Health Care Transition Training
for Health Care Professionals

Part 2: Modules 6 - 10
Course Learning Objectives

- Define health care transition and its significance
- Identify challenges to transition
- Describe policies that affect transitioning youth
- Implement strategies to prepare patients & caregivers
Course Modules

Part 1

1. Introduction
2. Adolescent Development
3. Working with Caregivers
4. Assessing Transition Readiness
5. Patient Skill Development

Part 2

7. Insurance
8. Working with Adult Medicine
9. Care Transfer
10. Conclusion
Module 6: Legal & Financial Aspects of Transition
Module 6 Learning Objectives

- List legal rights & responsibilities conferred at age 18
- Describe programs that address legal & financial needs
- Address legal & financial considerations in transition plans
Legal & Financial Aspects: Significance
Legal Rights at 18th Birthday

- Vote
- Get married
- Sign contracts
- Decide where to live
- Information privacy
- Apply for credit
Legal Responsibilities at 18\textsuperscript{th} Birthday

\begin{itemize}
  \item Jury duty
  \item Liability for contracts signed
  \item Self-support
  \item Draft registration
  \item Carry identification
\end{itemize}
Educational Rights at 18th Birthday

- Review educational records
- Discontinue education
- Consent or refuse IEP services
- Choose IEP meeting attendees
- Request IEP “due process hearing”
Medical Rights at 18th Birthday

- Privacy of medical records
- Consent or refuse treatment
- Independent decision-making
Rights of Adults’ Parents?

- No access to their child’s personal health information
- No authority to make medical decisions
  - HIPPA Compliance
Legal Guide for New Adults Pamphlet

Table of Contents

- General Principles
- Consumer Protection
- Contracts
- The Court System
- Credit
- Criminal Charges
- Drinking Laws
- Driving
- Environmental Responsibility
- Employment
- Federal Income Tax
- Jury Duty
- Landlord/Tenant
- Marriage
- Paternity Issues
- Voting
- Selective Service System
- Ban on Texting and Driving
- Important Telephone Numbers

1. GENERAL PRINCIPLES

When Do You Become An Adult In Florida? In Florida, for most purposes, you become a legal adult on your 18th birthday. See generally § 1.01(13), Fla. Stat. This is often referred to as the age of majority. (For exceptions, please see “Drinking Laws”.)
Programs that Address Legal & Financial Aspects

I: Florida Department of Education’s Division of Vocational Rehabilitation
VR Programs

- Deaf and Hard of Hearing Services
- Supported Employment
- Ticket to Work
- Independent Living Program
- Injured Worker Program
- Adults with Disabilities
- School-to-Work Transition
School-to-Work Transition

- Medical and psychiatric diagnosis
- Vocational evaluation and planning
- Training and education after high school
- Job-site assessment and accommodations
- Supported employment
- Support services
- Counseling and guidance
Referrals for School-to-Work Transition

- (850) 245-3399
- (800) 451-4327
VR Order of Selection

- APPLY!

- Waiting list

- Use Florida Algorithm
Transition 2 Go: VR

School to Work Transition Vocational Training

Most teens and young adults look forward to having a job and being independent. For young Floridians with disabilities whose goals include employment, the Florida Department of Education’s Division of Vocational Rehabilitation (VR) can provide critical support services. This federal-state program works with people who have physical or mental disabilities to prepare for, gain and/or retain employment.

Transition planning for individuals whose health conditions interfere with their ability to work should address eligibility for an array of VR programs, including the School to Work Transition program. The School to Work Transition program specifically helps students ages 16-22 prepare for employment and adult
Programs that Address Legal & Financial Aspects

II: Guardianship
Up Next: Video Clip!

Interview with a special needs financial planner

First of 2 videos in this module

From Nemours Hospital
Decision-making and YSHCN

Becoming an Adult: Legal and Financial Planning
Decision-Making Supports

- Informal network
- Health care surrogate
- Guardian advocacy
- Guardianship
Informal Support Network

- Retains all rights & responsibilities
- Receives guidance & advice
- Family, friends, social services
Health Care Surrogate - Defined

- Patient designates medical decision-maker
- Patient retains non-medical rights and responsibilities
Provider Role: Health Care Surrogate Process

- Determine capacity
- Second opinion
- Comply with document
Guardianship - Defined

- Legal determination
- Declares adult incompetent
- Names guardian and parameters
Levels of Guardianship

- Full guardianship
- Partial guardianship
- Limited guardianship
Guardianship Process

- File application
  - County probate court

- Patient receives notice

- Judge makes determination

- Appoints guardian
Provider Role: Guardianship Process

- JUDGE determines competence
  - PHYSICIAN provides medical evidence

- Assess decision-making ability

- Complete forms or provide statement
Guardian Advocate - Defined

- People with developmental/intellecual disabilities

- Disability MUST
  - Begin before age 18
  - Impair decision-making ability
Guardian Advocate - Process

