Introducing Plan for Achieving Self Support (PASS)

Welcome to the second issue of Working, a print and electronic newsletter produced by the New York Makes Work Pay Initiative. This Initiative is a Comprehensive Employment Services Medicaid Infrastructure Grant funded by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to the New York State Office of Mental Health (OMH) and its management partners the Burton Blatt Institute (BBI) at Syracuse University and the Employment and Disability Institute (EDI) at Cornell University.

The New York Makes Work Pay Initiative is currently funded for calendar years 2009 and 2010 and will provide an array of services to individuals with disabilities, the agencies and advocates that serve them,

Inside this issue

Welcome to ‘Working’ .................................................. 2
SSI’s Plan for Achieving Self Support .............. 2
What is a PASS? How Does it Work? .......... 3
Criteria for PASS Approval ......................... 5
Time Limits for the PASS ......................... 7
Conclusion ......................................................... 8
The PASS and Medicaid ......................... 9
The PASS and Children under 18 .............. 10
Toll-Free Work Incentives Hotline .......... 10

TOLL-FREE Work Incentives Hotline available statewide!
1-888-224-3272
and employers, helping to remove obstacles to work and pave the way to self-supporting employment. To learn more about this initiative, go to: www.NYMakesWorkPay.org.

SSI's Plan For Achieving Self Support (PASS)

Using the PASS to Purchase Items and Services to Reach a Work Goal

In the past 10 years, federal and state policy makers have devoted considerable time to identifying barriers that stand in the way of successful work for persons with disabilities. Several key barriers have been identified, such as the fear of losing Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, and the fear of losing Medicaid or Medicare.

Another barrier to employment is the need to obtain funding for the extra expenses associated with achieving a work goal. Those expenses could include payment for college or a training course, purchase of a computer, purchase of a vehicle, vehicle adaptations to allow an individual with a disability to drive, payment for child-care expenses, and the purchase of new clothes to go on job interviews. The cost of these items could put them outside the reach of many individuals who receive SSI or SSDI benefits.

In many cases, funding for these extra expenses can be met through one of New York’s two vocational rehabilitation agencies: the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) or the Commission for the Blind and Visually Handicapped. (For a discussion of services available through VESID or the Commission for the Blind, see the Fall 2001 issue of IMPACT, the newsletter of the State Assistive Technology Advocacy Project, available on the Neighborhood Legal Services website at www.nls.org/at/atfall01.htm.) When funding through VESID or the Commission for the Blind is limited or not available, the SSI program’s Plan for Achieving Self Support (PASS) may be available to help fund those extra items needed to achieve a work goal.
This article will describe the PASS and how it can be used to supplement funding available through VESID, the Commission for the Blind, or other sources. We will explain what a PASS can pay for, what needs to appear in the written PASS proposal, and the resources available to assist individuals in preparing PASS proposals. We will also explain how the PASS, by making an individual eligible for SSI, can guarantee future eligibility for continued Medicaid under the 1619(b) program when the individual goes to work.

Readers who have questions or need additional information about the PASS are encouraged to call NY Makes Work Pay’s statewide toll-free number for technical assistance calls on any issues related to benefits and work, 1-888-224-3272.

What Is a PASS? How Does it Work?
The SSI program provides cash benefits to persons with disabilities. To get SSI, a person must have limited income and resources. Countable resources, such as money in the bank, cannot exceed $2,000 for an individual. In New York, the key SSI monthly rates for 2009 are $761 for individuals who live alone and $697 for individuals who live with others and share expenses. The monthly SSI check is determined by subtracting countable income from the relevant SSI base rate.

Example: Marta receives $620 in SSDI benefits based on her previous work record. Since she lives alone her SSI base rate will be $761 per month. The SSI program will disregard the first $20 of her SSDI as an unearned income exclusion ($620 - 20 = $600). The $600 in countable income will then be subtracted from the SSI base rate and Marta will receive an SSI supplement of $161 per month. In New York, since she gets at least $1 in SSI benefits, she qualifies for Medicaid automatically.

The PASS is a rule for excluding, or not counting, income or resources that a person will use to purchase items needed to reach a work goal. Consider the following example.

