

Summary

The Ticket to Work Act intended to enhance ticket holder choice by improving the options available for rehabilitation services. Automatic assignment to SVRAs seems to run contrary to this notion of consumer choice in that many recipients have no idea that their Tickets are being assigned upon their signing an IPE with an SVRA. Further, a report issued by the Ticket to Work and Work Incentives Advisory Panel cited the RSA letter, noted above, stating that an SVRA that follows the SSA guidance (Transmittal #17) without fully informing the client of the implications of the IPE signature would violate the informed choice provisions of the Rehabilitation Act.

The Panel agrees with RSA that automatic and uninformed assignment is contrary to the fundamental principles of both pieces of legislation. Ticket assignment should be completely separate from the development of an IPE with an SVRA, and an recipient's assent to one program should not be considered consent for participating in the other. A primary goal of the Ticket Act was to provide recipients with real choices among employment and vocational rehabilitation service providers. An equally important goal was to expand the pool of providers far beyond SVRAs. A recipient who is not informed of what is happening to her ticket is being denied choice, and, furthermore, non-VR ENs are being denied an opportunity to effectively compete to provide services to the recipient. This effectively eliminates the competition among providers that was anticipated by the Ticket Act. (Panel report, page 19)

The Indiana PABSS advocates felt that these developments were potentially harmful to ticket holders and actively removed client choice (the hallmark of the Ticket to Work Act) from the EN selection process. The recipient who sought services from an SVRA effectively lost the ability to choose rehabilitation providers which was specifically allowed by the Act. The fact that the recipient has potentially "assigned" her ticket without knowledge and information necessary to make that choice is contrary to both the intent and clear meaning of the Ticket Act. The ability

of a Ticket holder to "unassign" a ticket does not remediate this harm and only forces the client to take actions that she needn't have taken if the automatic assignment had not occurred.

Further, that the recipient may not even be aware that she is assigning and using a ticket causes extreme harm. Not only for the fact that she is unaware of her status, but her rights under the Ticket Act have been violated and her ability to use her ticket in the future is being compromised. For example, an SVRA is required to provide rehabilitation services to all who qualify. This recipient could have saved her ticket for job placement assistance after securing rehabilitation services from an SVRA.

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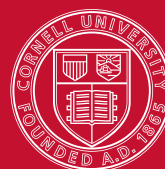
This is one of a series of articles that have been reviewed for accuracy by the Social Security Administration (SSA), Office of Employment Support Programs. However, the thoughts and opinions expressed in these materials are those of the authors and do not necessarily reflect the viewpoints or official policy positions of the SSA.

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Ensuring Choice Under the Ticket to Work Program

The Indiana PABSS Approach

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Background

The Ticket to Work and Work Incentives Improvement Act established the Ticket to Work and Self-Sufficiency Program. This program was intended to provide Social Security Disability Insurance and Supplemental Security Income recipients with disabilities greater choice in who they could choose to receive vocational rehabilitation, employment services and/or other supports, from as they pursued work. These provider entities are known as Employment Networks (EN). Greater choice was expected to enhance the ability of prospective recipients to benefit from services and supports they received in the hope of returning to the work force and reducing, or eliminating, their financial dependence upon disability benefits. Eligible recipients (ticket holders) receive a Ticket in the mail that they can assign to an Employment Network (EN).

To qualify as an EN, a vocational rehabilitation provider completes an application with SSA that details the types of services and supports they will provide to Ticket holders and how they are qualified to do so. To date, more than 1,200 ENs have registered with SSA to provide rehabilitation ser-



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vices to recipients with disabilities. Within this 1200 are the state vocational rehabilitation agencies from each state. With this array of providers to choose from, ticket holders were expected to be able to select the provider they felt best equipped to assist them in their efforts to return to work.

The nature of the Ticket to Work program allows ticket holders to “shop” for the services and supports they feel they need to go to work with a promise of payment from SSA to the EN for successful employment. Recipients have the ability to engage in pre-planning service discussions with ENs in order to determine which EN would be best able to meet their needs. A detailed plan is then put in place. This plan, signed by both parties, represents the agreement between the recipient and the EN for services. Once approved by SSA the recipient’s ticket is placed “in use.”

An SSA policy shift in September of 2002, resulted in a severe curtailing of the ability of a recipient to choose an EN. Transmittal #17, an SSA policy statement, allowed for the “automatic assignment” of any Ticket belonging to a recipient who completed and signed an Individual Plan for Employment (IPE) with a state vocational rehabilitation agency. This “automatic assignment” occurred with, or without, the knowledge of the recipient. While the recipient could later “un-assign” a Ticket, lack of knowledge of the initial assignment continued to stand in the way of the exercise of basic rights by a Ticket holder.

