

# Vocational Rehabilitation Youth Technical Assistance Center



## ► Building State Vocational Rehabilitation Agency Benefits Planning Capacities

### I. Introduction

State vocational rehabilitation (VR) agencies are authorized under Title I of the Rehabilitation Act of 1973, as most recently amended in the Workforce Innovation and Opportunity Act (WIOA) of 2014, to provide a range of VR services to individuals with disabilities. The Rehabilitation Services Administration (RSA), within the U.S. Department of Education, is the federal agency with the responsibility for administration and oversight of the state VR programs. Every state has a state VR agency to serve individuals with disabilities. Some states have a second state VR agency that serves only individuals who are legally blind.

The federal law creates a funding source for a state VR agency's administration and services to individuals with disabilities, subject to a mandated state share. The wide range of services authorized in the federal law and RSA regulations are to enable eligible individuals "to prepare for, secure, retain or regain employment." Services such as vocational evaluations and training, higher education, rehabilitation technology, and transportation to benefit from a service have long been a part of federally-funded State VR agency services. Also, while not specifically

authorized in federal law and regulation prior to the 2014 WIOA legislation, many states have long recognized the importance of "benefits planning" (often referred to as Work Incentives Counseling) as a service to help individuals with Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) disability benefits achieve employment outcomes. The WIOA legislation specifically recognizes benefits planning, for the first time, as a VR service available to beneficiaries:

**"For an individual entitled to [SSDI or SSI] benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, the designated State unit shall provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning."**

Prior to WIOA, it appears that state VR agencies that provided or funded benefits planning services did so under the services category, "[other] goods and services determined necessary for the individual with a disability to achieve an employment outcome."

This policy brief describes how State VR agencies are using and can use benefits planning services, as a VR agency-funded service, to help SSDI and SSI beneficiaries address concerns and fears about the potential loss of cash benefits and healthcare benefits (i.e., Medicaid and/or Medicare) as they move into jobs paying substantial wages. In the text that follows, we describe a range of definitions for benefits planning services and the scope of services that may be provided through a benefits planner; describe common elements of a quality benefits planning program (including initial training, continuing education, and available technical assistance); provide examples of existing state VR agency models for delivering benefits planning services; and explain why state VR agencies should fund benefits planning services.

This policy brief is directed at a primary audience of state VR agency staff – administrators, VR counselors, and other staff. Throughout each of the sections below, we use examples of what individual state VR agencies are doing in the benefits planning context. Wherever appropriate we reference specific examples of VR agency policies and practices.

## II. WHAT ARE BENEFITS PLANNING SERVICES?

In this policy brief we will use the term “benefits planning” to describe the potential service that State VR agencies can provide to eligible Social Security and SSI beneficiaries who are authorized to receive services to support an employment goal. This is the term used by 2014 legislation and 2016 RSA regulations that officially adopt this as a service category for state VR agencies. However, this is not the only term used to describe a similar set of services.

As outlined below, there are two common goals of benefits planning – the scope of which may vary depending on the entity delivering the service and the profile presented by the beneficiary to be served:

- To provide a beneficiary individualized information about the impact that increased earnings may have on cash benefits, publicly-funded health insurance (i.e., Medicaid and/or Medicare), and other benefits received by the individual; and
- To provide beneficiary-specific information and analysis about how the beneficiary can use work incentives offered by the SSI, SSDI, Medicaid, and Medicare programs to facilitate the beneficiary’s movement toward self-supporting employment.

### BENEFITS PLANNING GOALS

1

Provide Individualized information about how increased earnings may impact beneficiary’s cash benefits, insurance, and other key benefits.

2

Provide individualized information and analysis about how work incentives offered by public programs can help move beneficiaries toward self-supporting employment.

## A. A Range of Federal and State Terminology Used for Service

There have been a range of different terms used by legislation, government regulation, and by the entities who provide the service to describe what this paper will refer to as benefits planning services.

### 1. Benefits Planning Services

The 1999 Ticket to Work and Work Incentives Improvement Act created the Benefits Planning, Assistance and Outreach (BPAO) Project, with the Social Security Administration (SSA) awarding competitive grants to entities throughout the country to provide “benefits planning” services. The SSA-funded Work Incentives Planning and Assistance (WIPA) program replaced the BPAO program in 2006, with many of the BPAO grantees transitioning into the newly-named program. The WIPA program continues to reference “benefits planning and assistance” as the service offered by “Community Work Incentives Coordinators” (CWICs).