Marta, from the example above, wants to become a beautician. She must enroll in an 18-month cosmetology course. As part of this course, she will incur costs for tuition, books and hair cutting supplies. VESID agrees to pay for tuition, books, and required supplies for the cosmetology course, as well
as fees to take state licensing exams upon her completion of the course. The site of the training program is 31 miles from Marta’s home and she is not on a bus route. Marta would like to save toward a car that would allow her to make the 62 mile round trip to cosmetology school. VESID would then provide her with a mileage allowance to pay for gas.

It is June 2009 and Marta talks to a benefits and work incentives practitioner who agrees to help her with a PASS proposal. A cosmetology class starts on January 8, 2010 and Marta is looking for a way to have a dependable used car by then. Marta and her benefits and work incentives practitioner decide that she will propose to set $600 of her monthly SSDI check into a PASS to save toward a used car, insurance premiums, and a modest fund for car maintenance. Since Marta started taking steps toward this goal as early as January 2009, when she first applied for VESID help, she will request that any PASS approval be retroactive to January 2009. Beneficiaries and their advocates should work directly with the Social Security Administration’s (SSA’s) PASS Cadre to get PASS proposals approved, especially when they seek retroactive approval.

Marta’s PASS proposal is approved, retroactive to January 2009. This means that the $600 of SSDI she puts into a special bank account for the PASS is no longer counted in determining her SSI eligibility.

**Here is how her SSI check will be calculated:**

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$620</td>
<td>SSDI check</td>
</tr>
<tr>
<td>- 20</td>
<td>Unearned income exclusion</td>
</tr>
<tr>
<td>- 600</td>
<td>Exclusion for PASS expenses</td>
</tr>
<tr>
<td><strong>$ 0</strong></td>
<td>Countable income</td>
</tr>
<tr>
<td>$761</td>
<td>SSI base rate (living alone)</td>
</tr>
<tr>
<td>- 0</td>
<td>Countable income</td>
</tr>
<tr>
<td><strong>$ 761</strong></td>
<td>New SSI check amount</td>
</tr>
</tbody>
</table>

With the PASS, Marta’s SSI check will go up by $600, i.e., by the full amount of the SSDI that she set aside. When the PASS is approved in August 2009, retroactive to January, this means that Marta will get an SSI check of $4,200 for the seven retroactive months (January to July 2009). Effective December 2009, Marta will have $7,200 in her special PASS bank account. She will use $6,500 to purchase a used car, then use the remaining $700 to pay her first six months of car insurance ($500) and begin a car maintenance fund ($200).

After she buys the car and starts cosmetology school, Marta’s needs for maintaining the car might be $1,600 to $1,900 per year (i.e., $1,000 for insurance, $600 to $900 for maintenance). Marta and SSA’s PASS specialist agree that she can put $600 into the PASS account in January 2010, getting the maintenance fund up to $800.

Thereafter, beginning with February 2010, she will put $150 per month into the PASS account for future maintenance and insurance premiums. With only $150 going into the PASS, effective February 2010, her countable SSDI income is reduced by only $150 and will be $450 per month ($620 - 20 -150 = $450). Her SSI check will then be $311 per month ($761 - 450) if we apply 2009 SSI rates.

As this example illustrates, a PASS can be used to increase the monthly SSI check, allowing the person to maintain enough money for living expenses after their other income is set-aside toward the work goal. The PASS can also be used to obtain SSI, if current income would put the person above the SSI rate, or to retain SSI when income or resources have increased.

Any kind of income can go into a PASS, including wages, disability payments, or income of a parent or spouse that is considered available to the SSI applicant or recipient (i.e., “deemed income”). Any liquid resource can also go into a PASS, including savings, an inheritance, a personal injury award, or retro-
active SSI or SSDI payments. When a person, like Marta in the example, uses a PASS to save toward a future purchase, the PASS allows the person to accumulate resources in excess of SSI’s $2,000 limit.

Criteria for PASS Approval

A PASS proposal must be submitted to SSA in writing. Anyone can write the PASS, including the person with a disability. While not a necessity, the authors recommend that a trained work incentives practitioner or rehabilitation professional assist in drafting a PASS. SSA is required to assist in writing a PASS if requested to do so. We hope that many of our readers will become involved in either writing a PASS or identifying when a PASS might be available to an individual. In most regions of the state, you should be able to refer a person to a Work Incentives Planning and Assistance (WIPA) project to assist with writing the PASS. In addition, as part of the NY Makes Work Pay project, Cornell will be preparing 200 new credentialed practitioners in New York State over the next 18 months.

