



# Health Care Transition Training for Health Care Professionals

Part 2: Modules 6 - 10

# Course Learning Objectives

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- ▶ 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

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## Part 1

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

## Part 2

6. Legal & Financial Aspects
7. Insurance
8. Working with Adult Medicine
9. Care Transfer
10. Conclusion



# Module 6: Legal & Financial Aspects of Transition

# Module 6 Learning Objectives

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- ▶ 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 18<sup>th</sup> Birthday

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- ▶ Vote
- ▶ Get married
- ▶ Sign contracts
- ▶ Decide where to live
- ▶ Information privacy
- ▶ Apply for credit

# Legal Responsibilities at 18<sup>th</sup> Birthday

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- ▶ Jury duty
- ▶ Liability for contracts signed
- ▶ Self-support
- ▶ Draft registration
- ▶ Carry identification



# Educational Rights at 18<sup>th</sup> Birthday

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- ▶ Review educational records
- ▶ Discontinue education
- ▶ Consent or refuse IEP services
- ▶ Choose IEP meeting attendees
- ▶ Request IEP “due process hearing”

# Medical Rights at 18<sup>th</sup> Birthday

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- ▶ Privacy of medical records
- ▶ Consent or refuse treatment
- ▶ Independent decision-making

# Rights of Adults' Parents?

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- ▶ No access to their child's personal health information
- ▶ No authority to make medical decisions
  - ▶ HIPPA Compliance

# Legal Guide for New Adults



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## Legal Guide for New Adults Pamphlet

### Table of Contents


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### 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

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- ▶ 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

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- ▶ 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

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▶ (850) 245-3399

▶ (800) 451-4327



# VR Order of Selection

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- ▶ APPLY!
- ▶ Waiting list
- ▶ Use Florida Algorithm

# Transition 2 Go: VR

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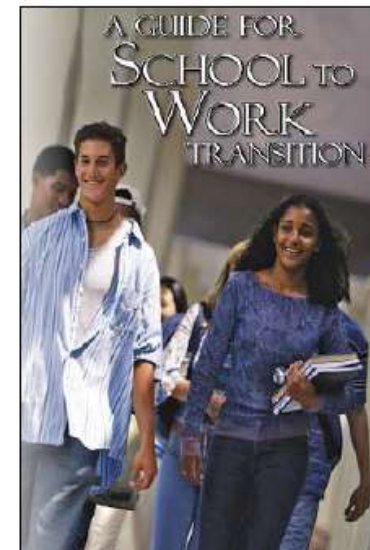
## Transition 2 Go in Florida




## 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!

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Interview with a special needs financial planner

First of 2 videos in this module

From Nemours Hospital



# Decision-making and YSHCN

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# Decision-Making Supports

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- ▶ Informal network
- ▶ Health care surrogate
- ▶ Guardian advocacy
- ▶ Guardianship

# Informal Support Network

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- ▶ Retains all rights & responsibilities
- ▶ Receives guidance & advice
- ▶ Family, friends, social services

# Health Care Surrogate - Defined

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- ▶ Patient designates medical decision-maker
- ▶ Patient retains non-medical rights and responsibilities



# Provider Role: Health Care Surrogate Process

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- ▶ Determine capacity
- ▶ Second opinion
- ▶ Comply with document

# Guardianship - Defined

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- ▶ Legal determination
- ▶ Declares adult incompetent
- ▶ Names guardian and parameters

# Levels of Guardianship

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- ▶ Full guardianship
- ▶ Partial guardianship
- ▶ Limited guardianship

# Guardianship Process

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- ▶ File application
  - ▶ County probate court
- ▶ Patient receives notice
- ▶ Judge makes determination
- ▶ Appoints guardian

# Provider Role: Guardianship Process

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- ▶ JUDGE determines competence
  - ▶ PHYSICIAN provides medical evidence
- ▶ Assess decision-making ability
- ▶ Complete forms or provide statement

# Guardian Advocate - Defined

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- ▶ People with developmental/intellectual disabilities
- ▶ Disability **MUST**
  - ▶ **Begin before age 18**
  - ▶ **Impair decision-making ability**

