

Legal Rights of Transitioning Young Adults Uncertain Times©

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Disability Conference

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Disclaimer

Nothing in this presentation is meant to
be legal advice about a specific
situation. The presentation will only
provide information.

The views expressed in this
presentation are only the views of the
speaker Beth Sufian.



Increased in Treatment Options

- Treatments Cost Money
- Important to Have Access to Insurance Coverage
- Half Population has Insurance Through Employer.

CF Legal Information Hotline

- Provides free and confidential information on the laws that protect people with CF.
- 55,000 calls in 20 years.
- Sponsored by the CF Foundation.
- Operated by the law firm of Sufian & Passamano, LLP.

CF Social Security Project

- Provides free representation to people with CF in application for SSA benefits or a Continuing Disability Review.
- Over 4, 224 helped.
- Sponsored by funding from the CF Foundation.

Social Security Benefits

- SSA disability benefits- medical eligibility criteria and non-medical criteria.
- SSI provides Medicaid coverage.
- SSDI provides Medicare coverage after 2 years of being eligible for benefit.
- Dramatic Increase in Benefit Reviews.
- Increase in Initial Applications Denials



Medicare Eligibility

- Adults who are over 65, 66, 67.
- Adults on SSDI (2 year wait).
- Adults who receive SSA benefits based on a deceased, disabled or retired parent for 2 years.
- End Stage Kidney Disease.

Medicare Parts

- Part A- Hospital Coverage
- Part B- Outpatient Services and drugs used with DME
- Part D- Prescription Drug Coverage purchased through a private insurance plan.

Medicaid Coverage

1. Children under the age of 18 (or 19) live in low income/asset household.
2. Adults and children who receive SSI.
3. Adults who live in low income household and have low assets in 31 states that expanded Medicaid under ACA.
4. Children whose state waives income/asset criteria for Medicaid.

Stay Put

- Uncertainty in Insurance
- Ty to avoid life changes until fate of ACA is clear.
- Example-Leaving SSA benefits to return to full time work or increasing salary should wait.

Returning to Work

- SSA Programs that continue coverage.
- If you must return to full time work take advantage of SSA programs that extend benefits or continue Medicare.
- Ticket to Work
- Continued Medicare Eligibility
- Section 1619b

Affordable Care Act (Obamacare)

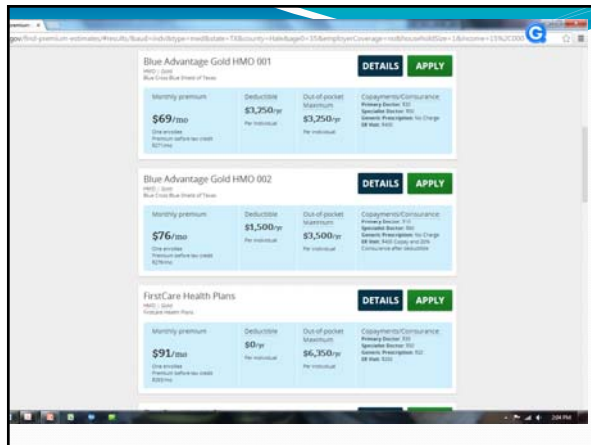
- Adopted in 2010
- Law has helped people with chronic health conditions.
- Congress 5 (6?) attempts to repeal law since last Baylor conference.

Many Provisions Help

- Limiting age for a dependant child enrolled in a group plan cannot be lower than age 26.
- No lifetime caps on coverage.
- Cap on Out of Pocket.
- No exclusions of coverage based on health.
- No Cost Increase Due to Health.
- Expanded Medicaid to low income adults.

Health Insurance Exchange

- Government operated sites offers all eligible plans in the state.
- ACA provides premium subsidies.
- Based on income and family size.
- Exchange also indicates if person is eligible for CHIP or Medicaid.



Special Enrollment

- A person can enroll outside the open enrollment period if he had insurance coverage during the period, but had a change in circumstance after the close of open enrollment.
- Such as:
 - Move to another state;
 - Change in income;
 - Loss of coverage;
 - Change in family size, etc.