SSA has developed a 14-page application form, form SSA-545, for preparing PASS proposals. Although a PASS proposal can be submitted without using this form, it is always best to use it as the form ensures that all critical information is submitted to make approval more likely. You can obtain a copy of the form from your local SSA office and it is also available on SSA’s website in a PDF format at www.ssa.gov/online/ssa-545.pdf. If you have trouble obtaining the PASS form, call the toll-free technical assistance line at 1-888-224-3272 and we will get a form to you.

The written PASS must contain:

- a specific occupational objective
- a feasible occupational goal
- a list of items to be funded and their cost
- the income/resources to go into the PASS
- specific savings and disbursement goals
- a timetable for achieving the goal

A PASS proposal must specify an expected level of earnings when the PASS is completed. For SSI beneficiaries, that earning level should be enough to substantially reduce or eliminate dependence on SSI. For SSDI beneficiaries, the earning level should be enough to eliminate dependence on SSDI (i.e., earnings must be above the 2009 monthly substantially gainful activity level of $980 or $1,640 for individuals who are legally blind). The SSI beneficiary must comply with the terms of the approved PASS.

What Items Can Be Funded with a PASS?

A PASS can fund any item that is connected to achieving a work goal. SSI’s policy manual contains an extensive list of items that can be funded using a PASS. (See Social Security Program Operations Manual Systems (POMS) SI 00870.025 B.5.g.)

The following is a very short list of items that can be funded with a PASS:

- college or trade school tuition
- tools and equipment, including specially adapted items for a job or home office
- a computer and related equipment, including adaptations to allow use in school, work or in a home office

Go to http://www.ssa.gov/work to identify the WIPA program serving your area.
• a vehicle and/or special modifications to it
• child care expenses
• work uniforms or professional attire as required for the job setting

☑ Example: Jessica, age 38, was injured in a car accident at age 33. She uses a power wheelchair for all mobility and personal care aides help her at home. Two years ago she received a $275,000 settlement from her accident. $220,000 was used to buy a home and equip it for her disability, and $35,000 to buy a modified van that she can drive from her wheelchair. She has lived off the remaining $20,000 and currently has $13,000 left. Before the accident, Jessica worked part-time as a nurse. She currently receives $488 in monthly SSDI benefits. The only other household income is child support payments of $300 per month for her two children, ages six and eight.

Jessica wants to attend a four-year college program to become a paralegal. With her medical background, she hopes to do medically-related legal work. Based on the limitations imposed by her disability, she plans to finish college in five years. She will need money for tuition, books, a computer, and to replace her van when she graduates (it will be nearly eight years old then). She is concerned that: $788 in monthly household income will not meet expenses when her savings are gone; she will be unable to pay for personal care aides; she will be unable to pay for a power wheelchair to replace her current five-year old wheelchair; and she will be unable to pay a baby sitter when she attends afternoon classes.

Jessica’s needs to become a paralegal can be met through a combination of funding from VESID, Medicaid, and an approved PASS. She would be eligible for VESID based on her disability. VESID should be able to pay for tuition, books, and possibly the computer. Also, if Jessica can come up with the money to purchase a replacement van, VESID should be able to pay for modifications to allow Jessica to drive the van from her wheelchair. Although VESID will only fund these items for persons who meet a financial needs test, SSI and SSDI beneficiaries automatically meet the financial needs test.

Currently, Jessica is not eligible for SSI because of the $13,000 bank account. Without that money, she would be eligible for SSI at the 2009 living with others rate of $697 per month. The SSI program would count $468 of her $488 SSDI check, allowing her to get an SSI check of $229 per month. (The SSI program would not count the $300 of monthly child support received for Jessica’s children.) When Jessica becomes eligible for SSI, she will automatically be eligible for Medicaid that should then become a payment source for the replacement wheelchair, the personal care aides, and any other medically related expenses.

