

Third Party Benefits

- Social Security Disability Income/Medicare
- Supplemental Security Income/MediCal
- In Home Support Services (IHSS)
- Regional Center

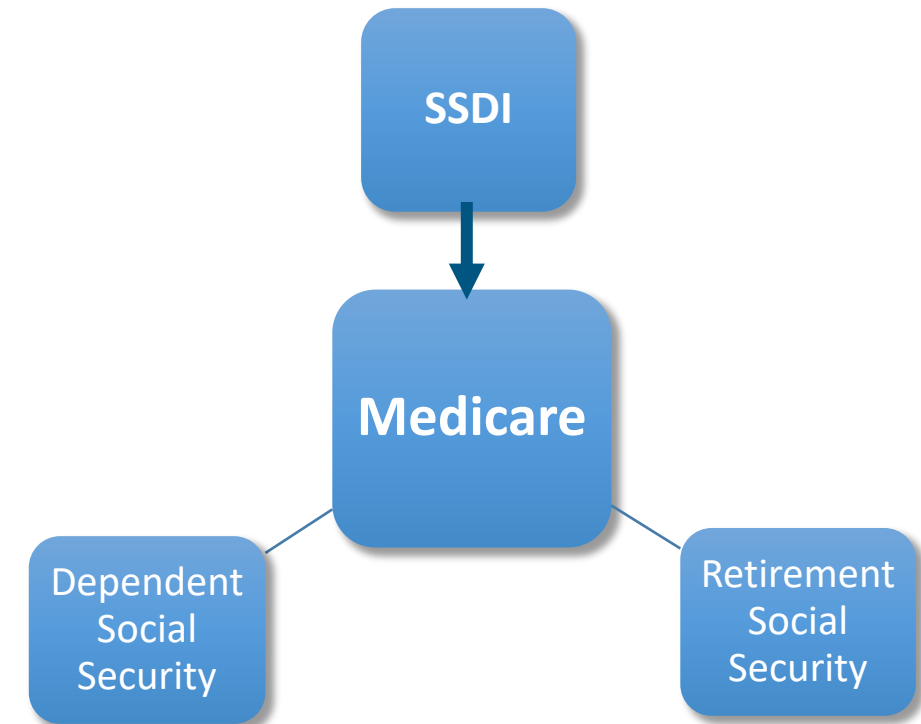
Developmental Disability Benefits

- California Children's Services
- Medically Fragile Day Care Centers
- (Funding Supported by Regional Center/MediCal)
- Short Term/Long Term Disability Benefits
- Covered California Health Insurance

- Employer Sponsored Health Insurance
- Private Health Insurance
- Veterans' Administration Benefits
- Public School Benefits
- CalFresh: Supplemental Nutrition Assistance Program (SNAP)
- HUD/Section 8 Benefits
- Utility Benefits
- Transportation Benefits
- Railroad, State Teachers, Public Employees Retirement Benefits

Social Security Disability Income (SSDI), Retirement Social Security, Dependent Social Security, and Medicare are related benefits

- Individual must meet **Federal disability criteria** for eligibility – benefits generally start 6 months after criteria are met, with some exceptions
- There is **NO income/asset restriction** for these benefits



2020 Maximum Monthly Benefit:

- Age 62: **\$2,265**
- Full Retirement Age: **\$3,011**
**varies based on birthdate*
- Age 70 : **\$3,790**



Disability: The inability to engage in any **substantial gainful activity (SGA)** by reason of any medically determinable physical/mental impairment(s) which can be expected to result in death, or which lasted/can be expected to last for a continuous period of no less than 12 months.

- **Substantial Gainful Activity:** Earnings average more than \$1,260/month (blind \$2,110/month)
- Generally, **6 month waiting period** from date of injury/illness unless immediate terminal illness
- **Exceptions:** Lou Gehrig's disease, End Stage Renal disease
- **Presumptive Diagnosis List:** Disability eligibility is established easily
- **Medical documentation** is required every 1-2 years

Social Security Disability Income (SSDI)

Insurance system that provides cash benefits for individuals who paid in or are related to someone who paid in – there is no income or asset eligibility test for this benefit.