# Guardian Advocate - Process

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

# Potential Guardians

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- ▶ Complete their own application
  - ▶ Criminal background check
  - ▶ Financial history



# Transition 2 Go: Guardianship

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## Transition 2 Go in Florida




## 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!

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- ▶ Interview with special needs financial planner
  
- ▶ From Nemours Hospital



# Financial Considerations for YSHCN

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Maintaining Government Benefits



# Social Security Insurance (SSI)

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- ▶ For children and adults
- ▶ Monthly income
- ▶ Medicaid

# Social Security Disability Insurance (SSDI)

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- ▶ Disabled adults
  - ▶ Disabled after working
  - OR
  - ▶ Disabled before age 22
- ▶ Monthly income
- ▶ Medicare

# Eligibility after 18<sup>th</sup> Birthday

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- ▶ One year review period
- ▶ Adults' medical requirements
  - ▶ Functional capacity
  - ▶ Condition-specific symptoms
- ▶ Different financial requirements

# Resource - Booklet from Social Security

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## Social Security

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# Benefits For Children With Disabilities





# Disability Determination Services

The screenshot shows the Florida Department of Health website. At the top left is the Florida Health logo with the tagline "It's a New Day in Public Health." and a description of the department's mission. A search bar is located at the top right. A navigation menu includes "Programs & Services", "Licensing & Regulation", "Statistics & Data", "Certificates", "Diseases & Conditions", and "Environmental Health". The main content area is titled "Disability Determinations" and includes a breadcrumb trail: "Home > Programs and Services > People with Disabilities > Disability Determinations". A left sidebar lists "People with Disabilities" with sub-items: "Disability and Health Program", "Disability Determinations" (expanded to show "Area Offices"), and "Developmental Disabilities Clearinghouse". The main text describes the division's role in determining medical eligibility for Florida citizens applying for Social Security disability programs (Title II and Title XVI) and the state's Medically Needy program. It also details the process of applying for benefits, from the SSA field office or online to the local office of the Department of Children and Families, and finally to the Division of Disability Determinations for a medical eligibility determination. A "Bureau of Medical Disability Program Operations" section describes its role in processing and adjudicating claims. A right sidebar provides contact information for the Division of Disability Determinations, including a phone number (800-499-6399), a fax number (850-617-4878), and a mailing address in Tallahassee, FL.

**Florida HEALTH**  
It's a New Day in Public Health.  
The Florida Department of Health works to protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Search (0/20)  
[Search A-Z topic index](#)

Programs & Services | Licensing & Regulation | Statistics & Data | Certificates | Diseases & Conditions | Environmental Health

Home > Programs and Services > People with Disabilities > Disability Determinations

**Disability Determinations**

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](http://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.

**Contact the Division of Disability Determinations**

800-499-6399  
Fax: 850-617-4878  
Mailing Address: Division of Disability Determinations, P.O. Box 7118, Tallahassee, FL 32314-5270

# Eligibility Determination Tools

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- ▶ Parent interview
- ▶ Provider interview
- ▶ Teachers, day care providers, family members
- ▶ School records
- ▶ Medical records

# Provider Role: Social Security Determination

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# Legal & Financial Aspects: In Practice

