



OVERVIEW OF PUBLIC BENEFITS AND FUNDING SOURCES FOR PEOPLE WITH DISABILITIES



Medicaid Programs

- **Healthy Start**
- **Healthy Families**
- **Aged, Blind, and People with Disabilities ("ABD")**
- **Medicaid Buy-In For Workers with Disabilities ("MBIWD")**
- **HCBS Waiver**

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Healthy Start

- **U.S. Citizen**
- **Available to**
 - Uninsured children up to age 19 in families with income up to 200% of FPL
 - Insured children up to age 19 in families with income up to 150% of FPL
 - Pregnant women in families with income up to 200% of FPL
- **Health Insurance**
- **Managed Care Plan**
- **<http://jfs.ohio.gov/OHP/consumers/familychild.stm>**

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Healthy Families

- **U.S. Citizen**
- **Families who have a child younger than 19 and whose income is up to 90% of FPL**
- **Health Insurance**
- **Managed Care Plan**
- **<http://jfs.ohio.gov/OHP/consumers/familychild.stm>**

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Medicaid: Aged, Blind, and People with Disabilities

- **Governing Agency: Dept. of Job and Family Services**
- **Income Test: \$622/mo (single)**
- **Resource Test: \$1,500 (single)**
- **Subject to deeming**
- **Other Test: Must be 65 years+, legally blind, or disabled**
- **www.jfs.ohio.gov**



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Income

- **Cash, income in-kind, or something of value which is received, available, and attributable to an individual. Ohio Admin. Code 5101:1-39-08 et seq.**
- **Any item an individual receives in cash or in-kind that can be used to meet his or her need for food or shelter. POMS SI 00810.005**

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RESOURCES

- **Owned by the individual**
- **Available to the individual**
- **Not “exempt”**

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Resources - Deeming

- **Deeming**
 - Parents' income and resources are attributed to child under 18
 - Ohio Admin. Code 5101:1-39-34
 - POMS SI 01300.000

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Disabled

- **Physical or mental impairment**
- **Lasts 12 months or longer, or results in death**
- **Prevents substantial gainful activity (“SGA”)**
 - \$1,040 per month
 - Does apply to SSI and SSDI benefits
 - \$1,740 per month for blind individuals
 - Does not apply to SSI
- **Eligibility for a child is based on functional limitations**
- **Trial work period**

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Medicaid: MBIWD

- **Governing Agency: Dept. of Job and Family Services**
- **Income Test: \$2,394/mo (single)**
 - Must be under \$1,397/mo to avoid premium
- **Resource Test: \$11,148 (single)**
- **Other Test: 16-64 years old, disabled, employed in paid work**
- **www.jfs.ohio.gov**

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Home and Community Based Services Waivers (“Waivers”)

- **Governing Agency: Depends on type of Waiver**
- **Income Test: \$2,130**
- **Resource Test: \$1,500**
- **Not subject to deeming**
- **Other Test: Must meet level of care required for the specific Waiver**
- **Medicaid Card**
- **www.jfs.ohio.gov**
- **Form 2399**

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Types of Waivers

- **Home Care**
 - ODJFS
- **Transitions Carve Out**
 - ODJFS
- **Level One**
 - DD
- **Individual Options (IO)**
 - DD
- **Transitions DD**
 - DD
- **SELF**
 - DD

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Home Care Waiver

- **Age: 59 or younger**
- **Nursing services, personal care assistance services and/or skilled therapy services, plus waiver-specific related services .**
- **LOC: Intermediate or skilled level of care**

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Level One Waiver

- **Limited services**
 - \$5,000 annually
 - \$8,000 over 3 years
- **Day array (day habilitation)**
- **LOC: ICF/IID**

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Individual Options Waiver

- **Specified Services**
 - Support at home
 - Supported employment
 - Day array (day habilitation)
- **Ohio Developmental Disabilities Profile (ODDP)**
- **Prior Authorization**
- **LOC: ICF/IID**