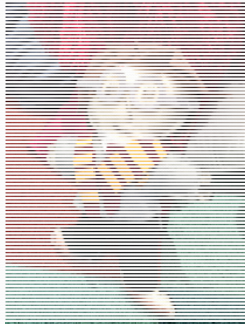
Efforts to Repeal ACA

- Graham-Cassidy bill, compared to current law would
- Eliminate federal subsidies for low-income Americans to purchase private health insurance and replace them with inadequate state block grants which would end in 2026
- End state-based Medicaid expansion
- Force major cuts in federal Medicaid spending

Efforts to Repeal Cont.

- Allow insurers to charge people with pre-existing conditions insurance premiums based on health status, which would result in people with chronic health conditions being priced out of the insurance market
- Allow states to waive essential health benefits which will result in reduced coverage and higher costs in some states

Magical Powers Needed



Federal COBRA

- Allows Person enrolled in Group plan to continue coverage if:
 - Employer has 20 or more employees.
 - Employee pays full premium during extension.
 - Employee elects COBRA at time of qualifying event.
- Extensee receives the coverage offered to other employees, including changes or discontinuations.

26 C.F.R. §54.4980-B2 to B8

COBRA-Qualifying Events

- Termination 18 Months
- Death of Covered Employee 36 Months
- Divorce or Separation 36 Months
- Become Eligible for SSDI 29 Months
- *Reach Limiting Age on Policy* 36 Months

26 C.F.R. §54.4980-B4

Turning 26



Disabled Child Extensions of Coverage.

- State laws provides if a dependent child reaches a limiting age under a group plan, coverage does not terminate while the child is:
 - Incapable of self-sustaining employment because of mental or physical disability; and
 - Chiefly dependent on the parent for support and maintenance.
 - Need form from Insurance company.

Message

- I attended the Baylor Transitions conference 10 years ago and heard you talk about the Disabled Child Extension of insurance benefits. I had no idea I could do this for my son. When he turned 26 two years ago I extended his coverage. Knowing about this option has saved me so much stress and worry especially given what is going on in Congress.
- Please continue to tell people about this option.
- Thank you!!

Advocacy

- www.usa.gov/elected-officials Access phone numbers of members of Congress.
- www.act.cff.org
- www.thoracic.org
- www.cfroundtable.com

Education

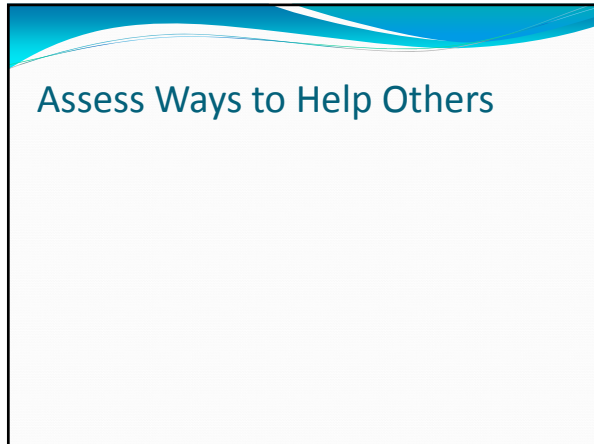
- IDEA
- Section 504 of the Rehabilitation Act of 1973
- Important for Transitioning Young Adults
- Schools Continue to Give those who are absent trouble
- Right to Homebound Instruction

No Exemptions!!!

- There are no exemptions in IDEA or Section 504.
- A school that is a magnet school is NOT EXEMPT.
- A school that is a high performing school is NOT EXEMPT.
- The healthcare team is needed to advocate for students with disabilities.

Employment Law

- Americans with Disabilities Act
- Important for Young Adults to understand protections and when there are no protections.
- ADA- employer must have 15 or more employees.
- Person must have a condition that results in a significant limitation of a major life activity.
- Reasonable accommodation.
- Missing work is biggest issue.



Assess Ways to Help Others
