

## **Question: What is the Initial Reinstatement Period, and how does it relate to the availability of work incentives?**

CWICs and Community Partners may encounter beneficiaries whose entitlement to Title II (SSDI, CDB, DWB) and Title 16 (SSI) disability benefits was terminated due to work, and subsequently became re-entitled through Expedited Reinstatement of Benefits, or EXR. It is important to be able to recognize when this occurs, and to provide accurate advisement about the effect of returning to work after re-entitlement. For a more thorough discussion of EXR, please refer to the EXR briefing paper on the WIPA NTC website: <http://vcu-ntc.org/resources/viewContent.cfm/778>

### EXR Basics

The Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 created an important work incentive called Expedited Reinstatement (EXR). EXR is a way to return more quickly to Social Security disability benefits when work is significantly reduced or stopped because of an individual's original disabling condition. The following are key points to remember about EXR:

1. The individual's prior entitlement must have been terminated due to work activity, NOT medical recovery or any other reason. For Title II disability beneficiaries, this means the individual was determined to have engaged in Substantial Gainful Activity. For SSI recipients, it means that countable earned income was sufficient to cause the loss of cash benefits as well as 1619(b) extended Medicaid coverage.
2. Individuals requesting EXR may not be performing Substantial Gainful Activity at the time of the request.
3. The individual must be unable to perform SGA due to the same disability (or a related disability) that entitled the beneficiary to payments previously.
4. EXR allows an individual to receive up to six months of provisional cash benefits while SSA conducts a medical review to determine whether the individual can be reinstated to benefits. The individual may also be eligible for Medicare and/or Medicaid coverage during the provisional benefit period.

5. In order to receive EXR benefits under any of the SSA disability programs, the request must be made within 60 months of when the prior benefit was terminated, unless good cause can be substantiated.

### The Initial Reinstatement Period(IRP) and Title 2 (SSDI, CDB, DWB)

An important aspect of EXR is that it enables the individual to get another Trial Work Period (TWP) and Extended Period of Eligibility (EPE) - but not immediately. The individual must first serve their Initial Reinstatement Period, or IRP. The IRP is complete when the individual has had 24 months of cash payments, during which he or she did not engage in Substantial Gainful Activity (SGA). These 24 months do not have to be consecutive. If someone who requests EXR returns to substantial work, the 24-month clock stops ticking until he or she again stops performing SGA. Once the 24 months has passed, the person receives a new Trial Work Period and Extended Period of Eligibility, and all of the other work incentives conferred on initial applicants for Social Security disability benefits. Remember that SGA is a benchmark amount of *countable earned income*. Therefore, SSA can subtract IRWE and Subsidy from earned income. However, since this is a re-entitlement period, Unsuccessful Work Attempt and Averaging are not used during the IRP.

Another important benefit of EXR is that it may significantly increase eligibility to Medicare. If former Title II beneficiaries who were previously entitled to Medicare request EXR, they will receive Medicare beginning with the first month of provisional payments, and throughout the Initial Reinstatement Period. Even though payments are suspended and the 24-month clock stops ticking for months of SGA, Medicare coverage would continue for those months as well. *Once the individual has received 24 months of payments, s/he has a new Extended Period of Medicare coverage.*

### The IRP and SSI

If the individual receives SSI, and not Social Security disability benefits, then use of SSI work incentives is possible immediately after reinstatement. Once someone gets SSI through Expedited Reinstatement he must receive benefits for 24-months before s/he may again request EXR. If the entitlement ends before the 24-months have passed, the person would have to reapply to get SSI payments again. Receiving Medicaid under Section 1619(b) for a month uses one of the 24 months of the initial reinstatement period.

### Ticket to Work Considerations

Approval for EXR will generate a new Ticket to Work for beneficiaries, and will terminate any previously issued tickets for that individual.

### Conclusion

As you can see, it is critically important for CWICs and Community Partners to accurately identify when a beneficiary has been re-entitled to benefits under EXR, and whether or not they have completed their Initial Reinstatement Period (IRP). While the BPQY may provide clues, it is often necessary to contact SSA for the most accurate, up-to-date information. In addition, SSA staff may need to review and process any earned income on record since the date of EXR, to determine if the beneficiary was indeed still serving an IRP month for each month worked.