Eligibility:

- You worked and paid in
- Plaintiff disabled before age 22 and parent who paid in is either disabled, retired, or deceased
- Spouse/former spouse of someone who paid in and is disabled, retired, or deceased

- Benefit amount varies depending on employment income
- Dependent Social Security Benefits (unexpected)
- **This information is useful to mitigate future lost wage damages**

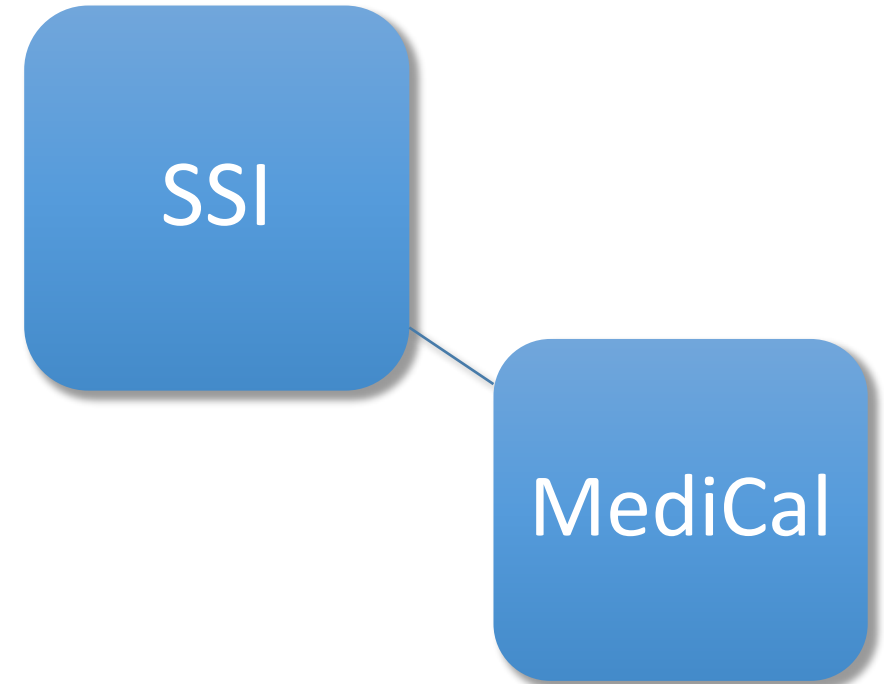


- National health insurance program for all Social Security Disability/Retirement/Survivor recipients who are **over 65** or **permanently disabled**
Lou Gehrig's disease, End Stage Renal Disease also eligible without regard to prior employment status
- Disabled individual receiving SSDI will receive Medicare after **24-month waiting period** from the date they were determined to meet disability criteria
(immediate eligibility if Lou Gehrig's disease or End Stage Renal Disease - no wait period)
- Entitlement benefit – Income and assets are not considered in determining eligibility

Supplemental Security Income
(SSI) and MediCal
are **related benefits**

**Income and asset eligibility
requirements**

- Individual and/or household must be **impoverished**
- **Financial documentation** is required every 1-2 years or within 10 day of change in financial circumstances



Supplemental Security Income (SSI)

Needs based program: “means” tested

<p>2020 Maximum benefit \$783.00 <u>+ California State Supplement \$160.72</u> \$943.72/month</p>
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- Must be used for essential housing, utilities and food
- Special rules for working disabled individuals
- At age 18, parental assets and income no longer count for eligibility
– *only the disabled individual's income*

MediCal

- Financial Eligibility – income must be below 138% of the Federal Poverty Level (FPL)
 - FPL: \$36,156 for family of 4
 - No asset limitation
- **100% payer source** – no copays, deductibles or premiums
- Network restrictions
- Prescription drug restrictions (Formulary)
- **Special Needs Trust:** Legal document to establish trust fund that will shelter income and assets to preserve access for MediCal and SSI
- **Only payer source that provides funds for custodial care**

In Home Support Services (IHSS) – Important Benefit

- Special program within MediCal
 - Client must apply for MediCal
 - Must be disabled
 - Catastrophic Injuries – TBI, Spinal Cord, HIE/Birth Injuries, Stroke, CP
- Has additional Income AND Asset eligibility criteria – unlike MediCal, individual may not have more than \$2,000 in assets
- Full MediCal benefits come with IHSS eligibility
- If income is over the threshold, a share of cost or “spend down” can be applied to achieve eligibility

In Home Support Services (IHSS) – Important Benefit

- Maximum number of home care hours – 283 hours/month
- Will cover some level of Skilled Nursing Care – with advocacy
- **Delegated Care:** Family can hire anyone they please to be a caregiver – no certifications or qualifications required
Family members can be paid caregivers
- IHSS income does not interfere with other household third party benefits (Food stamps, Section 8, etc.)
- Hourly rate varies based on the county in California: **\$13 - \$16.50**



Regional Center – Developmental Disability Benefits

- Individual must be determined to be **developmentally disabled** prior to age 18
- No income or asset limitations
- **Lifetime benefits**
- Provides Supported Living Services, Independent Living Services, Respite Services Therapies, Supported Housing, Transportation, Equipment, Home Modifications and Vocational Support
- Supports Medically Fragile daycare program – often therapies onsite
- Generally requires an IHSS determination/denial before Regional Center authorization for services is completed and maximized



Eligibility for services:

- Under 21 years old
- has a health problem that is covered by CCS
- Resident of California
- AND One of the following:
 - family income of \$40,000 or less
 - out-of-pocket medical expenses expected to be more than 20 percent of family's adjusted gross income
 - a need for an evaluation to find out if there is a health problem covered by CCS
 - was adopted with a known health problem that is covered by CCS
 - a need for the Medical Therapy Program
 - Medi-Cal, with full benefits

Provides additional coverage for therapies, care, expert physicians, etc.