# The Transition Process

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1. Envisioning a Future

5. Doctor Visits

2. Basic Knowledge

6. Health Care Transition

3. Health Care Practices

**7. Transition to Adulthood**

4. Medications &  
Equipment

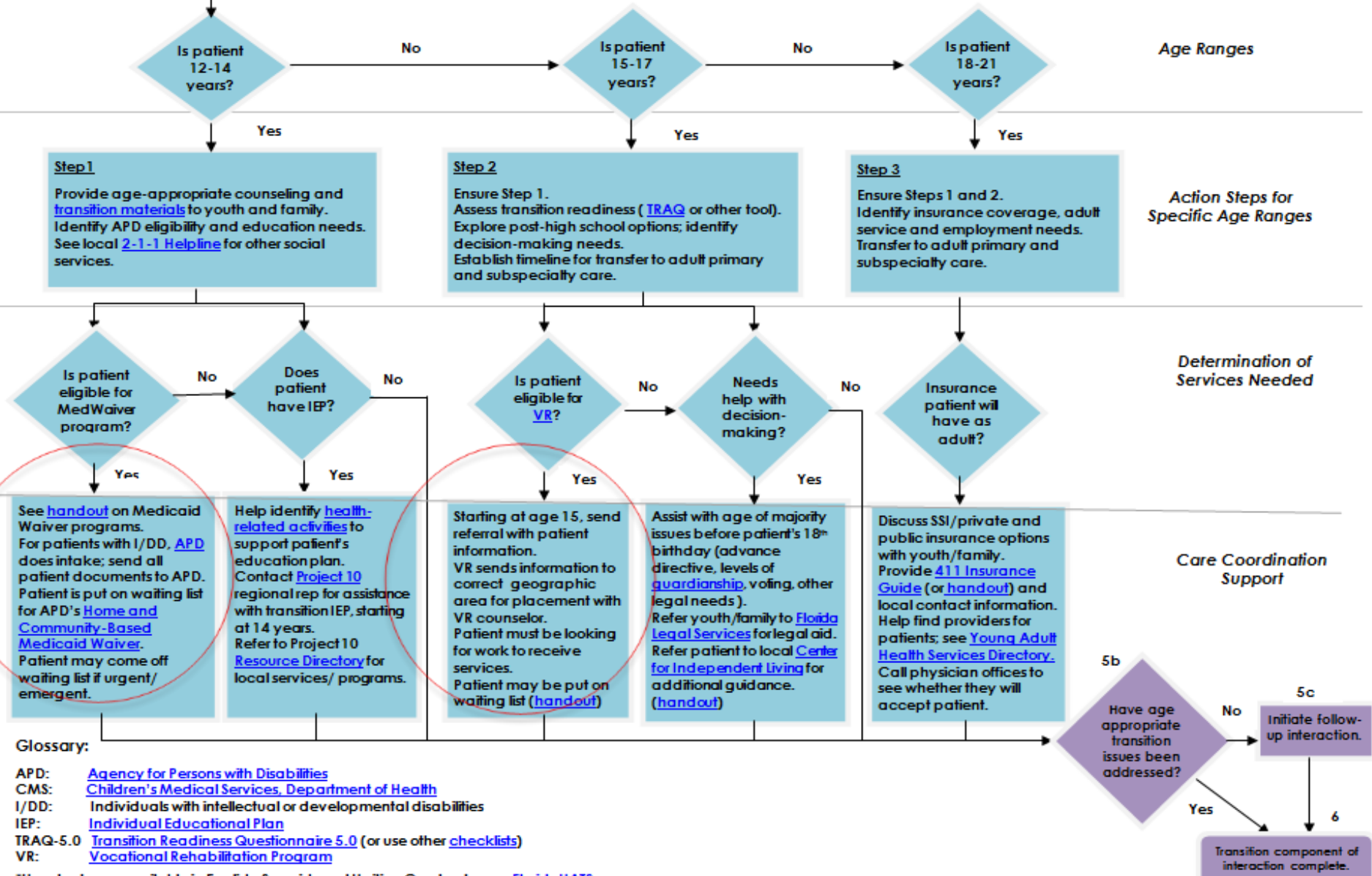
**8. Health Care Systems**



5a

Incorporate transition planning in chronic care management. Coordinate with CMS Nurse if patient is enrolled in [CMS](#).

## Health Care Transition Preparation for Youth and Young Adults with Special Health Care Needs in Florida



- 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](http://www.FloridaHATS.org)

# Use the Transition Plan

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- ▶ Confidentiality
- ▶ Consent
- ▶ Decision-making capacity
- ▶ Adult social services

# Guardianship Discussions with Parents

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- ▶ Provide good information
- ▶ Explore alternatives
- ▶ Discuss with patient
- ▶ Maximize independence and self-determination



# Transition Plan: Informal Network

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

# Transition Plan: Guardianship

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

# Interactive Question

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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