As already noted, the WIOA legislation uses the term “benefits planning” to reference the service now officially available to SSDI and SSI beneficiaries served by state VR agencies. This terminology is also used in RSA’s 2016 regulations that implement changes that appear in the 2014 WIOA legislation:

**“Individuals entitled to [SSDI or SSI] benefits under title II or XVI of the Social Security Act.** For individuals entitled to benefits under title II or XVI of the Social Security Act on the basis of a disability or blindness, the State unit must provide to the individual general information on additional

supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.”

It is noteworthy that the 2016 federal regulations say that state VR agencies “must provide...assistance with benefits planning.” While it is not clear that RSA is interpreting this language literally, the language of this regulation makes it clear that benefits planning should be viewed as a priority service.

The state of Maryland’s State VR agency has, for example, adopted the term benefits planning for delivery of this service. Utah’s Office of Rehabilitation uses the term Work Incentives Planning Services – a hybrid of the two most common terms – to describe the unit within the agency that provides these services.

### 2. Work Incentives Counseling

The SSA-funded Benefit Offset National Demonstration (BOND) project used the work incentives counseling (WIC) terminology to describe the services offered to SSDI beneficiaries in one of two project participant groups. The second participant group received Enhanced WIC services (EWIC services), i.e., a range of employment-related services in addition to more traditional WIC services.

Virginia’s State VR agency is an example of a state that uses the term work incentives counseling to describe its fee-for-service Work Incentives Specialist Advocates (WISA) program.

### 3. Other Terms Used by VR Agencies

Some State VR agencies have authorized this service through yet other names.

For example:

- Alaska’s VR agency authorizes one level of payment for “Financial and Work Incentives Advisement” and another level of payment for “Benefits Analysis and Counseling.”
- New York’s VR agency authorizes funding for “Benefits Advisement” services.

## **B. What is the Scope of Benefits Planning Services?**

Just as there is not one set of terms given as a name for the services delivered, service providers (including state VR agencies) vary in how they describe the scope of services potentially available. Often, the entity funding or delivering the service provides no set definition or description of what is offered through benefits planning services; rather, as is the case with many state VR agencies, a menu of potential services is available with the service or services offered based on a determined need for each service.

### **1. Through SSA-Funded WIPA Program**

A good starting place for describing the scope of this service is in the WIPA program training manual developed by the WIPA National Training and Data Center (NTDC) at Virginia Commonwealth University (VCU). VCU’s NTDC has, for more than 10 years, been the sole entity that contracts with SSA to provide technical assistance and training services to the national WIPA network.

VCU’s WIPA Training Manual refers to the “[p]rovision of Individualized Work Incentives Planning and Assistance” as “the cornerstone of WIPA services.” The training manual then lays out a number of

key services that make up work incentives planning and assistance, including:

- In-depth personalized benefits analysis covering all federal, state, and local benefits;
- Customized counseling about the effect of work on all federal, state, and local benefits and development of a comprehensive Benefits Summary & Analysis (BS&A) report;
- Assistance with identifying, developing, utilizing, and managing work incentives;
- Assistance with resolving problems related to benefits; and
- Assistance with identifying and resolving barriers to obtaining or maintaining employment...

As described in more detail below, VCU’s NTDC offers its five-day intensive training to both WIPA staff, to become certified as Community Work Incentives Coordinators (CWICs), and to non-WIPA partner staff, to become certified as Community Partner CWICs (CPCWICs). Since a community partner’s staff persons are not affiliated with a WIPA project, they are not bound by the description above but would view it as a suggested best practice.

### **2. Cornell University’s YTI Training Manual**

Unlike the VCU NTDC program, which is geared to support the needs of SSA-funded WIPA staff, Cornell’s online and onsite training program reaches a more diverse group of trainees who will do their benefits planning work for a number of different entities and funding sources, including those doing the work as state VR agency employees and those working through state

VR agency fee-for-service arrangements. Just as VCU cannot dictate how benefits planning services are delivered by its community partner trainees, Cornell cannot dictate how any of its trainees will deliver benefits planning services.

In Cornell's training manual they have adopted the definition of benefits and work incentives planning and assistance formulated by Golden, Ferrell, O'Mara, and Sheldon (2000, p.148) as:

“A set of benefits and work incentives counseling strategies, services and supports that seek to promote work preparation, attachment, and advancement focusing on the enhancement of self-sufficiency and independence of individuals with disabilities who receive disability benefits and other public entitlements through informed choice, which may result in decreased reliance on public benefit programs and increased financial well-being.”