Jessica proposes a PASS to set aside $11,500 of her savings in a special account toward the future purchase of a replacement van. She also proposes to set aside $468 of her SSDI check for: child care expenses during college; for additional savings for a van projected to cost $22,000; and to establish a home work station/study area in her spare
bedroom (i.e., to purchase a computer package with a specially designed keyboard and a specially designed desk for a wheelchair user). She agrees in her PASS proposal that she will exhaust any resources available through VESID, state Tuition Assistance Payments (TAP), and other non-loan assistance.

If the PASS is approved, the $11,500 will be exempt and not counted against SSI’s $2,000 resource limit (the $1,500 retained in her regular bank account also keeps her under SSI’s resource limit). The $468 of SSDI that she puts into the PASS will reduce her countable income to $0 per month ($488 - 20 = 468 - 468 = $0). Thus, she will now be eligible for a $697 monthly SSI check and automatic Medicaid.

Consider what Jessica will accomplish through proactive planning. First, VESID is identified as a funding source for tuition, books, potential computer equipment, and future van modifications. Second, SSI’s PASS will be used to exclude savings for the future van purchase, with income excluded to pay for child care, computer equipment, and computer accessories to the extent not covered by VESID. Third, Medicaid eligibility is established through creating SSI eligibility, creating funding for personal care services and a replacement power wheelchair. Finally, by ensuring SSI eligibility, the family’s monthly income increases by $229, making it more realistic that Jessica can attend college and meet household expenses. Jessica will apply for student loans only if she cannot meet her expenses after getting support from VESID, PASS, Medicaid, and the SSI check.

Time Limits for the PASS

There is no firm time limit for a PASS. A PASS proposal must contain a beginning date and a “reasonable ending date.” So, for example, a reasonable ending date for an individual attending a 12-month auto-mechanics training program might be 14 to 15 months after the program begins (i.e., 12 months for the program and a two to three-month period to obtain suitable employment). That period might be expanded if the individual would not be self supporting right away because of the need to use money set aside in the PASS to pay for mechanic’s tools.

Example: Let us return to Jessica. Her PASS is approved to attend college and become a paralegal. She will need five years to complete this four-year undergraduate program, as the reduced course load will allow her to work within the limitations of her disability. For Jessica, a “reasonable ending date” would be three months after the expected graduation date, allowing her the three months to find suitable employment.

SSA’s PASS Cadres

PASS Specialists in Buffalo and New York City are responsible for all PASS proposals. These specialty units, known as “PASS Cadres,” handle all PASS proposals for the upstate and downstate regions. Their contact information is listed below:

For Upstate, call the Buffalo site:
Toll-free: 800-510-5680
Local Calls: 716-551-4640

For Downstate, call the New York City site:
Toll-free: 800-551-9583
Local Calls: 212-264-0969
An Approved PASS Can Be Amended
Jessica enters college seeking to become a paralegal, but fails to plan for several expenses. She must purchase computer software and Internet services to do assignments involving use of websites. She also needs to pay for increased room and board costs. VESID has assisted Jessica up to its dollar limits. She needs an extra $500 for the software; $20 per month for Internet services; and an extra $250 annually for room and board.

Jessica submits a written amendment to her PASS to include these items. The amendment is approved and she continues to put her full SSDI check (minus the $20 exclusion) into the PASS and continues to get SSI at the full living-with-others rate of $697 per month. While the amendment to the PASS was absolutely necessary, the benefits adviser must inform Jessica that this will lessen the amount she can save over the next five years for the purchase of the van.

Using the PASS to Gain Access to 1619(b) Medicaid
In the first issue of Working, we discussed section 1619(b) Medicaid. This special rule allows individuals who lose SSI due to wages to continue Medicaid in most instances if their disability continues, annual income from wages is $43,421 or less in 2009, and absent the wages the individual would still be eligible for SSI.

Example: Jessica, from the example above, was not eligible for SSI until her PASS was approved. When she completes college, she goes to work as a paralegal earning $24,000 per year. Since her PASS was completed upon graduating and obtaining this job, her income from the job will be enough to eliminate her eligibility for SSI. Since she lost the SSI due to wages and her annual income from employment is less than $43,421, she should be eligible for Medicaid under section 1619(b). This will ensure continued payment for the personal care aides that she will continue to need.