- Similar to guardianship process
- No determination of competence
- Additional protections for patients
- Less costly
Potential Guardians

- Complete their own application
  - Criminal background check
  - Financial history
Guardianship and Other Decision-Making Alternatives

Reaching the age of majority – 18 years old in Florida – means an individual is no longer a "minor." As such, the person has the right and responsibility to make certain legal choices that adults make. For some young adults with intellectual disabilities, this may be an exciting opportunity for increased independence. But there may also be family concerns about how to best support that person's self-determination in making important life decisions, such as in health care or financial management.

Many parents and caregivers are surprised to learn that when their child turns 18, they may not be able to direct or participate in their child's medical treatment, except as a proxy during an emergency. Further, banks and government agencies have neither the duty nor the authority to discuss an 18 year old's benefits or financial issues with parents.
Programs that Address Legal & Financial Aspects

III: Income Supports
Up Next: Video Clip!

- Interview with special needs financial planner
- From Nemours Hospital
Social Security Insurance (SSI)

- For children and adults
- Monthly income
- Medicaid
Social Security Disability Insurance (SSDI)

- Disabled adults
  - Disabled after working
  - OR
  - Disabled before age 22

- Monthly income

- Medicare
Eligibility after 18th Birthday

- One year review period

- Adults’ medical requirements
  - Functional capacity
  - Condition-specific symptoms

- Different financial requirements
Resource - Booklet from Social Security

Social Security

Benefits For Children With Disabilities
Disability Determination Services

The Division of Disability Determinations is responsible for making the determination of medical eligibility for Florida citizens who apply for disability benefits under the federal Social Security Administration disability programs (Social Security Disability-Title II and Supplemental Security Income-Title XVI), and under the state Medically Needy program. It is also responsible for the periodic Continuing Disability Review (CDR) of all SSA disability beneficiaries to determine if they continue to meet medical eligibility criteria.

Applications for Social Security disability benefits are filed at the claimant's local Social Security Administration (SSA) field office or online at www.ssa.gov. Applications for benefits under the Medically Needy program are made at a local office of the Department of Children and Families. For both programs the application is forwarded to the Division of Disability Determinations for a determination of medical eligibility. The claim is then returned to either the Social Security Administration or the Department of Children and Families for a final determination of technical (non-medical) eligibility and effectuation of any benefits due the claimant.

Bureau of Medical Disability Program Operations

Program Operations is responsible for the principal mission of the division, which is the actual processing and adjudication of claims for disability. This bureau ensures an effective and efficient workflow process that enables the division to meet federally and state mandated production, cost and quality goals. Program Operations constitutes the largest segment of the division, representing 85% of total division staffing.
Eligibility Determination Tools

- Parent interview
- Provider interview
- Teachers, day care providers, family members
- School records
- Medical records
Provider Role: Social Security Determination
Legal & Financial Aspects: In Practice
<table>
<thead>
<tr>
<th>The Transition Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Envisioning a Future</td>
</tr>
<tr>
<td>2. Basic Knowledge</td>
</tr>
<tr>
<td>3. Health Care Practices</td>
</tr>
<tr>
<td>4. Medications &amp; Equipment</td>
</tr>
<tr>
<td>5. Doctor Visits</td>
</tr>
<tr>
<td>6. Health Care Transition</td>
</tr>
<tr>
<td>7. Transition to Adulthood</td>
</tr>
<tr>
<td>8. Health Care Systems</td>
</tr>
</tbody>
</table>
Health Care Transition Preparation for Youth and Young Adults with Special Health Care Needs in Florida

Is patient 12-14 years? 
Yes → Step 1: Provide age-appropriate counseling and transition materials to youth and family. Identify APD eligibility and education needs. See local 2-1-1 Helpline for other social services.

No → Is patient 15-17 years? 
Yes → Step 2: Ensure Step 1. Assess transition readiness (TRAQ or other tool). Explore post-high school options; identify decision-making needs. Establish timeline for transfer to adult primary and subspecialty care.

No → Is patient 18-21 years? 
Yes → Step 3: Ensure Steps 1 and 2. Identify insurance coverage, adult service and employment needs. Transfer to adult primary and subspecialty care.

Age Ranges

Action Steps for Specific Age Ranges

Is patient eligible for MedWaiver program? 
No → Does patient have IEP? 
No → Is patient eligible for VR? 
No → Needs help with decision-making? 
No → Insurance patient will have as adult? 
Yes → Insurance patient will have as adult?

No → Help identify health-related activities to support patient’s education plan. Contact Project 10 regional rep for assistance with transition IEP, starting at 14 years. Refer to Project 10 Resource Directory for local services/programs.