Cornell's manual goes on to discuss a range of benefits planning practice domains that have been identified through the years, including those identified: by a 2000 work group convened by Cornell; by states like Wisconsin and Minnesota who early on were heavily involved in the delivery of benefits planning services; and by a research team at University of Wisconsin-Stout. The latter research, based on a national roles and functions survey by Dr. John Lui, identified three primary domains for those working in the benefits planning field:

- **Benefits Screening:** Gathering information and verification of current benefits amounts and types;

- **Benefits Advisement:** Providing counsel and advice and scenario development showing the beneficiary the impact of earnings on their current benefit portfolio as well as the improvement in the overall financial situation; and
- **Benefits Management:** Providing ongoing support and direction until such time as the beneficiary and their natural support network can become self-managing.

While the entities that provide benefits planning services, including individuals not affiliated with a particular agency, may not use Dr. Liu's terminology or three primary categories to describe what they offer, this remains a reasonable framework to describe the range of services offered in this emerging field of practice.

### 3. State VR Agency Definitions and Scope of Service

Some State VR agencies have written descriptions of what benefits planning services entails. For example:

#### a. Alaska's VR Program

In its fee schedule Alaska defines two different services:

- **Financial and Work Incentive Advisement:** Assessment of an individual's basic financial and benefits situation in relation to employment. Provides basic information about work incentive possibilities and financial planning. Determines need for more in-depth services such as Benefits Analysis and Counseling.
- **Benefits Analysis and Counseling:** Services generally include completing a

## EXAMPLES OF BENEFIT PLANNING SERVICES

### Alaska



- a. Financial and Work Incentive Advisement
- b. Benefits Analysis and Counseling

### Wisconsin



- a. Benefits Consultation
- b. Work Incentive Benefits Analysis, Updates, and Report
- d. Work Incentive Benefits Plan

### Virginia



15 different categories of services, including establishing eligibility, assisting with documentation, proposals, and paperwork.

thorough analysis of the impact employment will have on an individual's benefits. The use of work incentives such as the development of PASS Plans and identifying possible work alternatives are often explored. To provide benefit counseling one must successfully complete nationally approved training and a field assignment.

### b. Wisconsin's VR Program

Wisconsin's state VR agency provides the following description of its "Work Incentive Benefits Analysis Services" category:

"Benefits Consultation, Work Incentive Benefits Analysis Meeting, Work Incentive Benefits Analysis Update and Report, and Work Incentive Benefits Plan Meeting are a set of services intended to assist consumers who receive Social Security disability benefits and possibly other public benefits in navigating benefit, entitlement, and economic assistance programs in an effort to address questions or concerns they may have related to work and earnings on their way to achieving self-sufficiency.

One goal of providing this service to DVR consumers is to assist them in determining income levels to achieve economic self-sufficiency. This assistance may include providing information on eligibility criteria, work incentive programs, or different benefit options.

Work Incentive Benefits analysis is intended to support a person with

a disability in understanding the relationship between their employment goals and their benefits. These services should be provided throughout the VR process but are especially important when changes to employment or benefits occur. It is generally a point-in-time analysis, and additional information and/or analysis over time may be needed.

There is no set order that services must be provided. Services should be determined based on consumer's current needs.”

### **c. Virginia's VR Program**

Virginia's Department for Aging and Rehabilitative Services (DARS) has fee-for-service relationships with its network of nearly 100 Work Incentives Specialist Advocate (WISA) providers. The DARS list of “billable services” for the WISA network includes 15 different categories of service, with flat-fee billing rates attached to each. Examples of items on the billable service list include services related to: taking steps, in collaboration with the beneficiary and in communication with SSA and the state Medicaid agency, to establish eligibility for the 1619(b) Medicaid work incentive; working with the beneficiary to submit appropriate documents to establish the right to the SSI Student Earned Income Exclusion; working with the beneficiary to facilitate preparation of a Plan to Achieve Self Support (PASS) proposal, with a separate fee for ensuring its approval and assisting with later modifications to the PASS; and working with the beneficiary to assemble the paperwork and establish the right to Blind Work Expenses as an earned income exclusion in the SSI program.

## **III. ELEMENTS OF A QUALITY BENEFITS PLANNING PROGRAM OR NETWORK**

This section of the policy brief is based on the author's extensive review of existing models for delivery of work incentives counseling services, including those established by state VR agencies; a review of grant requirements for the Social Security-funded WIPA project; and an extensive review of both the VCU NTDC's WIPA Training Manual and the Cornell YTI credentialing curriculum to support their intensive training programs for benefits planners.

The following suggested elements can act as a working template for what is needed for a quality benefits planning service delivery program. State VR agencies not currently involved in the delivery of benefits planning services or those agencies looking to expand those services can use this template as a frame of reference.