# Disability Rights Florida

The screenshot shows the top navigation bar of the Disability Rights Florida website. The logo features a sun icon above the text 'Disability Rights FLORIDA' and the tagline 'Advocacy. Equality. Dignity.' The navigation menu includes 'About', 'Services', and 'Resources'. Below the navigation is a breadcrumb trail: « [Back to all Disability Topics](#) |  [Print this page.](#)

## Turning 18, Guardianship & Other Options

Previous Topic: [How to Get the Most Out of Vocational Rehabilitation](#)

Next Topic: [Considering Housing Options](#)

A horizontal menu contains three items: 'Turning 18', 'Types of Guardianship under Florida Law', and 'Alternatives to Guardianship' (which is highlighted in blue).

Below the menu, the text 'Alternatives to Guardianship' and 'Family and Friends' is visible.



# Ticket to Work

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## 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



# P.A.S.S.



Social Security

Official Social Security Website

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[Benefits](#)

[Information for...](#)

[Business & Government](#)

[Our Agency](#)

## Plan To Achieve Self-Support (PASS)

[Disability Research Home](#)

[What's New](#)

### Major Activities

[Demonstrations](#)

[Projects & Studies](#)

[Research & Data](#)

[Occupational Information  
System Project](#)

[Work Incentive Policy](#)

[Public Use Files](#)

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

Social Security Disability Benefits - Online Application Information

Accessibility · Contact Us · FAQs · Español · Other Languages · Sign In

 **Social Security**  
Official Social Security Website

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## Disability Benefits



### Related Information

**Faces and Facts of Disability**

Publications

Research

Adults disabled before age 22

Disability Planner

Information for Representatives

More...

### Healthcare Information

Health Information from Department of Health and Human Services

Prescription Drug Assistance Programs

Social Security pays disability benefits to you and certain members of your family if you have worked long enough and have a medical condition that has prevented you from working or is expected to prevent you from working for at least 12 months or end in death. [More...](#)

Learn about how to [apply online](#) for disability benefits.

To apply for a child, please go to [Applying for Disability Benefits for Children](#).

[Apply for Disability](#) [Return to a Saved Application](#) [Check Application Status](#)

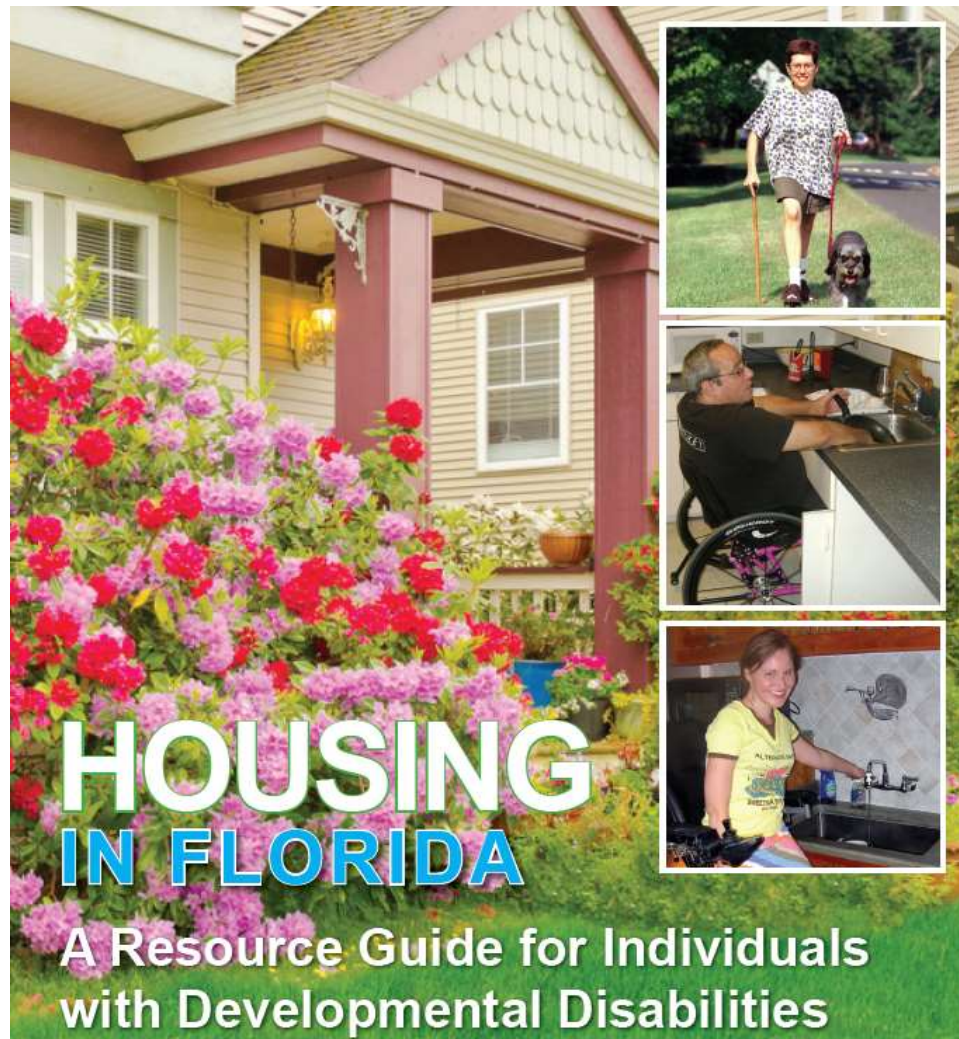
[Appeal Our Recent Medical Decision](#)