Yes → Starting at age 15, send referral with patient information. VR sends information to correct geographic area for placement with VR counselor. Patient must be looking for work to receive services. Patient may be put on waiting list (handout).

Does patient have IEP? 
Yes → Provide 411 Insurance Guide (or handout) and local contact information. Help find providers for patients; see Young Adult Health Services Directory. Call physician offices to see whether they will accept patient.

See handout on Medicaid Waiver programs. For patients with I/DD, APD does intake; send all patient documents to APD. Patient is put on waiting list for APD’s Home and Community-Based Medicaid Waiver. Patient may come off waiting list if urgent/emergent.

MedWaiver program.

Care Coordination Support

Glossary:
- APD: Agency for Persons with Disabilities
- CMS: Children’s Medical Services, Department of Health
- I/DD: Individuals with intellectual or developmental disabilities
- IEP: Individual Educational Plan
- TRAQ-5.0: Transition Readiness Questionnaire 5.0 (or use other checklists)
- VR: Vocational Rehabilitation Program

*Handouts are available in English, Spanish and Haitian Creole at www.FloridaHATS.org
Use the Transition Plan

- Confidentiality
- Consent
- Decision-making capacity
- Adult social services
Guardianship Discussions with Parents

- Provide good information
- Explore alternatives
- Discuss with patient
- Maximize independence and self-determination
Transition Plan: Informal Network

- Identify and invite individuals
- Practice
- Include in medical journal, e-summaries, etc.
- Sign releases of information
- Update emergency contacts
Transition Plan: Guardianship

- Find legal counsel or advice
- Complete assessment
- Gather documentation
- Complete court procedures
Interactive Question

At what age would you begin conversations on legal and financial considerations?

How can you prepare parents and patients for these changes?

Slide will automatically advance in 1 minute!
Legal & Financial Aspects: Resources
Turning 18, Guardianship & Other Options

Previous Topic: How to Get the Most Out of Vocational Rehabilitation
Next Topic: Considering Housing Options

Alternatives to Guardianship
Family and Friends
Ticket to Work Program

Ticket to Work is a Social Security Administration (SSA) program available to Floridians. For those who qualify for social security benefits, tickets will be issued and may be taken to Employment Network (EN) participants, such as VR, who offer access to employment and rehabilitation services necessary to help a person secure and retain employment. This program is voluntary.

The Social Security Disability Resource Center website explains how the disability process works within the SSA program.

The Ticket to Work PowerPoint explains how the Ticket to Work Program works for Florida.

How Do I Get My Ticket?
The Ticket to Work Program is available to most Social Security beneficiaries with disabilities who meet certain criteria. SSA notifies those who are eligible to participate in the Ticket Program by issuing them a Ticket. Those receiving a Ticket are referred to as Ticket-holders. More than 11 million Ticket-holders are eligible to participate in this nationwide program and many are already working.

If you feel you are eligible and have not received a notice of your eligibility and your Ticket certificate, you may contact the Ticket to Work Program Manager, MAXIMUS Inc., at (866) 968-7842 to request a Ticket on Demand.

Keep Your Medicaid or Medicare
While you participate in the Ticket to Work Program, you will keep your cash benefits and medical coverage as you transition to the work place. In addition, Social Security...
Plan To Achieve Self-Support (PASS)

This page provides general information on the Plan to Achieve Self-Support or PASS. For more information, please go to the bottom of this page for more links about PASS.

What is a PASS?

- It is an SSI provision to help individuals with disabilities return to work.

How does a PASS help someone return to work?

- SSI eligibility and payment amount are based on income and resources (things of value that individual owns).
- PASS lets disabled individual set aside money and/or things he or she owns to pay for items or services needed to achieve a specific work goal.

How does PASS work?
SSA.gov/disabilityssi
Housing Resource Guide

Housing in Florida
A Resource Guide for Individuals with Developmental Disabilities
Transportation Disadvantaged Program

General Self-Help Resource Guide
Access to Florida’s Transportation Disadvantaged Program for Individuals with Disabilities

Sponsored by the Department of Education/Division of Vocational Rehabilitation and the State of Florida

This self-help resource guide is not a substitute for legal advice

July 2013
Key Points

- Range of supports and options
- Use the transition plan
- Start early
Summary of Tools

Health Care Transition Training for Health Care Professionals
2014 Course Release

Course Toolkit

**Module 6. Legal and Financial Considerations**

**Summary of Financial Tools**

1. FloridaHATS: Transition 2 Go: VR

2. Ticket to Work
   http://www.rehabworks.org/ticket.shtml

3. Plan for Achieving Self-Support
   http://www.ocr.gov/disability-employment/ssi/work
Citations


