

The Washington State Developmental Disabilities Home and Community Based Waivers 2009 Financial Eligibility

Currently, in order to qualify for the DD Home and Community Based Waivers, individuals not only have to meet the functional qualifications of the Waivers, they also need to qualify financially.

There are currently three options available for people to qualify financially:

1. The individual is “considered to be receiving SSI”
 - a. The individual receives cash SSI benefits.
Or
 - b. The individual has SSI 1619(b) eligibility
Or
 - c. The individual qualifies with monthly countable income under the categorically needy income level
2. The individual has monthly income that is under the Special Income Level that is set for Home and Community Based Waivers, which is 300% of the SSI Federal Benefit Rate (Currently \$2,022)
3. The individual is on the Medicaid Buy-In, Healthcare for Workers with Disabilities (HWD)

Note: The resource threshold for the financial eligibility standards is \$2,000 for an individual, except for individuals on HWD, who have no resource threshold.

Description of Financial Eligibility and Strategies

1a. and 1b. The individual is receiving cash SSI benefits or they are SSI 1619(b) eligible:

While the cash benefit threshold for earnings for someone receiving SSI only is \$1,433, individuals that no longer receive cash benefits because of earned income, would be able to extend their Medicaid, and therefore their Waiver eligibility by becoming 1619(b) eligible. This may require that the individual contact Social Security to be sure that they are transferred to 1619(b) when their cash benefits cease.

Strategies to assist people in remaining eligible for SSI cash benefits or 1619(b)

Individual Threshold: The earned income threshold for 1619(b) for 2009 in WA State is \$28,080 per year, although individuals that are above-average users of Medicaid would be able to set a higher individualized threshold based on the Medicaid expenses that they have.

PASS: A PASS can help someone remain eligible for the Waivers, because the individual is typically receiving SSI when they are contributing to a PASS. Individuals can also move into 1619(b) eligibility following the PASS.

IRWE: An IRWE can help an individual remain eligible for cash benefits over a longer period of time, because they are able to claim their out of pocket expenses that are related to their work and to their impairment. This would allow them to get a “reimbursement” of the expense of up to 50% of the expense in increase SSI cash benefits. An IRWE can also be used to reduce the income that is considered when comparing yearly income to the 1619(b) threshold. In this case, the individual would get “credit” for 100% of the out of pocket expense. In addition, the amount of the IRWE’s that an individual incurs can be considered when setting the individual threshold for 1619(b).

1c. The individual qualifies under the categorically needy income level (CNIL)

In order to qualify for the CNIL, countable or non-excluded income must be at or below \$674.

To determine the Countable Income for the CNIL a financial worker would:

1. Exclude DAC, if person received SSI as an adult
2. Exclude Cost of Living Adjustments (COLA) in SSDI, if the person was a concurrent beneficiary of SSI and SSDI previously and became ineligible for SSI due to a COLA. Any remaining SSDI would be counted as unearned income.
3. Deduct \$20 General Exclusion on unearned or earned income (may be used only once per month on one source of income)
4. Deduct Earned Income Exclusion of \$65
5. Subtract any Impairment Related Work Expenses from earned income
6. Divide remaining earned income by 2
7. Subtract any Blind Work Expenses from earned income.

There may be other exclusions that an individual would be eligible to claim. The steps above list those items that would be typical for someone with a developmental disability.

The countable income amount would then be compared to the CNIL of \$674. If the individual’s income is at or below the CNIL, they would meet the financial criteria for the Waivers.

Strategies to assist people in remaining eligible with income under the CNIL

IRWE: Use of an IRWE will help an individual remain eligible for the CNIL by reducing the countable income.

DAC Exclusion: An individual that accesses SSI as an adult is eligible for the exclusion of their SSDAC from the countable income for consideration of the CNIL, if they stopped receiving SSI benefits as a result of the DAC benefit.

Pickle Exclusion: An individual that previously received SSI and SSDI concurrently, who is no longer eligible for SSI due to a Cost of Living Adjustment, is eligible to have the amount of the COLA increase in SSDI benefits that caused ineligibility for SSI benefits excluded from the income considered countable for the CNIL.

Strategies to AVOID

Earnings above SGA: If an individual is having difficulty qualifying for the CNIL due to SSDI or SSDAC cash benefits that are not excluded from their countable income, they may wish to establish monthly earnings above the Substantial Gainful Activity (SGA) level (\$980 for 2008) so that they become ineligible for the SSDI or SSDAC cash benefit. Use this only if the individual would become eligible for 1619(b), following a PASS for instance, or if it would help the individual with eligibility for HWD. ***Individuals working over SGA that are not receiving SSI cash benefits, or are not covered under 1619(b), or are not on HWD become functionally ineligible for the Waivers.***

2. The individual has monthly income that is under the Special Income Level

The Special Income Level (SIL) that is established for Home and Community Based Waivers is 300% of the SSI Federal Benefit Rate (Currently \$2,022 for 2009). This is a gross income consideration, meaning that SSDI and SSDAC are not excluded for any reason in the consideration of income that is compared to the SIL. It should be noted that, for individuals whose income varies from month to month, the SIL might be a particular issue. For instance, if a person receives pay checks every other week, and is very close to the SIL, the months in which they receive three paychecks instead of two may place them over the SIL. ***Individuals working over SGA that are not receiving SSI cash benefits, or are not covered under 1619(b), become functionally ineligible for the Waivers, unless they are on HWD.***

Strategies to assist people in remaining eligible with income under the SIL

Reconfigure Income: Assist them in negotiating changes in pay to bring income under the SIL.

Strategies to AVOID

Earnings above SGA: If an individual is having difficulty qualifying for the CNIL due to SSDI or SSDAC cash benefits that are not excluded from their countable income, they may wish to establish monthly earnings above the Substantial Gainful Activity (SGA) level (Currently \$980 for 2009) so that they become ineligible for the SSDI or SSDAC cash benefit. Use this only if the individual would become eligible for 1619(b), following a PASS for instance, or if it would help the individual with eligibility for HWD. ***Individuals working over SGA that are not receiving SSI cash benefits, or are not covered under 1619(b), or are not on HWD become functionally ineligible for the Waivers.***

3. The individual is on the Medicaid Buy-In, Healthcare for Workers with Disabilities (HWD)

Washington State received approval from the Center for Medicare/Medicaid Services (CMS) to add an additional financial eligibility group to the DD Waivers: Those on HealthCare for Workers with Disabilities (HWD). This will allow individuals to remain eligible for the Waiver, even if their income exceeds the other financial tests, and/or they are working above SGA, as long as they are functionally eligible for the Waiver, and they remain eligible for HWD. If they are part of the HWD eligibility group, they may also have resources above \$2,000 and remain eligible.

