA's definition of disability based on your allegations, you have the right to appeal this decision.

**Appeal: is the process of formally disagreeing with SSA's decision.**

Four levels of appeal:

1. Reconsideration
2. Hearing by Administrative Law Judge (ALJ)
3. Review by Appeals Council
4. Federal Court review

- You have **60 days** from the date of the denial notice to file an appeal.
- You may file the appeal online at [ssa.gov](https://ssa.gov) or mail your appeal to your local Social Security office.

**The notice will provide you with the instructions on how to file an appeal.**



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# Medicare and Medicaid

**Medicare** – federal health insurance program for people 65 or older and people who have been getting disability benefits for 24 consecutive months. Usually for those receiving a form of Social Security benefits.

**Medicaid** – state health program for people with low incomes and limited resources.

- In most states, children who get SSI qualify for Medicaid.
- In many states, Medicaid comes automatically with SSI eligibility.

**Some individuals receive both Medicare and Medicaid.**



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# Reminders

- **Work Incentives**
  - Numerous work incentive programs
  - Allow an SSI recipient to become self-insured for Social Security
  - Allow an SSI recipient to extend Medicare/Medicaid even if no longer receiving a financial benefit
- **Multiple Entitlements**
  - SSI beneficiary may become self-insured and receive Social Security from their own work history.
  - When parent(s) of a SSI recipient begin to receive Social Security, the adult child *may* become eligible to receive from the parent(s) record as a CDB.



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## Representative Payee

- Social Security's Representative Payment Program appoints a relative, friend, or other interested party to serve as the 'representative payee' who receives and manages the Social Security or SSI benefits for anyone who cannot manage or direct the management of his or her benefits themselves.
- We thoroughly investigate those who apply to be representative payees to protect the interests of Social Security beneficiaries, because a representative payee receives the beneficiary's payments and is given the authority to use them on the beneficiary's behalf.
- Our *Representative Payee Portal*, accessible with a *my* Social Security account, lets individual representative payees conduct their own business or manage direct deposit, wage reporting, and annual reporting for their beneficiaries.



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# How to Apply for Benefits or Contact SSA



- File online for Retirement, Spouse, **Disability**, or Medicare only
- If you are disabled, you can file for Retirement and Disability with same application if you are at least 62 but not yet FRA.



Schedule phone appointment at 1-800-772-1213,  
8 a.m. – 7 p.m. Monday through Friday.



Schedule in-office appointment at 1-800-772-1213.

***\*Child and survivor claims can only be done by phone or in the office.***



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# The Answer is.....

- What is the difference between Social Security and Supplemental Security Income?
- If receiving benefits from Social Security, what type of benefits are you receiving?
- What type of benefits could you qualify for?
- What happens when a child turns 18 and is already receiving Social Security benefits from a parent's record?
- What happens when a child turns 18 and is already receiving SSI benefits?
- What happens when a child with a disability turns 18, but does not receive benefits?
- How do you file a disability claim?
- If a disability claim is denied can an appeal be filed?
- What is the time frame to appeal a denial decision?
- How do you contact Social Security?



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# Resources

- [What You Need To Know About Your Supplemental Security Income \(SSI\) When You Turn 18 \(ssa.gov\) Publication No. 05-11005](#)
- [How You Qualify | Disability Benefits | SSA \(https://www.ssa.gov/benefits/disability/qualify.html#anchor7\)](#)
- [Youth Toolkit 2023 - Turning 18 \(ssa.gov\) \(https://www.ssa.gov/pubs/EN-64-122.pdf\)](#)
- [Federal Partners in Transition | Youth.gov](#)



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