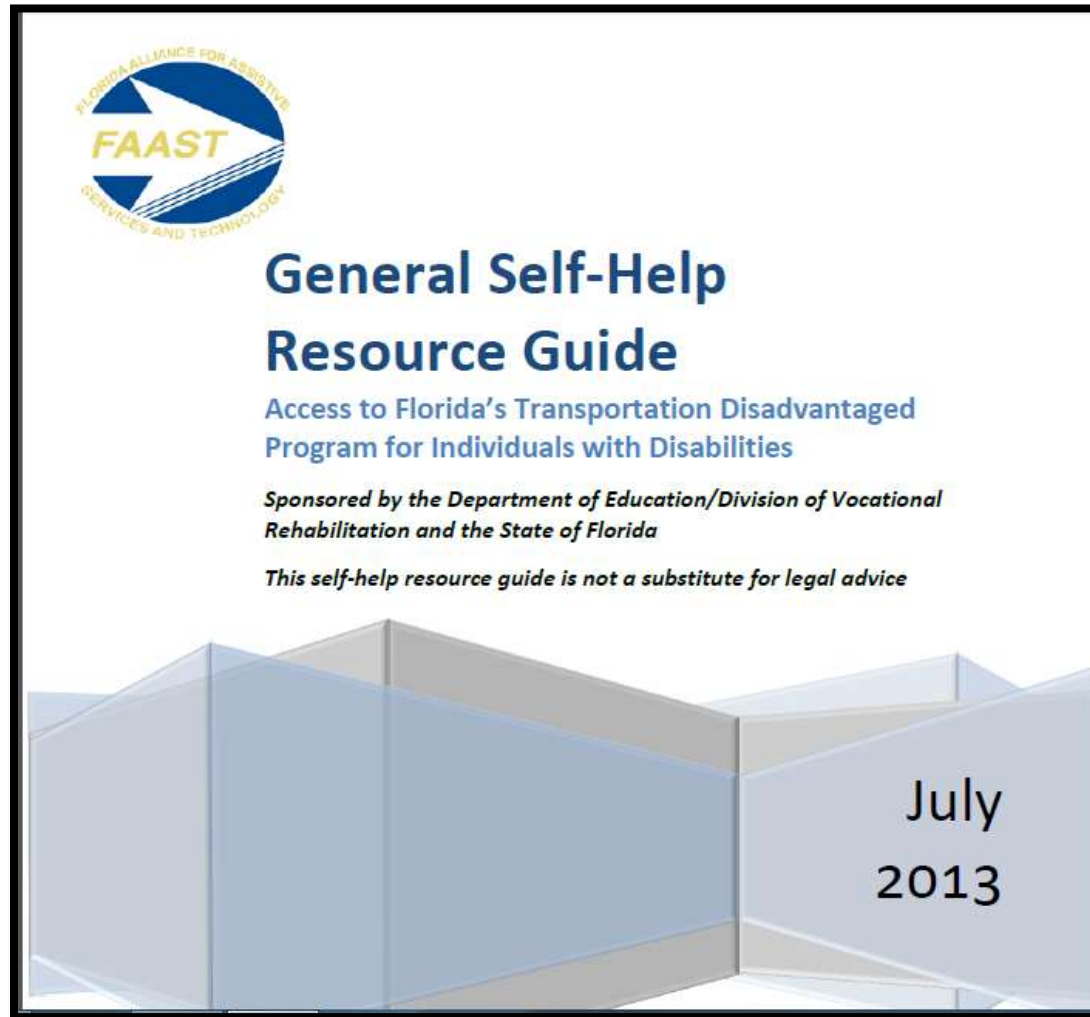
# Housing Resource Guide

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# Transportation Disadvantaged Program

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# Key Points

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

# Summary of Tools

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## 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](http://www.floridahats.org/wp-content/uploads/2010/03/T2G_VR_consumer3.pdf)  
[http://www.floridahats.org/wp-content/uploads/2010/03/T2G\\_VR\\_consumer3.pdf](http://www.floridahats.org/wp-content/uploads/2010/03/T2G_VR_consumer3.pdf)
2. [Ticket to Work](http://www.rehabworks.org/ticket.shtml)  
<http://www.rehabworks.org/ticket.shtml>
3. [Plan for Achieving Self-Support](#)



# Citations

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1. Legal guide for new adults. Revised January 2014. The Florida Bar Association. . Accessed 4/5/2014 <http://www.floridabar.org/tfb/TFBConsum.nsf/48e76203493b82ad852567090070c9b9/34557641d4c2f7c885256b2f006c5753?OpenDocument>

2. *VR Programs*. Florida Department of Education, Division of Rehabilitation Services. 2014. Accessed 5/23/2014. <http://www.rehabworks.org/programs.shtml>.

3. *School-to-Work Transition Program*. Florida Department of Education, Division of Rehabilitation Services. 2014. Accessed 5/23/2014. <http://www.rehabworks.org/stw.shtml>

4. *Turning 18, Guardianship, & Other Options*. Disability Rights Florida. 2013. Accessed 6/5/2014. <http://www.disabilityrightsflorida.org>

