



Elder Law Guys: Pennsylvania program encourages people with disabilities to work

May 29, 2017 12:00 AM

A common theme in assisting clients who are disabled is how to obtain and maintain life-sustaining government benefits.

In addition, one of the core principles of our practice is to help people with disabilities improve and enhance their lives, continually making progress toward a more independent lifestyle.

Unfortunately, the Catch-22 scenario for people with disabilities who can and want to work is that they become productive just enough to have the “rug” pulled out from under them for medical care coverage.

Health care is a hot topic and, for the vast majority of people with disabilities, it’s the No. 1 concern when making decisions about whether or not to work as well as in making various lifestyle choices.

Fortunately, Pennsylvania has a helpful program called Medical Assistance for Workers with Disabilities.

While many government benefit-based programs strictly limit an applicant’s assets and income, the medical assistance program recognizes the need to give people who want to work a “helping hand.” The idea is to bridge the gap between total reliance on Medicaid benefits and transitioning to earning a respectable income while not threatening vital health care coverage benefits.

Therefore, the income and assets limits are “relaxed” to qualify for Medical Assistance for Workers with Disabilities.

So, what are the rules?

- You must be between 16 and 65 years old.
- You must be “disabled” (more on that later) or have a chronic health problem.
- You must be working — as simple as baby-sitting for the neighbor or as complex as working for an international company.
- You should have countable resources (assets) less than \$10,000 and income less than about \$30,000 (a single person in 2017).

Note that, right off the bat, the ability to maintain up to \$10,000 of countable assets is already a 5x multiplier of the asset limit rules for Supplemental Security Income, or SSI.

However, if a person is on SSI and wants to enroll in Medical Assistance for Workers with Disabilities, keep in mind that Supplemental Security Income will be reduced dollar for dollar against earned income.

The purpose of this program is to get people off the couch, so to speak, and reintegrate them into becoming productive wage earners. So, if your new job can pay you two or three times what your existing SSI check provides while still maintaining full medical assistance coverage, that appears to be a win for the individual and society.

Wait just a minute! You thought that if you were on Social Security Disability, you couldn't work and still receive benefits. That's true.

Once again, like SSI, the situation fosters helping people who want to and can earn more than their Social Security Disability check to get out there and work. Many clients tell us the intangibles of being responsible for their incomes and contributing to society help their outlook for the future.

Doesn't everyone have to apply for Social Security in order to be determined “disabled”? Well, not exactly. While the overwhelming majority of people who are determined to be disabled enter this system through an application for Social Security Disability benefits, the Medical Assistance for Workers with Disabilities program offers a “back door” to establish disability through the Pennsylvania Department of Human Services.

One more thing to recognize: Pennsylvania has now rolled out its ABLE — Achieving a Better Life Experience — platform that allows a person with a disability to maintain an account that is disregarded for public benefits eligibility.

These accounts can be funded with up to \$14,000 per year in contributions. Therefore, some strategic planning opportunities are evolving through the combination of the medical assistance resource allowance coupled with the exempt ABLE accounts.

Through diligent planning, these programs are allowing people with disabilities to achieve more independence and help them enhance the quality of their lives rather than being dependent exclusively on government benefits.

Julian Gray and Frank Petrich are certified elder law attorneys who practice in the Pittsburgh area at Gray Elder Law. Send questions to elderlawguys@grayelderlaw.com or visit www.grayelderlaw.com.