

ELIGIBILITY FOR DISABILITY BENEFITS



**This is what your child is
entitled to
from birth to age 21**

- **Occupational therapy**
- **Speech therapy**
- **Behavior management**
- **Physical therapy**
- **Job training**
- **Community based instruction**
- **Special education services, etc.**

**This is what your child is
entitled to
after age 21**



Entitlement vs. Eligibility



Entitlement:

In Maryland, a young adult with a disability who is receiving special education services is **entitled** to a free and appropriate public education through the school year in which the student turns 21 years of age (IDEA, 2004), or has met the requirements for a Maryland high school diploma or a Maryland high school certificate of program completion.

Eligibility:

Once a student exits from high school, her or she **must** apply for adult services to see if they are **eligible** to receive them. In addition to meeting the eligibility criteria, **funding must be available** to receive services and supports from agencies.

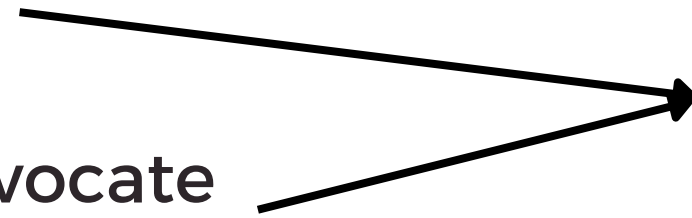
Entitlement vs. Eligibility Differences:

K-12

- IDEA (allows for a free appropriate public education - FAPE)
- Educational & psychological testing provided
- Annual review and IEP
- Parental involvement
- Schools identify needs
- Case manager and parents advocate
- Range of services

Post-secondary

- vs • Section/504 of Rehabilitation Act & ADA of 1990
- vs • Student provides documentation
- vs • N/A
- vs • Parental involvement changes (confidentiality)
- vs • Student must seek services; self-advocacy
- vs • Accommodations related to access & course requirements.



Transition Services



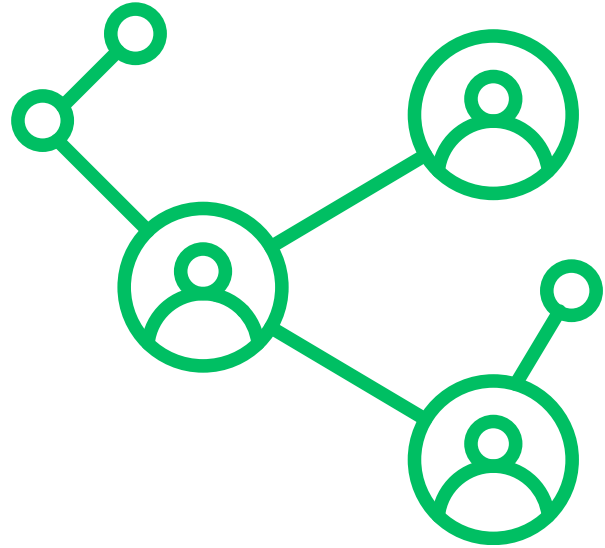
Transition services are a coordinated set of activities designed for a child with an Individualized Education Program (IEP). Transition activities focus on improving the academic and functional achievement of the child, and facilitate the child's movement from school to post-school life.



Transition services provide stakeholders with the necessary resources, tools, supports, and professional development to ensure a student's successful transition into:

- Post-Secondary education
- Employment
- Adult services, or
- Independent living and community participation

Linkages to Adult Services



As your child gets older, the Transition Support Teacher will assist in linking your child to adult service agencies. These may include:

- The Division of Rehabilitation Services (DORS)
- The Developmental Disability Administration (DDA)
- Behavioral Health Administration
- Department of Labor, Licensing and Regulation

Division of Rehabilitation Services (DORS)