5. Kirkwood, L. R. *Guardian Advocate Information for Persons with Developmental Disabilities*. 2010. Accessed 6/5/2014. <http://www.ninthcircuit.org/about/divisions/probate/downloads/GuardianAdvocate/GAInstructions.pdf>

6. *Benefits for Children with Disabilities*. Social Security Administration. January 2014. SSA publication no. 05 – 10026. ICN 455360. Unit of Issue HD (one hundred). Accessed 5/24/2014. <http://www.ssa.gov/pubs/EN-05-10026.pdf>

## Citations (continued)

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7. *Disability Benefits*. Social Security Administration. 2014. Accessed 5/24/2014. <http://www.ssa.gov/disabilityssi/>

8. *Disability Determinations*. Florida Department of Health, Division of Disability Determinations. 2014. Accessed 5/24/2014. <http://www.floridahealth.gov/healthy-people-and-families/people-with-disabilities/disability-determinations/index.html>

9. *Ticket to Work Program*. Florida Department of Education, Division of Vocational Rehabilitation. 2014. Accessed 5/24/2014. <http://www.rehabworks.org/ticket.shtml>

10. *Plan to Achieve Self-Support (P.A.S.S.)* Social Security Administration,. 2014. Accessed 5/24/2014. <http://www.ssa.gov/disabilityresearch/wi/pass.htm>

11. Florida Developmental Disabilities Council. 2013. *Housing in Florida – A resource for people with developmental disabilities*. Published by the Florida Housing Coalition. <http://www.fddc.org/sites/default/files/file/Housing%20Guide.pdf>

12. Florida Commission for the Transportation Disadvantaged. 2014. <http://www.dot.state.fl.us/ctd/>

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