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Transition Waiver: DD

- **LOC: ICF/IID**
- **Not open to new enrollees**
 - Must be transitioned from Ohio Home Care Waiver to Transitions Waiver because your condition has changed and you now meet the ICF/IID level of care
- **The Transitions DD Waiver began to be managed by DoDD on 1/1/13**

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SELF Waiver

- **Self-directed services**
- **Maximum funding**
- **\$25K for children**
- **\$40K for adults**
- **Capacity**
 - Year 1: 500
 - Year 3: 2,000

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Waiting Lists

- **Emergency**
- **Priority**
- **Date of sign-up**

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EPSDT General

- **Early Periodic Screening, Diagnosis and Treatment**
- **Up to 21**
- **Annual physicals**
- **Periodic screenings**

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What's the T in EPSDT

Requires treatment necessary to correct or ameliorate psychiatric, behavioral or emotional conditions

Even if benefit is not in state plan

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Title IV-E

- **Covers food, clothing, shelter, supervision**
- **Custody of local children services agency**
- **No parental support**
- **Under 18 (19 if about to graduate)**
- **Supplement to Medicaid**

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County-based Resources

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DD Boards

- **Services based on county plan**
- **Limitation: available resources**
- **Local Administration of Medicaid for persons with DD**

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DD Boards: eligibility

- **Mental or physical impairment**
 - Not mental illness
- **Before 22**
- **Likely to continue indefinitely**
- **Qualifies under OEDI/COEDI**

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DD Boards: eligibility

- **Ohio Eligibility Determination Instrument (OEDI)**
- **Children's Ohio Eligibility Determination Instrument (COEDI)**

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DD Board: eligibility

Age	Developmental delay or established risk
<3	1
3-6	2
Substantial Functional Limitation	
6-15	3 of 6 major life activities
16+	3 of 7 major life activities

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DD Board: Developmental Delay

- **adaptive behavior;**
- **physical development or maturation (fine and gross motor skills; growth);**
- **cognition;**
- **communication;**
- **social or emotional development; and sensory development;**

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Developmental Delay (cont'd)

- **established risk involving early aberrant development related to diagnosed medical disorders (e.g. ventilator, drug exposure) or**
- **physical or mental condition known to result in developmental delay (e.g. Down syndrome)**

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DD Board: Major Life Activities

- **self-care,**
- **Receptive/ expressive language,**
- **learning,**
- **mobility,**
- **self-direction,**
- **capacity for independent living,**
- **capacity for economic self-sufficiency (16+).**

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Other County Resources

- **Job and Family Services**
 - Dependent/neglected/abused children
 - Basic Medicaid
 - Medicaid income eligibility
- **Alcohol Drug Abuse/Mental Health (ADAMH) Boards**
 - Contracts for non-Medicaid services
 - Monitors

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Juvenile Court

- **Delinquent**
- **Unruly**
- **Abused, neglected, dependent**

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Family and Children First Councils

- **All agencies serving children**
 - Juvenile court
- **Develop plan**
- **Disputes on funding reviewed by juvenile court**

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IDEA

**Individuals with Disabilities
Education Act**

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**Each eligible child is entitled to a
free, appropriate public education
(FAPE)**

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Age of Eligibility

- **Third birthday through 22nd birthday.**
- **Pre-school services**
- **School age services**

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Eligibility

- **13 categories**
- **Must have “adverse effect on educational performance”**
 - Except specific learning disabilities

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Eligibility Categories §1402(3); 300.8

- **Autism**
- **Cognitive Disability**
- **Deaf-blind**
- **Deafness**
- **Emotional disturbance**
- **Hearing impairments**
- **Multiple Disabilities**
- **Orthopedic impairments**
- **Other health impairments**
- **Specific learning disabilities**
- **Speech or language impairments**
- **Traumatic brain injury**
- **Visual impairments**