It seemed to be the perception of many SVRAs that a recipient’s signature on an IPE automatically assigned the ticket, even if there had been no provision to ensure the recipient’s knowledge or consent. At the same time, in a December 2003 letter, the Rehabilitation Services Administration (RSA) asserted that an SVRA that follows the SSA guidance without fully informing the client of the implications of the IPE signature would violate the informed choice provisions of the Rehabilitation Act. The RSA statement was silent as to any violation of the Ticket Act.

Ticket Assignment

The Indiana Protection & Advocacy agency (IPAS) raised the issue of “automatic assignment” with their state’s vocational rehabilitation agency (SVRA) in an effort to preserve ticket holder choice with the Ticket to Work program. Central to the solution of ensuring Ticket assignment choice is an understanding of how Tickets are able to be assigned.

Assignment of a Ticket is accomplished in one of two ways: via a negotiated plan for employment with a private EN or upon signing an Individualized Plan for Employment (IPE) with an SVRA.

1. Private EN Assignment – The Ticket to Work Act envisioned cooperative negotiation between the Ticket holder and EN. Both parties would meet to discuss the vocational goal and services needed to attain that goal. After agreeing on a plan for employment, the EN would forward a copy of the executed plan and ticket assignment form to Maximus (SSA’s administrative agent.) Upon Maximus’ approval the Ticket would be considered assigned to that EN and a confirming letter would be forwarded to the ticket holder. The recipient’s ticket would then be “in use” and the rehabilitation process could begin.

2. SVRA Assignment – Initially, the Act envisioned a process similar to that used by a private EN and recipient to assign a ticket. However, the assignment process to a SVRA was adjusted by the issuance of Transmittal #17. In cases where the recipient becomes eligible for a ticket before signing an IPE with a SVRA, the recipient’s signature on an IPE is indicative of the recipient’s decision to use the ticket to obtain rehabilitation services from an SVRA and that the SVRA has found the recipient eligible for services. While it appears that it is “best practice” to have the recipient complete the assignment form this step is not necessary for an SVRA to perfect an assignment. Once the IPE was sent to and approved by Maximus the recipient’s ticket would be “in use” and rehabilitation efforts could begin.

The Problem

From the beginning the Indiana PABSS Program felt that an SVRA customer had the right to know that their Ticket was being assigned involuntarily. Involuntary assignment, however, was only a portion of the larger rights issue of the SVRA’s responsibility to fully inform the customer of all benefits associated with the assigning of a Ticket so that he or she could make an informed choice in regards to its use.

The Indiana PABSS program’s approach was therefore twofold: convince the SVRA to re-train all counselor staff regarding the Ticket the Work program and those benefits of Ticket assignment and inform the customer should his or her Ticket be assigned involuntarily.

Indiana PABSS recognized that the state of Indiana’s Ticket assignment rate was one of the lowest in the United States and that Transmittal 17 allowed for Indiana VR to assign Tickets involuntarily. The SVRA and Indiana PABSS program met together to share concerns in regards to the slow Ticket assignment rate in Indiana and strategize ways in which the Ticket assignment rate could be increased through voluntary assignment.

The SVRA recognized that their counselor staff required a thorough retraining in regards to the Ticket program in general, the benefits available to both the customer and SVRA in the assigning of a Ticket, and the SVRA’s responsibility as an employment network to inform each customer who was also a beneficiary of the Ticket program. A training curriculum was developed by the SVRA with input from the Indiana PABSS program. The SVRA also invited Indiana PABSS to participate in each of the five area trainings held during the spring of 2004.

Indiana PABSS also advocated for each customer’s individual plan of employment to contain information regarding voluntary and involuntary assignment of the Ticket. Inclusion

of this within the IPE would assist in assuring that each SVRA counselor would be responsible in providing important information about the Ticket program to each customer at the time of the development of the IPE. The SVRA also agreed to inform those customers who were also beneficiaries with IPE’s dated prior to 11/2002 that their Tickets would be assigned involuntarily. Included in this letter was contact information for the Indiana PABSS program allowing customers to call and receive clarification in regards to their rights as Ticket holders receiving services from the SVRA.

The SVRA and Indiana PABSS also worked together on behalf of the customer when it was documented that some VR field offices were denying services to them when they refused to assign their Ticket during the eligibility and IPE development steps of the vocational rehabilitation process. The SVRA sent out a memo to all twenty-seven field offices prohibiting exclusion of any customer from VR services simply because they refused to assign their Ticket to the SVRA.

After concluding the agreement with the SVRA and it’s completed implementation, Indiana PABSS believes that the rights of potential ticket users in Indiana are more fully protected in the face of Transmittal #17.

Resources

Letter, R. Pasternack, Ph.D., to Sarah Wiggins Mitchell, Chair of the Ticket Advisory Panel, December 12, 2003.

Vocational Rehabilitation Providers Handbook, Transmittal #17, September 3, 2002.

Ticket to Work and Work Incentives Improvement Act of 1999. P.L. 106-170.

Annual Report to the President and Congress, Year Four, The Ticket to Work and Work Incentives Advisory Panel, May 2004.