- DORS offers programs and services to individuals with disabilities who want to work or become more independent in their homes and communities.
- Students can be referred to DORS by the transition support teacher in their high school; their families; or, they can refer themselves. The referral should be made the year **prior to their graduation**, and they must be found **eligible** for services. DORS services are **not** an entitlement service.
- DORS can begin to serve students, if they are found **eligible**, while they are still in high school, to help them move to post-secondary education, job training, and employment.
- Programs and services for eligible students:
 1. Career decision-making and counseling
 2. Assistive technology accommodations
 3. Job training
 4. Job search and placement
 5. independent living skills training
 6. supported employment job coaching and other support services



Developmental Disabilities Administration (DDA)

The DDA provides a coordinated service delivery system so that people receive appropriate services oriented toward the goal of full integration into their community. The DDA's community-based service delivery systems includes various home and community-based services and supports provided through either a Medicaid State Plan or Waiver program or via DDA State funded services.



Developmental Disabilities Administration (DDA)

- The DDA is a state agency that provides funding and resources to access services and supports for people with developmental disabilities.
- DDA partners with people with developmental disabilities and their families to provide funding and resources to enable these individuals in living fulfilling lives.
- DDA is guided by the principle that individuals with developmental disabilities have the right to direct their lives and services.

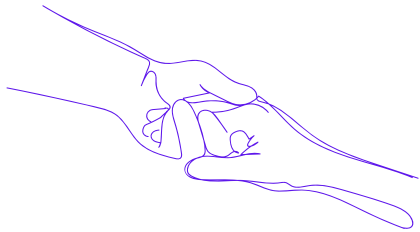
DDA Services Can Include:



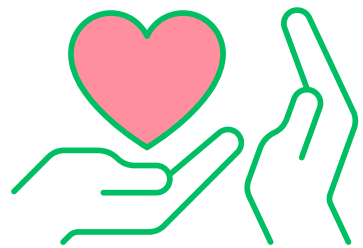
Community Personal Supports



Employment and Day Services



Self-Directed Services



Residential Services



Behavioral Support Services

Application Process

Step 1: Obtain the application from the DDA website

Step 2: Fill out the application

Step 3: Include supporting documentation:

- Psychological Evaluation (should be within the last three years.)
- The most recent approved Individualized Educational Plan
- Medical documentation from a medical professional

Step 4: Submit the application to the Regional Office:



Mail: 312 Marshall Ave., Suite 700, Laurel, MD 20707



Email: eligibility.smro@maryland.gov

Application Process (continued)

Once the application and documentation are submitted, it will be assigned for a Comprehensive Assessment.

- What is a Comprehensive Assessment (CA)?
 - ➔ An in-person or over-the-phone interview about the applicant
 - ➔ The interviewer will ask more in depth questions about applicant
 - ➔ The interviewer has 45 business days to complete and then return to DDA
- DDA will review application and Comprehensive Assessment (CA) to make the final determination

Eligibility Criteria

A developmental disability is a physical or mental impairment, but not just mental illness, or it can be a combination of mental and physical impairments.

- A condition that is more than likely to continue forever and had an onset before the age of 22
- A condition that causes the person to need supports or assistance to live independently
- A condition that causes someone to need the support of a team to help with services and treatment \emptyset COMAR 10.22.12

Eligibility Determination Categories

Once the application and Comprehensive Assessment are reviewed, the applicant will receive a letter in the mail with their eligibility determination.

SUPPORT ONLY (SO)

- Has an impairment
- Did not meet all of the criteria for DDA
- Does not qualify for DDA services
- Appeal rights will come with the letter
- 90 days to appeal

NOT ELIGIBLE (NE)

- Did not meet the DDA criteria
- Not enough documentation to make a determination
- Appeal rights will come with the letter.
- 90 days to appeal

Developmentally Disabled (DD)

- Meets the criteria for DDA
- **Will be placed in one of the DD priority categories**

DD Priority Categories

There are 4 priority categories for people who are developmentally disabled. These categories are in the order of priority in which applicants receive service.