### **A. A Certificate-Based, Multi-Day Training Required**

Benefits planners are called upon to understand an extremely complex benefits system faced by beneficiaries, as they apply to work, earnings amounts, and the accumulation of assets. They must understand the federal policies that govern the core federal cash benefit programs, SSDI and SSI. They must understand the federal policies that govern Medicare and the combination of federal and state policies that govern Medicaid. They must also take steps to keep up with key changes that occur within these four core programs. Finally, they must have a significant working knowledge of other key federal and state benefit programs (e.g., housing subsidy programs, the Supplemental Nutrition Assistance Program (SNAP), State VR

agencies, and ABLE accounts) that enables a benefits planner to identify key issues and make quality referrals.

Given all this, a comprehensive training program coupled with an assessment process prior to certification as a benefits planner has emerged as a critical item for any entity wishing to deliver benefits planning services through skilled personnel.

#### **The Two National Training Programs:**

There are two national training providers that offer multi-day, certificate-based training to equip benefits planners to provide quality services to beneficiaries. Neither the author nor the Youth Technical Assistance Center endorses either of these two programs.

- **VCU's NTDC:** As previously noted, for the past 10 or more years they have served as the sole, Social Security-funded contractor to offer an initial, 5-day training program to new WIPA staff who will serve beneficiaries as Community Work Incentives Coordinators (CWICs). Additionally, VCU makes this 5-day training available to staff of "community partners," i.e., non-WIPA entities willing to devote staff time to work incentives counseling. Prior to their current training contract, they also served as a Regional Training Center under the BPA&O initiative for SSA.

Pursuant to Social Security's contract with VCU, a "provisional certification" is granted to a CWIC following completion of the five-day program and achievement of passing scores through a post-training, online assessment process. Permanent certification is granted when the CWIC has achieved passing scores on three Benefits Summary and

Analysis (BSA) documents, on real cases, submitted for VCU review. Community partner staff attends the same training and are subject to the same assessment process to attain provisional certification and permanent certification as Community Partner CWICs (CPCWICs). Many State VR agencies recognize the VCU certification as sufficient to provide VR agency-funded benefits planning services as either a member of the agency's staff or as an agency contractor.

- **Cornell University's Yan-Tan Institute (YTI) on Employment and Disability:** The YTI offers both an online, webinar-based certification program and an in-person multi-day training for state entities (including State VR agencies) willing to contract with them for that service. The online program consists of two, 90-minute webinars each week over an eight-week period. To attain certification, trainees must achieve passing scores on post-training online assessments and achieve a passing score on a BSA dealing with a real case. Many State VR agencies recognize the Cornell certification as sufficient to provide VR agency-funded WIC services as either a member of the agency's staff or as an agency contractor. Social Security does not currently recognize Cornell's certification as sufficient to serve WIPA beneficiaries as a CWIC. However, Cornell did serve as the National Materials Development contractor for the original BPA&O initiative, as well as Regional Training Center for federal regions I, II and V. In 2018, Cornell launched a second certification program for Youth Benefit Planners.

There is a trend among State VR agencies that fund benefits planning

services to require its staff (if providing the service through agency employees) or its contractors (if benefits planning is a contracted service) to obtain a certification from either VCU or Cornell. For example:

- New York’s ACCES-VR’s policy for “benefits advisement” providers, requires that a benefits planner must have successfully completed a multi-day training program as offered by Social Security’s technical assistance and training provider for WIPA and community partners (currently provided by VCU’s NTDC); as offered by Cornell’s YTI for non-WIPA staff; or as offered by another provider, if that program is substantially equivalent to that training offered by Social Security’s training provider for WIPA staff.
- Virginia’s state VR agency (DARS) requires that those delivering benefits planning services, through that state VR agency’s fee-for-service Work Incentives Specialist Advocates (WISA) network, must complete “extensive and rigorous training through either Cornell University or Virginia Commonwealth University (VCU) surrounding the impact of work on Social Security benefits and have been certified as Work Incentives Practitioners ...”
- Oregon’s Work Incentives Network (WIN) program, which provides free “benefits and work incentives counseling services,” operates with funding from Oregon’s Department of Human Services and more recently from a Medicaid waiver program, with administration and technical assistance housed within the state VR agency but without funding from the VR agency. In order to be able to bill for the service, a provider must be trained and certified through the WIN program, through VCU’s NTDC, or through Cornell’s YTI program.