Conclusion
The PASS is a very important work incentive as it creates a source of funding for items needed to achieve a work goal. The PASS should be viewed as a supplement to the assistance that can be offered by VESID and the Commission for the Blind. Assisting a person with a disability in the formulation of a PASS application can be very rewarding, but it is a bit different from most of the benefits and work incentives planning that is typically done within a WIPA or similar project. PASS drafters must be prepared to discuss the availability of other sources of government assistance (e.g., VESID and Commission for the Blind funding, educational loans and grants) and the effect that the PASS may have.
upon eligibility for various governmental benefits (e.g., public and subsidized housing, food stamps, etc.). In short, one must be willing, to some degree, to serve the role of a benefits and work incentives planner and manager.

The PASS and Medicaid

The “Medicaid PASS” Can Reduce the Medicaid Spend Down Amount

For individuals with disabilities who do not receive SSI, Medicaid is available through the medically needy program, often called the spend down program. In 2009, Medicaid’s monthly income limit is $767. If an individual has countable income of more than $767, the individual must pay for or incur medical expenses to bring income down to $767 (i.e., the person must “spend down”) before becoming eligible for Medicaid. A PASS can be used to reduce income for Medicaid purposes in the same way it is used to reduce income for SSI purposes. By doing this, the spend down is either reduced or eliminated.

☑️ Example: Robert, age 38, has a disability and receives $1,062 per month in SSDI benefits. After excluding the first $20 of SSDI, the Medicaid program will count $1,042 as income and Robert will have a $275 spend down. He has been accepted in a community college program with a goal of becoming a mental health therapy aide. VESID will pay for his two years of college. Robert’s 1992 Chevy Cavalier needs a new transmission, and he can no longer drive it, without the installation of hand controls, because of the progressive nature of his arthritis. He would like to use a PASS to purchase a newer used car to make the 48-mile round trip commute to school, which is not on a bus route. VESID would then pay for the hand controls.

Let us assume that Robert can either obtain credit or a co-signer for a car loan, that loan payments on a 48-month loan will be $190 per month, and that insurance payments on the car will be $60 per month.

Robert could propose a Medicaid PASS to his local Department of Social Services (or the Human Resources Agency in New York City) to put $250 of his SSDI into a special account to pay for his car payments and insurance payments. If approved, his countable income would be reduced from $1,042 to $792 and

Assets for Independence (AFI)

The AFI program is an initiative at the Division of Housing & Community Renewal (DHCR) that began in January, 2009. It is a statewide home ownership down-payment matched-savings program for income-eligible individuals and families who are first-time home-buyers. The match rate is four dollars for every dollar saved (4 to 1), with a grant value up to $7,500.00. The individuals and families have between 12-24 months to complete their matched-savings goal, and the consumers MUST attend home buyer education classes and be mortgage-ready upon completion of their savings plan.

DHCR is recruiting volunteer partner agencies that are DHCR-funded (e.g., RPC, NPC, HOME, CHDO, etc) to assist with client outreach and some case management activities. If your agency is interested in becoming an AFI partner, please e-mail Anna Oles (AOles@nysdhcr.gov) in the Albany office. She will arrange for someone from your agency to attend the next AFI training and also provide your agency with an AFI Participant Handbook.

The AFI program was originally designed for DHCR Section 8 voucher holders who wished to pursue home ownership, but AFI has now expanded to include non-Section 8 clients.

The AFI training video for Section 8 Managers and Participants is available now by going to the following site: www.nysdhcr.gov/programs/assetsforindependence/index.htm.

A similar training video designed for non-Section 8 participants will be available soon.

Help get the word out about this great program!
his spend down reduced from $275 to $25
per month. If Robert could justify another
$25 per month toward computer equipment
and set aside $350 per month for the PASS,
his countable income would be reduced to
$767 and his spend down eliminated.

The PASS and Children
Under 18

PASS Can Use a Parent’s Income to
Pay for Items Related to Work Goals

A child who has countable income
“deemed” available from a working par-
ent could be eligible for SSI with a PASS by
excluding deemed income.