Crisis Resolution:

- Someone currently in a crisis or emergency situation (for example - abuse, neglect, homeless)

Crisis Prevention:

- Someone who is or will be in a health or safety crisis within the next year or has a caregiver 65 or older

Current Request:

- Someone who needs or wants services, although health and safety are not the immediate needs

Future Need Registry:

- Someone who does not have a need for services within the next three years

*Can change depending on situation

Eligibility Questions



Eligibility Team Email: eligibility.smro@maryland.gov



Phone: (301) 362-5100

Planning for the Future: It is NEVER to early to plan

Become familiar with terms like:

- Medicaid and Medicare (what is the difference?)
- Supplemental Social Security and Social Security Disability Insurance (what is the difference?)
- ABLE accounts
- Special Need Trusts
- Guardianship and Surrogate Decision maker (what is the difference?)

Adult Services: Social Security, Medicare, and Medicaid

- Start applying early – there might be more resources than you are aware of
- Keep track, as much as you can, of what you spend to support your child
- Never ignore any letters or phone calls you receive
- Your child cannot have resources more than \$2,000.00
- All parents are proud of their children's strengths, but when you are requesting supports for your child to live and function as independently as possible, it is important to clearly portray the challenges they face.

Achieving a Better Life Experience

ABLE Savings Accounts

ABLE accounts are a great way for people with disabilities and their families to save money without losing important benefits. They grow tax-free, making it easier to pay for health, education, housing, and more. Setting one up is cheap, and you can use the funds for many needs. Despite a few limitations, the benefits make ABLE accounts a smart and secure way to plan for the future.

Current Benefits of ABLE Accounts:

- **Low Cost Set-Up:** Establishing an ABLE account is affordable, with minimal or no initial costs.
- **Non-Countable Resource:** Funds in an ABLE account do not affect SSI eligibility as long as the account balance is below \$100,000. Medicaid eligibility is unaffected until the account exceeds the state maximum for 529 Plans.
- **Tax-Free Income:** Investment income earned on ABLE accounts is not taxed if used for qualified disability expenses, including health, education, housing, transportation, assistive technology, and personal support.

ABLE Savings Accounts (continued)

Current Drawbacks of ABLE Accounts

- **Medicaid Payback:** Upon the beneficiary's death, remaining funds in the account may be subject to Medicaid payback
- **Contribution Limit:** Contributions are capped at \$18,000 annually from all sources, which can limit the growth potential of the account
- **Age Restriction:** The beneficiary's disability must have occurred before age 26
- **Asset Cap:** The total assets in the account cannot exceed \$100,000 without affecting SSI benefits. If the balance exceeds this amount, SSI benefits are suspended but not terminated
- **Loss of SSI Benefits:** Exceeding the \$100,000 cap can result in the suspension of SSI benefits, which could outweigh the tax benefits
- **Qualified Expenses Limitation:** Funds must be used for qualified disability expenses, which may be more restrictive compared to other options like a Third Party Special Needs Trust

Special Needs Trusts

The basic purpose of a “special needs trust” is to provide benefits, by means of a trust, to a person who would otherwise lose eligibility for public assistance.

The simple definition of special or supplemental needs is anything that constitutes non-support items. In other words, paying for anything the beneficiary wants for personal use that is not in the category of food or shelter (support expenses). A trust that is deemed special needs cannot provide food or shelter expenses or the trust will be deemed an available resource.

Guardians versus Surrogate Decision Makers

(a VERY brief explanation of the difference)

Guardian

- A guardian is responsible for making the decisions about how and where a person lives and making sure the individual has what they need to live each day
- Both, the person wishing to be a guardian (petitioner) and the person who needs a guardian, will need a lawyer to represent them
- You will need to provide medical documentation of the need for the individual to have a guardian

Surrogate

- A Surrogate Decision Maker can make health care decisions for someone when there is no appointed guardian



THANK YOU