**There is a trend among State VR agencies that fund benefits planning services to require its staff...or its contractors...to obtain a certification from either VCU or Cornell.**

## **B. Annual Continuing Education Requirements**

As the field of benefits planning has matured over the years, funders of the service have become aware of the need to keep aware of policy changes within key benefit programs and the constant need for refresher training on key issues. Accordingly, we have witnessed the emergence of a continuing education requirement to retain certification as a benefits planner. For example:

- WIPA CWICs must now obtain 18 Continuing Certification Credits (CCCs) during each grant year to retain their CWIC certification status. At least 12 CCCs must be through VCU-delivered webinars/teleconference training (live or archived); at least 3 CCCs must be for state and local training relevant to a CWIC’s work; 3 CCCs can be awarded for a required BSA that must be submitted by each certified CWIC every 3 years; and up to 3 CCCs can be approved for attending a conference delivered by an entity other than VCU. All CCCs must be approved by a WIPA project’s Project Officer before it can be officially counted. The same 18 CCC credits per year requirement applies to Community Partner CWICs.

## CONTINUING EDUCATION REQUIREMENTS

18

**Continuing Certification Credits required per grant year to retain CWIC certification status**

12

credits through VCU-delivered webinars/teleconference training

3

credits for state and local training relevant to a CWIC's work

3

credits for a required BSA submitted by each certified CWIC every 3 years

3

for attending a conference delivered by an entity other than VCU

- For those obtaining certification as a work incentives benefits practitioner through Cornell's YTI online/onsite training program, Cornell requires 60 hours of Cornell-approved credits for the five-year period, which begins after they achieve an initial or renewed certification from Cornell. Credits can be given for training attended through any provider so long as it is approved by YTI staff as relevant to the ongoing work as a benefits planner. Upon completion of 60 approved hours of credit, the benefits planner is certified for another five-year period.

### **C. Benefits Planners Dedicate a Minimum Amount of Time to the Work**

As in any professional position that requires mastery of a complicated set of principles, it is challenging to perform at a high level as a benefits planner unless the person doing the work is a true specialist. With that in mind, most benefits planning program

managers have always favored full-time benefits planners over those doing it part-time and always look to staff their projects with benefits planners who do this work at least a certain percentage of their time.

The Social Security Administration's current WIPA awards to grantees require that all staff members assigned to work as CWICs dedicate a minimum amount of time to benefits planning work:

"CWICs must dedicate at least forty (40) percent of a full time position (no fewer than 16 hours per week on average for a 40-hour week) to WIPA, or WIPA-like benefits counseling services with beneficiaries receiving Social Security Disability Insurance, Supplemental Security Income, or other benefits [outlined in the Notice of Award] as requirements for eligibility for WIPA services even if services are provided under another funding stream."

This provision ensures that a WIPA-funded CWIC spends no less than the equivalent of two full days per week on benefits planning activities, even if some of the funding for that work comes from non-WIPA sources. With a growing number of state VR agencies funding this service through fee-for-service agreements, many agencies that receive both WIPA funds and state VR agency funding for this work will combine work under the two sources to meet the 40 percent time requirement.

It is not clear that any state VR program or any other entity has a firm policy requiring that a benefits planner spend a minimum percent of time doing that work, but something like the WIPA program's 40 percent time requirement represents a model that others may look to. Requiring that benefits planners dedicate significant percentages of a full-time workload each week or month will go a long way to ensuring a high level of performance in this complicated field.

#### **D. Quality Technical Assistance for Benefits Planners**

Technical assistance (TA), as relevant to benefits planners, describes an on-demand service offered through one or more persons to support benefits planners working with an individual caseload. An individual providing TA to benefits planners should have an even higher level of expertise related to SSI, SSDI, Medicaid, and Medicare policies than what is demanded for the benefits planners they serve. This service is best provided through a combination of email and telephone communications, with the efficiency of email always best for inquiries that are not overly complicated.

Typically, benefits planners can be expected to call on a TA person to seek answers to

beneficiary-specific applications of SSI or SSDI policies, for example, where questions may not be easily answered by reference to the benefits planner's resource materials.

#### **1. The Two National TA Providers: VCU's NTDC and Cornell's YTI**

**VCU's NTDC**, as already noted, is the SSA-funded TA and training provider for the 80-plus WIPA-funded programs around the country. As this is written, VCU has seven TA staff to serve SSA's 10 designated multi-state regions, covering the 50 states, the District of Columbia, and the territories that have a WIPA program. VCU offers TA service to all the SSA-funded WIPA CWICs throughout the country and to the community partner CWICs that are not SSA-funded. While all of VCU's TA liaisons have years of experience providing TA and delivering training, they will research relevant benefit policies when needed to address complicated or novel issues.

