

Section 301 Video Visual Description

In this video, slides with text are alternated with video of the Narrator, Michael Dalto, in close up talking to the camera. Michael is seated in front of a bookcase and there are planters with sunflowers on the bookcase shelf on either side of him. He has close-cropped white hair and is wearing a gray suit with a green and burgundy tie. For efficiency, the description that follows will not specify when the video of Michael Dalto's close up replaces the slides with text.

SLIDE: Section 301, Ticket to Work & Timely Progress. How to keep social security disability or SSI payments even if your disability gets better. Michael Dalto, Consultant, Maryland State Department of Education, Division of Rehabilitation services.

NARRATOR: Hi. I'm Michael Dalto. I'm a consultant with the Maryland Division of Rehabilitation Services, or DORS, and I'd like to tell you about a rule that can help you keep benefits you receive from Social Security - Social Security Disability or SSI - even if your disability gets better.

SLIDE: Medical Reviews. If you get Social Security Disability (SSDI) or SSI payments, Social Security will check from time to time to see if your disability has improved.

NARRATOR: When you receive Social Security Disability or SSI benefits, from time to time, Social Security does a medical review to see if you have medically recovered or medically improved. If they expect your disability will get better, they'll do these reviews very frequently – sometimes every year. If they don't expect your disability will get better, they'll be more rare – maybe once every five to seven years.

SLIDE: Medically Recovered. If a medical review shows you have "medically recovered" or "medically improved," SSA will usually stop your SSDI or SSI benefits, along with your Medicare or Medical Assistance.

NARRATOR: Now, if a medical review shows that you have medically recovered or medically improved, then that typically means you'll lose access to your benefits – your cash benefits – Social Security Disability or SSI – and your medical benefits – Medicare and Medicaid, also known as Medical Assistance. However, there is a rule that can enable you to keep your benefits longer, even if you've medically recovered.

SLIDE: Section 301.

NARRATOR: The rule is known as Section 301.

SLIDE: Section 301. Get DORS services with an individualized Plan for Employment (IPE).

NARRATOR: And to qualify for it, you have to start receiving DORS services with an individualized plan for employment. You've got to start receiving the services and have your individual plan for employment signed before the month that Social Security sends you the letter that says you've medically recovered. And you have to continue the services for at least two months after the month that you receive that letter from Social Security.

SLIDE: AND, Social Security decides that the DORS services will help you gain work skills so you won't go back on benefits in the future.

NARRATOR: Social Security also has to decide that your participation in DORS services will give you work skills that will decrease your chances of having to go back on benefits in the future. Now, if you're approved for Section 301, you'll be able to continue receiving your cash benefits – Social Security

Disability or SSI, or both if you get them both, as well as your Medicare or your Medicaid, or both.

SLIDE: Continue Benefits Until: You finish DORS services, or you stop participating in DORS services, or Social Security decides that DORS services will no longer decrease the chances that you'll go back on benefits in the future.

NARRATOR: You can continue receiving them until you either finish DORS services or you stop participating in DORS services if you drop out before you've completed your plan. Or until Social Security decides that your participation in DORS services will no longer decrease your chances of going back on benefits in the future. So Section 301 is a way to buy you time. If you've been found to have medically recovered or medically improved, your benefits will stop. But Section 301 delays that and lets you continue to receive the cash and medical benefits for a longer period while you're developing the work skills you need to be able to go to work and get earnings to replace the cash benefits that you'll be losing.

SLIDE: To Use Section 301: Start services with an IPE as soon as possible, before Social Security does your next medical review.

NARRATOR: If you'd like to use Section 301, you should start DORS services and get an individual plan for employment as soon as possible, before the next medical review that Social Security conducts on you.

SLIDE: To Use Section 301: Ask your DORS Counselor to hire a benefits counselor to help you understand and use Section 301

NARRATOR: And you should ask your DORS counselor to hire a benefits counselor – a professional who can help you understand and use Section 301. Now, for some people, there may be an even better option to help you keep your benefits while you're involved with DORS services or services from another agency – even better than section 301.

SLIDE: Ticket to Work

NARRATOR: If you use your Ticket to Work, which everybody who receives Social Security Disability benefits has access to –

SLIDE: IF: Your ticket to Work is assigned to DORS or an Employment Network. You're making "timely progress" toward your work goal.

SLIDE:

If your Ticket to Work is assigned to DORS, which will happen pretty much automatically if you open a case with DORS, or if it's assigned to another agency known as an Employment Network that provides services through the Ticket to Work – if you are making what Social Security calls timely progress towards your work goal...

SLIDE: THEN: Social Security is NOT allowed to do a medical review on you, even if it's time to do one.

NARRATOR: Then Social Security is not allowed to do a medical review on you, even if it's time to do one. Now, if they're not allowed to do a medical review, then that means they can't decide that you've medically recovered and can't stop your benefits for that reason. So your benefits can continue as long as your Ticket to Work is assigned and you're making timely progress. If your ticket is no longer assigned, or if you stop making timely progress, then Social Security can do a medical review again. And if they find you to medically recover, then you may lose your benefits unless you use Section 301.

SLIDE: Timely Progress

NARRATOR: Timely progress usually involves a certain number of months per year earning at a certain dollar amount. In some cases, it can mean completing certain educational requirements. In other cases, it can be a combination of earnings and education.

SLIDE: Timely Progress: Specific criteria for "Timely Progress" changes each year. You can find the current criteria here: www.ssa.gov/pubs/EN-05-10062.pdf

NARRATOR: You can find the timely progress criteria that change each year that your Ticket to Work is assigned at this link. So if your ticket is assigned, and you're making timely progress, you may be able to keep your benefits longer than you would through Section 301. Remember, Section 301 only lets you keep your benefits for a period of time longer after you've been determined to have medically recovered. But assigning your Ticket to Work and making timely progress means that you will not be determined to have medically recovered. Social Security is not allowed to do a medical review. So your benefits may be able to continue longer than they could through Section 301.

SLIDE: Need Help? Ask your DORS counselor to hire a Benefits Counselor for you.

NARRATOR: To get more information about this, you should see a benefits counselor, who your DORS counselor can hire.