☑ Example: Ann is disabled and uses a
wheelchair. She just turned 16 years old and
lives with her mother and 12 year-old brother
who does not have a disability. She was get-
ting a $697 SSI check until her mother went
to work and started making $39,048 per year
(about $3,254 per month). Her countable
dee med income, from her mother’s wages,
is now $767 or $50 more than the 2009 living
with others rate of $697. A PASS is proposed
to put $747 of the deemed income into an ac-
count to save for a van to allow Ann to attend
college to become an engineer.

The PASS is approved, meaning that
the SSI program will no longer count the
$747 in deemed income, thereby reducing
Ann’s countable income to $0 per month. She
will once again qualify for a $697 SSI check
and automatic Medicaid. If Ann saves this
amount each month for two full years, or
until deeming stops on her 18th birthday, she
will be able to save more than $15,000 in her
PASS fund. Remember, if the individual was
ineligible for SSI before the PASS was sub-
mitted, an SSI application would need to be
submitted along with the PASS proposal.
For a more thorough discussion of the Plan
for Achieving Self Support, go to our Policy
to Practice brief, Plan for Achieving Self-Sup-
port: An SSI Work Incentive and Approach
to Self-Directing Vocational Rehabilitation to
Support a Range of Work Goals found at:
www.ilr.cornell.edu/edi/nymakesworkpay/m-
research.cfm.
and accurate information pertaining to how benefits are impacted by work. Further, we know that information is not enough and that subsequently those same New Yorkers need to be connected with individuals and organizations who can assist them in creating and maneuvering a path to employment and increased economic well-being.

Through a contract with Cornell and Neighborhood Legal Services (NLS) of Buffalo, the New York Makes Work Pay Initiative offers a statewide, toll-free Work Incentives Hotline to answer calls on a wide range of issues related to benefits and work. The hotline is available during business hours on Monday through Friday, except on holidays, and every effort will be made to return calls the same day or within one business day.

Two of NLS’s experienced benefits and work incentives practitioners, Krista McDonald and Marta Santiago, provide services to callers in both English and Spanish. Generally, any call related to SSI, SSDI, Medicaid and Medicare is appropriate for the hotline. Hotline staff also have more general expertise on a range of other issues, including: public and subsidized housing issues; eligibility for state vocational rehabilitation services through the Office of Vocational and Educational Services for Individuals with Disabilities and the Commission for the Blind and Visually Handicapped; and public assistance issues. In some cases we may refer callers to others who can answer specific questions or offer advocacy services.

The Work Incentives Hotline is designed as a service to provide information and technical assistance to individuals with disabilities and provider agency personnel, including individuals who provide some form of benefits and work incentives planning services. In most cases, the service request will be handled in 30 minutes or less. Where appropriate, our staff will research the issue and get back to the caller. The hotline should not be viewed as a substitute for the comprehensive services available through benefits and work incentives practitioners and Community Work Incentives Coordinators available from agencies funded through the Social Security Administration or other sources. Our hotline staff will be able to provide referral information to an agency in your region of the state that can provide that service.

New York Makes Work Pay Partnering Organizations

New York Makes Work Pay is a Comprehensive Employment System Medicaid Infrastructure Grant (Contract No. #1QACMS030318) from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services to the Office of Mental Health on behalf of New York State. It is a joint effort of the Burton Blatt Institute at Syracuse University and the Employment and Disability Institute at Cornell University with the collaborative support of the Employment Committee of the New York State Most Integrated Setting Coordinating Council to develop pathways and remove obstacles to employment for New Yorkers with disabilities.
Working is the newsletter of the New York Makes Work Pay Initiative.

Editors:
James R. Sheldon, Jr. J.D.
Neighborhood Legal Services, Inc.
Edwin J. Lopez-Soto, J.D.
Employment and Disability Institute
Cornell University
Thomas P. Golden, M.S., C.R.C.
Employment and Disability Institute
Cornell University

Contact Us

Employment and Disability Institute
201 Dolgen Hall, Ithaca, NY 14853-3901
Voice: 607.255.7727
Fax: 607.255.2763
TTY: 607.255.2891
Web: www.NYMakesWorkPay.org
Email: NYMakesWorkPay@cornell.edu

Cornell University
ILR School
Employment and Disability Institute

New York Makes Work Pay
201 Dolgen Hall
Ithaca, NY 14853-3901