# PART C, CHAPTER 11.1:BENEFITS AND WORK INCENTIVES COUNSELINGTWC-VR PROVIDED SERVICES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 11.1 | 34 CFR [§361.45(c)(3)](https://www.ecfr.gov/current/title-34/part-361#p-361.45(c)(3))  | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of benefits and work incentives counseling services to customers receiving a benefit from Social Security based on disability.

## DEFINITIONS

Benefits Planning Query (BPQY): A report generated by the Social Security Administration (SSA) that provides detailed information about a customer’s Social Security disability benefit.

Benefits Summary and Analysis/Work Incentive Plan (BSA/WIP): An evaluation of how desired or actual monthly gross earned income impacts Federal and State benefits.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in Benefits and Work Incentives Counseling Services and the providers of those services.

Medicaid: Free, comprehensive health insurance provided through Texas Health and Human Services for those receiving Title XVI benefits, also known as Supplemental Security Income (SSI); Medicaid coverage begins the date SSI is approved by SSA.

Medicaid Buy-In (MBI): A program that offer customers with disabilities who are working the opportunity to purchase Medicaid coverage; refer to [Texas Health and Human Services’ website](https://www.hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-programs-services/programs-children-adults-disabilities/medicaid-buy-adults) for more information on Medicaid Buy-In.

Medicare: Health insurance coverage that comes with a Title II disability cash benefit. Coverage begins 24 months from the date the first Title II cash benefit is due; Medicare is not free, but customers can apply for Texas Health and Human Services’ Medicare Savings Program to see if they qualify for assistance with Medicare costs.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Subject-Matter Utilization Resource Facilitator (SMURF): A TWC-VR staff member trained in the basics of SSI and Title II benefits based on disability.

SSA Work Incentives: Special rules for customers receiving SSI or a Title II benefit based on disability that may allow continuation of the monthly cash benefit and/or Medicare and/or Medicaid.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Title II: Disability benefits paid to disabled individuals who are insured under the Social Security Act by virtue of their contributions to the Social Security trust fund through the Social Security tax on their earnings, as well as to certain disabled dependents of insured individuals. Disability benefits under Title II include 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits, also known as Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

Work Incentive Liaison (WIL): An SSA employee within a local SSA office who specializes in issuing BPQYs and approving requested work incentives other than Plan to Achieve Self-Support (PASS).

## POLICY

### General Overview

Benefits and Work Incentives Counseling Services refers to a specialized service provided to customers receiving SSI or a Title II benefit based on disability from SSA. The goal of this service is to empower customers to pursue self-sufficiency through greater financial independence while navigating the complex Social Security disability benefit system. This involves working with the customer to develop a comprehensive analysis on how earned income may affect Federal and State benefits, including, but not limited to, the following:

* Social Security cash benefits based on disability;
* Healthcare benefits, including Medicare and/or Medicaid;
* Public housing assistance;
* Food Stamps;
* Home and community-based service waivers and/or other Long-Term Supports and Services; and
* Veteran’s benefits.

By engaging in Benefits and Work Incentives Counseling Services, customers can make informed decisions about employment and set realistic earnings goals (e.g. increasing earnings).

### Access to Benefits and Work Incentives Counseling Services

Customers entitled to SSI and/or Title II benefits due to their disability must be provided general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with Benefits and Work Incentives Counseling Services. Services may be provided by TWC-VR (i.e., in-house) or through an approved contracted provider.

### Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 26:Benefits and Work Incentives Counseling Services.

### Additional Policy Considerations

* Comparable Services and Benefits: Benefits and Work Incentives Counseling Services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
* Customer Participation in the Cost of Services: Benefits and Work Incentives Counseling Services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for Benefits and Work Incentives Counseling Services

TWC-VR staff must first determine if the customer is eligible for SSI or a Title II benefit based on disability. Only customers eligible for SSI or a Title II benefit based on disability can receive Benefits and Work Incentives Counseling Services. TWC-VR customers receiving SSI or a Title II benefit based on disability are assumed to have the goal of an employment outcome and the need for benefits counseling services.

The VR Counselor must discuss options for accessing Benefits and Work Incentives Counseling Services, at what point in time it would be best for the customer to receive the service, and how the service can promote their ability to make informed choices about employment and their benefits. These discussions must be documented in a VR counseling and guidance case note, including that the service has been offered and whether it has been provided, purchased, arranged or refused.