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Comprehensive Evaluation

Multi-factored Evaluation

Evaluation Team Report (ETR)

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ETR

**Basis for all educational services
and supports**

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Scope of ETR

School must assess, and address:

- **academic,**
- **developmental and**
- **functional skills.**

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INDIVIDUALIZED EDUCATION PROGRAM

IEP

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Scope of IEP

- **Academic**
- **Functional**
- **Developmental**
- **Choice of services should be based on
peer-reviewed research to the extent
practicable**

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IEP must confer a “meaningful educational benefit”

- “IDEA requires an IEP to confer a ‘meaningful educational benefit’ gauged in relation to the potential of the child at issue.” *Deal v. Hamilton County Board of Education* 392 F. 3d 840 (6th Cir. 2004).
- “Some” benefit is not enough.

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Discipline

Right to FAPE is available to children who have been suspended or expelled

**20 USC 1415 (k)
34 CFR 300.530(d)(i)**

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Discipline

- **10 “free” days**
- **Manifestation determination**
 - If more than 10 days
- **IEP services must continue**
- **Appeals available**

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Autism Scholarship

- **\$20,000/year**
- **Eligible under autism**
- **IEP from district of residence**

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Peterson Scholarships

- **Up to \$20,000/year depending on disability**
- **IEP from district of residence**

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Other State-Wide and National Resources

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DISABILITY

- **Physical or mental impairment**
- **12 months or result in death**
- **Prevents engaging in SGA**

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SSI Eligibility

- **SSI is for those without enough credits to be eligible for SSDI**
- **Income – “low”**
- **Resources - \$2000 or less**
- **Maximum monthly benefit in 2012: \$710**
- **Intended to pay for food, shelter, and clothing**

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EXEMPT RESOURCES

- **Household goods**
- **Residence**
- **Vehicle**
- **Irrevocable funeral contract**
- **Burial plots**
- **Burial funds w/ value ≤ \$1500**
- **Life insurance w/ total face value ≤ \$1500**
- **Back payments of SS (for 9 months)**
- **Special needs or pooled trusts**

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SSDI

- **SSDI on Claimant's earning history**
 - SSDI 5 months after onset date of disability (except CDB)
 - Medicare 24 months after first check
- **Childhood Disability Benefit on Parent's earning history if**
 - Child disabled prior to age 22, and
 - Parent retired, disabled or deceased
- **Neither are means-tested, but keep in mind SGA**

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Presumptive Disability

- **Amputation of a leg at the hip**
- **Complete deafness**
- **Total blindness**
- **Cerebral palsy, muscular dystrophy, or muscular atrophy and marked difficulty in walking, speaking, or coordination**
- **Down syndrome**
- **Symptomatic HIV or AIDS**
- **Not an exhaustive list**

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BCMH

- **Three Core Programs**
 - Diagnostic
 - Treatment
 - Service Coordination
- **<http://www.odh.ohio.gov/odhPrograms/cmhc/cwmh/bcmh1.aspx>**

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Special Needs Estate Planning

- **Preserving eligibility for means-tested government benefits**
- **Protecting person from him or herself**
 - Disability ≠ Incompetent
 - Disability: physical or mental impairment that lasts 12 months or longer, or results in death

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Will

- **Disposes of property at your death**
- **Do not name person with disability as beneficiary if he or she will need Medicaid or SSI**
 - May be appropriate to name trust instead
 - Problems with outright disinheritance

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Trust

- **Trust: written agreement between settlor and trustee to provide for the beneficiary**
 - Settlor: person(s) establishing trust
 - Trustee: person(s) or entity managing trust
 - Beneficiary: Person(s) who use, or benefit from, the trust
 - Many different kinds!

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Special Needs Trust

- **aka Medicaid Payback Trust**
- **Must be established by a parent, grandparent, guardian, or court**
 - Exception: pooled trust can be established by a person with a disability
- **Only beneficiary is person with the disability**

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Turning Your Obstacles Into Opportunities

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