**Cornell's YTI**, as already noted, provides both an online and in-person training for individuals not affiliated with a WIPA program, offering a certificate as a benefits and work incentives practitioner upon successful completion of post-training assessments. Cornell offers TA service to all individuals throughout the country who have gone through their program and obtained a certification. Like VCU, Cornell's TA staff have years of experience delivering training and TA services, but will research relevant benefit policies when needed to address complicated or novel issues.

Both VCU and Cornell can be viewed as providing on-demand TA services and generally responding to TA requests within a reasonable time frame to allow benefits planners to apply the information to individual cases.

**Some VR agencies have been able to combine funding from WIPA and a state source (through the VR agency or another source) to create a significant benefits planning presence in their state.**

## **2. In-State TA Examples from Oregon and Virginia**

**Oregon's Work Incentives Network (WIN)** is briefly described above. This program, which is 100 percent state-funded through the state Department of Human Services and recently through some Medicaid waiver program funding as well, provides funding for certified benefits planners ("Work Incentives Coordinators") who are located in Independent Living Centers around the state. TA is provided through a model similar to what is described for VCU and Cornell, with a better ability to give TA on state-specific benefits.

**The Virginia State VR agency's Work Incentives Specialist Advocate (WISA) program** is also briefly described above. Virginia's DARS provides funding for a fee-for-service network of benefits planners (called "work incentives practitioners" in Virginia). DARS also funds a full-time Work Incentives Specialist Coordinator who is responsible for coordinating the WISA program and ensuring that all WISA vendors are credentialed to provide appropriate benefits analysis. This coordinator also provides TA and training to all VR-funded WISA benefits planners, DARS VR counselors and field managers, and SSDI/SSI

beneficiaries on a wide variety of benefits and work incentive issues. Like Oregon, TA is provided through a model similar to what is described for VCU and Cornell, with a better ability to give TA on state-specific benefits.

## **IV. STATE VR AGENCIES MODELS FOR DELIVERING BENEFITS PLANNING SERVICES**

### **A. VR Agencies Serving as WIPA Providers**

State VR agencies are eligible to compete for WIPA grants through SSA's competitive grant application process. The most recent WIPA awards, to more than 80 grantees nationwide, cover a 59-month period from August 1, 2015 through June 30, 2020. Currently, seven state VR agencies receive SSA funding for a WIPA project that covers all or a part of their state. This includes the state VR agencies in Alabama, Connecticut, Georgia, Massachusetts, Mississippi, Vermont, and Utah.

### **B. Using VR Agency Staff as Benefits Planners**

Some VR agencies have been able to combine funding from WIPA and a state source (through the VR agency or another source) to create a significant benefits planning presence in their state.

#### **1. The Georgia Model**

The Georgia Vocational Rehabilitation Agency (GVRA) receives a WIPA grant that covers the cost of four CWICs to serve 120 counties within Georgia, or about three quarters of the state. Through a Memorandum of Understanding with the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) and funding from DBHDD, GVRA is able to

fund four additional CWICs to individuals who are referred to the VR agency for supported and customized employment. Both the WIPA CWICs and the DBHDD-funded CWICs received their training and technical assistance through VCU.

## **2. The Utah Model**

Utah's State Office of Rehabilitation employs four benefits planners to provide benefits planning services statewide. The state VR agency uses a combination of WIPA grant funding and VR agency funding to support the Utah Work Incentive Planning Services (UWIPS) program.

## **C. Using a Fee-for-Service Model to Fund Benefits Planners**

This appears to be the model used most frequently by state VR agencies. Some VR agencies fund benefits planning through hourly rates to providers; some fund the service through flat rates for specified services; and some provide both hourly and flat rates for a range of services.

### **1. New York's VR Agency: An Hourly Rate Formula**

As noted above, New York's ACCES-VR provides for hourly rates for benefits advisement services based on a referral from a VR counselor. Effective 2013, rates were set at \$46 to \$52 per hour depending on the part of a state in which the beneficiary resided.

### **2. Virginia's VR Agency: A Flat Fee Formula**

Virginia's DARS program provides flat fees to WISA vendors for a range of 15 different benefits planning services. Fees range from \$50 to \$850 for completing a variety of services.

### **3. Alaska's VR Agency: Hourly Rates and Flat Fees**

Alaska's VR agency authorizes two services, "Financial and Work Incentives Advisement" and "Benefits Analysis and Counseling." With the first service, hourly fees of \$50 to \$85 are authorized. With the second service, hourly fees of \$55 to \$90 are authorized, with a \$350 to \$450 flat rate authorized. Individuals and agencies providing the service in Western Alaska, the Arctic, and the Aleutians may charge up to 150 percent of the above hourly rates.

