

The Gottesman Report

A Newsletter For Your Benefit

July 2005

Some Answers to Frequently Asked Questions ...

Our office frequently receives requests for the information that is being shared in this edition of our newsletter. We hope that our readers will find this helpful. Should you wish information on topics not covered here, please do not hesitate to contact our office.

Medicare Prescription Drug Program ...

If you have Medicare and need help paying for prescription drugs, you may be eligible for this program, regardless of your age. Your assets must be less than \$11,500 if single or \$23,000 if married. This does NOT include the value of your home. You may also be eligible for help with premiums, deductibles and co-payments for this plan. Call 1-800-MEDICARE to apply for this program. Additionally, as discussed here previously, the manufacturer of your drug may have discounts available for those in need. You must contact the manufacturer directly. Your pharmacist can tell you the name of the company that makes your drug.

Failure to Follow Prescribed Treatment ...

Frequently at ALJ hearings, there arises a issue concerning whether the Claimant has followed the treatment prescribed by his/her doctor, when that treatment might help him/her get better so that the individual can

return to work. However, this is only when that treatment is clearly expected to restore one's capacity to engage in substantial gainful activity (work). The burden is on SSA to prove that the treatment will restore your capacity to work. Since very few doctors are willing to state with certainty that a prescribed treatment will restore you to health, this will be difficult to prove. Acceptable justification for failure to follow prescribed treatment includes: the treatment is contrary to your religion; your insurance carrier will not cover the treatment and you are unable to afford it; you have an intense, documented fear of surgery; the treatment is risky; the treatment involves amputation; or your treating physician advises against the treatment in your particular case.

Ticket To Work ...

There have been many questions from our clients regarding this new program from SSA. This program is voluntary and is aimed at individuals already receiving disability or SSI benefits who wish to attempt a return to employment. SSA routinely screens all recipients of benefits, and anyone who is eligible will receive a Ticket To Work in the mail. The Ticket must be activated by following the instructions. Once you receive a Ticket in the mail, you can redeem it for services from public or private providers (called Employment Networks) in your local community who have contracted with SSA to provide a full range of employment services to eligible disabled individuals age 18 or older. This program focuses on developing employment goals and connects ticket holders with vocational rehabilitation

or other training programs. They also conduct workshops on interviewing and resume writing. One of the primary goals of this program is to act as a financial safety net until Ticket holders find the right job. It also aims to remove obstacles to employment such as having to choose between health care coverage and work. The continuing disability review, which assesses you for recovery from your impairments, will not penalize the Ticket participant by finding that he or she is recovered and now able to work. The review period is stayed pending completion of the Ticket program.

The Ticket to Work is a separate program from the Trial Work Period currently allowed to disability (not SSI) recipients. Ticket holders receiving disability benefits (not SSI) are also entitled to a Trial Work Period, which we have discussed here previously. That program allows disability recipients a period of nine (9) months of full benefits and a full salary while they are adapting to their new employment. Its goal is to ensure a successful job re-entry by minimizing the burdens that face newly-employed disabled individuals.

Impairment-Related Work Expenses ...

When a disabled individual starts back to work, his or her income will be assessed by SSA to ensure that the income does not go over the Substantial Gainful Activity (“SGA”) level. Should this happen, the individual could lose all or part of his/her benefits immediately, if on SSI, or after the 9-month trial work period, if on disability. However, the individual’s income and expenses must be evaluated using certain guidelines before this happens.

One of the available deductions is that for impairment-related work expenses

(IRWE). These include such items as taxis to and from work; household help such as an attendant which may become necessary in order to assist the individual daily on the trip to and from work; assistance in preparing meals even if these meals are shared by you and you family; personal services such as assistance with bathing and dressing; and adjustments to the individual’s living space to accommodate his/her disability. Also included are out-of-pocket costs for routine drug and medical services needed to stabilize one’s condition so that one can continue to work, and even physical fitness devices which are verified as medically necessary by your doctor. Expendable medical supplies such as elastic stockings are included, and even the cost of food and veterinary care for service animals.

These expenses may be deducted whether one is salaried or is self-employed. However, the need for such services must be documented with doctors’ notes. These expenses are deducted from the individual’s pre-tax income to determine whether he/she is exceeding the income level which would allow him/her to keep full benefits.

Remember: The best “thank you” for a job well done is your referral of a potential new client.

Finally . . .

If you are interested in seeing a particular issue addressed in this Newsletter, or if anyone you know wishes to be placed on the mailing list for future Newsletters, please let us know.