

THINGS TO KNOW

- You cannot get disability benefits solely because your doctor says you are disabled.
- Apply for benefits as soon as you stop working.
- If possible have copies of your medical records available to SSA.
- Do not assume that SSA received a document because you mailed it. Send everything certified mail/return receipt **AND KEEP COPIES OF EVERYTHING**
- You **must** notify SSA if you return to work or receive additional income.
- Notify SSA of all address changes so you get everything they mail you.
- Continue going to the Doctor and maintain your medical record in case a continuing disability review (CDR) is done.

Legal Aid Society provides assistance with Social Security matters for clients who are over 60 years of age, or who have HIV/AIDS, or who are patients of the Health Care District. For more information contact the Legal Aid Society at 561-655-8944

SSA website: www.ssa.gov or call toll-free, **1-800-772-1213** (for the deaf or hard of hearing, call TTY **1-800-325-0778**).

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Legal Aid Society of
Palm Beach County, Inc.

SSI/SSD
Medicaid
&
Medicare





In order to qualify for SSD benefits, if you are under 65, you must be determined disabled and you must have paid into the Social Security system through your employer five (5) of the last ten (10) years, or if you were self employed. This means you must have worked in a job or jobs where Social Security taxes (FICA) were withheld from your paycheck. By law, Social Security has a very strict definition of disability.

To be found disabled:

- You must be unable to do any substantial work because of your medical condition (s); **and**
- Your medical condition(s) must have lasted, or be expected to last, at least 1 year, or be expected to result in your death.



If you have not worked long enough to get Social Security or your Social Security benefits are low, you may qualify for SSI payments if your total income and resources are low enough.

If you get SSI, you most likely will be eligible for food stamps and Medicaid. Medicaid takes care of your medical bills while you are in the hospital or receiving outpatient care. In some states, Medicaid pays for hospice care, a private nurse and prescription drugs used to fight HIV disease. For more information about Medicaid, contact your local social services office, or Dept. of Children & Families.

The qualification requirements are the same as for SSD. The maximum monthly benefit rate for a single individual is \$674 and the maximum monthly benefit rate for a couple is \$1,011 (for 2010). Each January, as authorized by Congress, a cost-of-living raise usually increases the monthly benefit rate.

PRESUMPTIVE: SSA can pay you SSI benefits right away for up to six months before they make a final decision on your claim if: 1) You are not working; 2) You meet the SSI rules about income and resources; and 3) Your doctor or other medical source certifies that your condition is severe enough to meet SSA's medical eligibility rules.

APPEALS

If you are denied on your initial application, SSA will send you a letter explaining why and also explaining your right to appeal. The appeal process can be two pronged. First step is called a RECONSIDERATION. You have 60 days from the denial date to request a reconsideration. SSA will make a decision within 6 months. Someone else who did not make the decision the first time will review the file and make their decision. If you are denied again you may request a HEARING. You will be able to go in front of an Administrative Law Judge and present your case. Again you have only 60 days to request a hearing from the date the reconsideration was denied. It can take from 6 months to one year for a hearing to be scheduled

It is highly recommended that you obtain legal representation if you plan on appealing.



If you are SSI eligible, you are automatically eligible for Medicaid and do not need to apply separately. Medicaid is a program of medical assistance for eligible needy persons and is administered and funded jointly by the federal government and the state. Application for all Medicaid programs

should be made at the local Department of Children & Families. This can be done online. Eligibility is retroactive to the third month prior to the month of application. To receive Medicaid benefits you must be eligible for SSI and/or Temporary Assistance to Needy Families (TANF) or be financially needy. There are 27 categories of eligibility that have different income/resource guidelines. Some of these resources include: bank accounts, stocks/bonds, life insurance and real property. Medicaid eligibility also includes three (3) exemptions to resource guidelines:

- Homestead property if you, your spouse or dependent relative is living in the home or you state that you intend to return to the home.
- Burial funds under certain conditions.
- Countable assets of \$2,000
- One automobile.



Medicare is a program of health insurance available for people over 65 and disabled persons under age 65 who have been receiving Social Security Disability (SSD) benefits for 24 months. Personal income is not a factor in eligibility determination. No application is necessary; Social Security will notify you shortly before the 24th month of your eligibility. Medicare is comprised of four parts. Part A (hospital insurance) provides hospital benefits, post-hospital skilled nursing facility care, part-time home health services and hospice care. It is free. Part B covers physician services, certain outpatient services, home health care, diagnostic tests and medical appliances. The premium payment is \$96.40 monthly, or \$110.50 for new enrollees. Part C is an optional HMO program. Part D is the prescription coverage program. All people in Medicare are eligible, regardless of income level & resources, preexisting conditions or current prescription expenses. Some people will automatically be enrolled. Others will have to enroll to get the benefit through the SSA.