## **V. CONCLUSION**

Every state VR agency serves significant numbers of SSI and SSDI beneficiaries. While many state agencies have for many years provided funding for benefits planning services, the 2014 WIOA amendments and RSA's implementing regulations of 2016 have, for the first time, created a specific provision for this service. What Congress recognized when it created the WIPA program in 1999 and more recently recognized in the 2014 WIOA legislation is that SSI and SSDI beneficiaries are more likely to pursue employment objectives and maximize their earning capacity if they receive timely and comprehensive benefits planning services.

This policy brief has explained what benefits planning services are and the typical scope of the services. We also described a set of features that make up a high quality benefits planning program or network and provided examples throughout the brief on how state VR agencies are delivering these services. Hopefully, this brief will be a catalyst for VR agencies to plan for enhancing their capacities to provide these valuable services to the SSI and SSDI beneficiaries in their caseloads.

## REFERENCES

<sup>1</sup> 29 USC 701 et seq.; 34 CFR Part 361.

<sup>2</sup> 29 USC 722(a)(1).

<sup>3</sup> The term Social Security Disability Insurance (SSDI) is used in this policy brief to describe three types of disability benefits available against the Social Security record of an insured wage earner: Disability Insurance Benefits to the wage earner; Childhood Disability Benefits (often referred to as Disabled Adult Child's benefits) collected against the Social Security record of the wage earner who is now disabled, retired or deceased; and Disabled Widow's/Widower's benefits collected against the Social Security record of the wage earner.

<sup>4</sup> WIOA section 102(b), 42 USC 722(b)(2) (emphasis added).

<sup>5</sup> 34 CFR 361.48(b)(21).

<sup>6</sup> Social Security Act, section 1149(d) (as added by Section 121 of the Ticket to Work and Work Incentives Improvement Act of 1999), Pub. L. No. 106-170 (currently found at 42 USC 1320b-20).

<sup>7</sup> To identify the WIPA program for your state or region of a state, go the "Find Help" section of the Social Security Work Site, <https://choosework.ssa.gov/findhelp/> and follow the links for the WIPA program. By doing this, you should arrive at a site where you can search for a WIPA program by zip code.

<sup>8</sup> The CWIC term is used throughout the WIPA Training Manual, <https://vcu-ntdc.org/resources/ntcmanual.cfm>, to describe WIPA staff who will provide benefits planning and assistance services.

<sup>9</sup> 34 CFR 361.45(c)(3)(emphasis added).

<sup>10</sup> See Maryland State Department of Education, Division of Rehabilitation Services, *Fee for Services Benefits Planning Fact Sheet* (Jan. 2013 update), [https://dors.maryland.gov/Brochures/Benefits\\_Plan\\_Services.pdf](https://dors.maryland.gov/Brochures/Benefits_Plan_Services.pdf).

<sup>11</sup> See *Utah Work Incentives Planning Services* website, within the Utah State Office of Rehabilitation website, <https://jobs.utah.gov/usor/vr/services/uwips.html>.

<sup>12</sup> See Social Security Program Operations Manual Systems (POMS) DI 60099.005 through DI 60099.080, <https://secure.ssa.gov/apps10/poms.nsf/lrx/0460099000>.

<sup>13</sup> See <https://www.vadars.org/gsp/wisa.htm>.

<sup>14</sup> See Alaska Department of Labor and Workforce Development, Vocational Rehabilitation, *Service Definitions, Requirements and Hourly Rate Range*, <http://www.labor.state.ak.us/dvr/crp-service-def-req-hrly-rate-rng.pdf>.

<sup>15</sup> See New York State Education Department, Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR), *Core Rehabilitation Services Program Guide* (2013), p. 33 (Case Service Code, 175X), <http://www.acces.nysed.gov/common/acces/files/vr/crsprogramguide.pdf> and *Benefits Advisement Services – Pro 15-05* (May 7, 2015), <http://www.acces.nysed.gov/vr/benefits-advisement-services>.

<sup>16</sup> The 2018 WIPA Manual is available at <https://vcu-ntdc.org/resources/ntcmanual.cfm>.

<sup>17</sup> *WIPA Training Manual* (2018 update), note 16 above, Module 1, p. 9.

<sup>18</sup> Golden, T.P., Ferrell, C., O'Mara, S., & Sheldon, J. (2000), *A Theoretical Construct for Benefits Planning and Assistance in the Ticket to Work and Work Incentive Improvement Act*. 14(3), 147-152.