### Provision of Benefits and Work Incentives Counseling Services

TWC-VR can provide, purchase, or arrange for benefits and work incentives counseling services to customers in the following three ways:

1. TWC-VR Provided: TWC-VR staff contact the local unit level SMURF or the State Office Benefits Specialist by emailing smurf.inquiries@twc.texas.gov. They provide general information on the specific SSA disability benefit the customer receives, including how earned income may affect the cash and/or healthcare benefits.
2. Arranged: Customers who refuse Benefits and Work Incentives Counseling Services must be provided the Ticket to Work Helpline: 1 (866) 968-7842 or 1 (866) 833-2967 (TTY). Customers can call this number to get a referral for free Benefits and Work Incentives Counseling Services after TWC-VR case closure.
3. Purchased: Customer can choose from any provider with a current TWC-VR contract for Benefits and Work Incentives Counseling Services.

When purchasing Benefits and Work Incentives Counseling Services, TWC-VR staff must use the following process:

* The customer must have Benefits and Work Incentives Counseling Services and the chosen provider included in the IPE, or IPE amendment, prior to participating in this service.
* The TWC-VR staff member or customer must obtain a BPQY from SSA no more than six months old and faxes/e-faxes the prefilled *Consent for Release of Information (SSA-3288)* to the SSA WIL in the customer’s local SSA office without changing the language on the *SSA-3288*.
* The TWC-VR staff member must—
	+ Find the WIL associated with the customer’s local SSA office by using the [SSA field office locator](https://www.ssa.gov/locator/) as well as the name and fax number for the WIL in that office; and
	+ Enter their contact information as well as the customer’s contact information, including fax and phone numbers.
* The customer signs the *SSA-3288*. This must be a handwritten signature as no electronic signatures are accepted by SSA.
* The TWC-VR staff member should include a fax cover sheet, with the fax/e-fax.
* The VR Counselor must include Benefits and Work Incentives Counseling Services on the IPE.
* The TWC-VR staff member creates a Service Record and issues an SA for the service from the Benefits and Work Incentives Counseling menu being purchased.
* The VR Counselor must—
	+ Complete the Benefits and *Work Incentives Planning Referral form (VR1512)*, specifying which service is being purchased (The most common service is the BSA/WIP.); and
	+ Send the SA, *VR1512*, and BPQY to chosen contractor.
* After completion of benefits counseling services, the VR Counselor must refer customers, as necessary, back to the contractor for assistance with completing applications for one or more work incentives identified in the BSA/WIP.
* The VR Counselor must document in a VR counseling and guidance case note that benefits counseling has been offered, provided, purchased, and/or arranged.
* Before case closure, the VR Counselor must review the information in the BSA/WIP with the customer, paying particular attention to income reporting requirements. For assistance providing this information to a customer, the VR Counselor may consult a SMURF.

The VR Counselor can purchase multiple BSA/WIPs for one customer in the following situations:

* If the customer's job pays a different amount than the earnings analyzed in the original BSA/WIP, a Revised BSA/WIP must be purchased.
* If the customer loses the job on which the BSA/WIP was based and determines a different earnings goal or obtains new employment, a Revised BSA/WIP must be purchased.
* If the customer is returning to TWC-VR after a case closure, a new BSA/WIP must be purchased.

Successful case closure can be attained if the only TWC-VR services provided are VR counseling and guidance and Benefits and Work Incentives counseling services.

### Medicaid Buy-In

The VR Counselor may purchase assistance with applying for Medicaid Buy-In (MBI) even if the customer does not receive SSI or a Title II benefit based on their disability. The customer must be working at least one hour a month before they apply for Medicaid Buy-In.

Assistance with the Medicaid Buy-In application is the only service that can be purchased under Benefits and Work Incentives Counseling Services for a customer not receiving SSI and/or a Title II disability benefit.

If the customer was determined ineligible for SSI and/or Title II disability benefits because their disability did not meet SSA’s criteria, the customer will not be eligible for Medicaid Buy-In and should not be referred for this service.

If the customer was determined ineligible for SSI and/or Title II disability benefits for financial reasons and is working, the customer may be eligible for Medicaid Buy-In.

If the customer never applied for SSI and/or Title II disability benefits and is working, the customer may be eligible for Medicaid Buy-In.

To purchase assistance with completion of the application for Medicaid Buy-In, the TWC-VR staff must—

* Create a Service Record;
* Issue an SA;
* Complete the *VR1512*.
* Send SA and *VR1512* to contractor.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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