Income replacement insurance – frequently employer provided

Short Term Disability

- Usually pays if individual cannot return to their **original job** for a short period of time

Long Term Disability

- Usually after period of **3-4 months** – this benefit will pay if individual cannot return to the original job.
- Long Term Disability benefits are often offset by the amount of Social Security Disability Income received by an individual

Covered California

- State-run insurance exchange program under the **Affordable Care Act (ACA)** – federally mandated health insurance
- If individual has coverage from another source (i.e. Medicare, MediCal, employer sponsored health insurance, VA) they are not eligible for subsidized ACA health insurance benefits and there is no guarantee of coverage under the ACA
- ACA insurance must cover pre-existing conditions and does not have a lifetime limit
- Maximum Annual Out of Pocket expenditure for 2020 is **\$8,150**
- Basically an **80/20 policy** up to the annual out of pocket limit - there will be copays, deductible, co-insurance costs

Covered California

Essential health insurance benefits must include items and services within at least the following **10 categories**

- ambulatory patient services
- emergency services
- hospitalization
- maternity and newborn care
- mental health and substance use disorder services, including behavioral health treatment
- prescription drugs
- rehabilitative and habilitative services and devices
- laboratory services
- preventive and wellness services and chronic disease management
- pediatric services, including oral and vision care

Essential Coverage Comparisons

ACA Blue Cross Blue Shield Multi-State Silver Plan

Supply/Service Type	ACA/Private Insurance Coverage	MediCal Coverage
Incontinence Supplies	No	Yes
Custodial Care	No	Yes
Therapy (PT & OT)	30 combined visits annually	Unlimited
Speech Therapy	30 visits annually	Unlimited
Prescriptions	Copays	100%
Lab Tests	80%	100%
Skilled Nursing Facility	80% limits apply <i>*acute care period only</i>	100% - Long term/Custodial
Home Health Care	80% limits apply <i>*acute care period only</i>	100% - Long term/Custodial
Orthotic Devices	50%	100%
Durable Medical Equipment	50%	100%
Mental Health (Inpt/outpt)	80%	100%
Autism- ABA	80%	100%

Employer Sponsored/Private Health Insurance

- Similar to Affordable Care Act Policies – same 2020 out of pocket maximum by Federal law
- May cover adult dependent disabled children beyond age 26 if the parent is employed by a large employer with a generous policy – physician statement of disability may be required annually
- No guarantee of portability – if the parent or individual leaves their employment, the access to the insurance will stop after COBRA period of 18 months assuming the individual pays the insurance premium

COBRA

- If a person is deemed disabled by the Social Security Administration, coverage may continue for up to **29 months**
- In divorce cases, a former spouse's coverage may continue for up to **36 months**
- In the case of death of the former employee, a widow's coverage may continue for up to **36 months**
- Individual must pay the full insurance premium


Veterans Administration

A person in a military uniform is holding a white rectangular sign with the word "Benefits" written on it in a bold, black, sans-serif font. The person's hands are visible, holding the sign from the sides. The background is a light-colored brick wall.

Benefits

- Wide variability in benefits based on service record of veteran
- **TriCare** – Active Military, sometimes lifetime benefit
- Survivor and dependent benefits
- Special Needs Case Management
- Assisted Living/Nursing Facility Benefits
- Home Care Benefits
- Income and asset criteria apply
- Provider networks can vary – based on location of client

Public School Services

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- **Individualized Education Plan (IEP):** Education focused goals, therapy and equipment
 - Can be a good source of information for functional ability
 - After age 15: Transition to adulthood and vocational goals must be included
 - **Extended services through age 21**
 - Extended school year services through summer may be available but requires advocacy – generally only an additional 4 weeks in summer
 - Therapies specific to educational goals are provided
 - Care services are required, including during transportation hours
 - Generally, public-school services provide about **35-40 hours of care weekly** (including transportation time) for approximately 180 days/year

Other Benefits

- **CalFresh (SNAP/Food stamps):** Low income, tied to Federal Poverty Level, NOT receiving California State Subsidy
- **HUD/Section 8:** Income and asset tested, based on Federal Poverty Level
- **Utility Assistance:** Income tested
- **Transportation** Vouchers and Discounted Services
- **Go Fund Me** Accounts

**Railroad Benefits,
State Teachers
Retirement System
and Public
Employees
Retirement System**

- Generally, provide disability or retirement wage replacement in lieu of Social Security
- Individual can also receive Social Security depending on work history
- Generally, at age 65 – Medicare becomes primary health insurance
- There is no coverage for long term home or facility-based care services



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