<sup>19</sup> Liu, J., Fried, J., C.P., Anderson, C., & Peterson, M. (2010), *Roles and Functions of Benefits Counseling Specialists: A Multi-Trait Analysis*. *Journal of Vocational Rehabilitation*, 32, 163-173.

<sup>20</sup> Alaska Department of Vocational Rehabilitation, *Service Definitions, Requirements and Hourly Rate Range*,

<http://www.labor.state.ak.us/dvr/crp-service-def-req-hrly-rate-rng.pdf>.

<sup>21</sup> State of Wisconsin, Department of Workforce Development, Vocational Rehabilitation, *Division of Vocational Rehabilitation (DVR) Technical Specifications: Work Incentive Benefits Analysis Services* (Effective 7/1/18 to 6/30/19), [https://dwd.wisconsin.gov/dvr/service\\_providers/tech\\_specs/work\\_incentive/wiba\\_tech\\_spec.pdf](https://dwd.wisconsin.gov/dvr/service_providers/tech_specs/work_incentive/wiba_tech_spec.pdf).

<sup>22</sup> See Work Incentives Specialists Advocates (WISA) page, <https://www.vadars.org/gsp/wisa.htm> and click on link for WISA Billable Services.

<sup>23</sup> See New York State Education Department, Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR), *Core Rehabilitation Services Program Guide* (2013), p. 33 (Case Service Code, 175X), <http://www.acces.nysed.gov/common/acces/files/vr/crsprogramguide.pdf>.

<sup>24</sup> See <https://www.vadars.org/gsp/wisa.htm>.

<sup>25</sup> See <https://www.oregon.gov/DHS/EMPLOYMENT/VR/WIN/Pages/Services.aspx> (describing WIN program).

<sup>26</sup> September 2018 communication with Eugene Rada, WIN Program Coordinator.

<sup>27</sup> Social Security Administration, Office of Acquisition and Grants, Standard WIPA Notice of Award (2018-19 grant year), 2018 WIPA Program Terms and Conditions, paragraph 10; 2017 Continuing Certification Credits (CCC) Requirements (as issued to WIPA grantees).

<sup>28</sup> September 2018 communication with Raymond A. Cebula, Program Director of Cornell University's ytiONLINE training programs.

<sup>29</sup> Social Security Administration, Office of Acquisition and Grants, Standard WIPA Notice of Award (2018-19 grant year), 2018 WIPA Program Terms and Conditions, par. 11.

<sup>30</sup> See the VCU-NTDC Technical Liaisons Page, <https://vcu-ntdc.org/aboutus/liaisons.cfm>.

<sup>31</sup> See <https://www.oregon.gov/DHS/EMPLOYMENT/VR/WIN/Pages/Services.aspx>

(describing WIN program). September 2018 communication with Eugene Rada, WIN Program Coordinator.

<sup>32</sup> September 2018 communication with Terri Uttermohlen, SSA Project Officer for WIPA Programs.

<sup>33</sup> See GRVA announcement of 2015 WIPA grant award, <https://gvs.georgia.gov/press-releases/2015-07-31/gvra-receives-new-wipa-grant>.

<sup>34</sup> September 2018 communication with Adrienne Williams, Manager of Benefits Coordination, Georgia Vocational Rehabilitation Agency.

<sup>35</sup> September 2018 communication with Jolene Wyler, Director of Utah Work Incentive Planning Services (UWIPS). See UWIPS home page, <https://jobs.utah.gov/usor/vr/services/uwips.html>.

<sup>36</sup> See New York State Education Department, Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR), *Core Rehabilitation Services Program Guide* (2013), p. 33 (Case Service Code, 175X), <http://www.acces.nysed.gov/common/acces/files/vr/crsprogramguide.pdf>.

<sup>37</sup> See Work Incentives Specialists Advocates (WISA) page, <https://www.vadars.org/gsp/wisa.htm> and click on link for WISA Billable Services.

<sup>38</sup> See Alaska Department of Labor and Workforce Development, Vocational Rehabilitation, *Service Definitions, Requirements and Hourly Rate Range*, <http://www.labor.state.ak.us/dvr/crp-service-def-req-hrly-rate-rng.pdf>.



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The Vocational Rehabilitation Youth Technical Assistance Center (Y-TAC) is a project of the Institute for Educational Leadership (IEL) supported by the U.S. Department of Education's Rehabilitation Service Administration. The contents of this document were developed under a Cooperative Agreement with the U.S. Department of Education (#H264H150006). However, the contents do not necessarily represent the policy of the Department of Education and should not assume endorsement by the Federal Government.