

ABLE Accounts: Top Three Questions

*By the ABLE National
Resource Center*

1. What Are the ABLE Savings Limits?

ABLE accounts are protected savings opportunities for people who have a significant disability with an onset prior to age 26. Friends and family can contribute up to \$15,000 directly into an ABLE account. ABLE account owners who work—but do not have an employer-sponsored retirement account—may save up to \$12,140 in additional savings from their earnings.

ABLE New Mexico Presentation Available

Do you know a person or an organization who would be interested in an ABLE New Mexico presentation?

Contact **Denise V. Balderas**,
**ABLE New Mexico
Coordinator**, at
denise.balderas@state.nm.us
or call (505) 955-1151 for more
information.

2. Can I Save Income Within ABLE to Reduce My Countable Income and Qualify For More Public Benefits?

You can save income—both earned and unearned income—or have it directly deposited into an ABLE account. However, it still counts as income and will not qualify you for additional public benefits.

If you are a working beneficiary who receives Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) payments, there are work supports that can reduce the earnings that the Social Security Administration (SSA) counts, which may allow you to save more money. To learn more, visit the Ticket to Work website or review the Social Security Red Book.

Unearned income such as a pension, 401(k), worker's compensation payments, unemployment compensation, veteran's benefits, rental income, and child support payments can be deposited into an ABLE account. These

income sources also follow the usual income-counting rules for the public benefits program and cannot qualify you for additional benefits. Some advisors, however, may suggest a variety of legal, alternative strategies to increase the available funds that can be deposited into an ABLE account. These may include:

- A divorce decree that stipulates mandatory ABLE account contributions for a minor child with a disability, but no child support payments.
- The parents of an adult SSI recipient depositing the “rent” received from their adult child into an ABLE account. The adult child receives the full SSI payment because he or she pays their fair share of household expenses to the parents.
- A special needs trust (SNT) depositing funds into an ABLE account so that the ABLE account can pay for housing expenses. If the SNT pays the housing expenses, the SSI payment

(continued on page 2)

(continued from page 1)

would be reduced, but when the ABLÉ account pays for these expenses, the SSI payment is not reduced.

ABLE accounts are a tool to disregard assets or resources, not income. Assets and resources are disregarded for most federally funded means-tested benefits (with one exception related to SSI beneficiaries and only when the account exceeds \$100,000).

Contributions from family and friends do not count as income

when deposited directly into an ABLÉ account.

All income received by the beneficiary still follows the usual income-counting rules.

3. Will My ABLÉ Savings Affect My HUD Housing Subsidy?

Savings in an ABLÉ account are disregarded when determining eligibility for most federally funded means-tested benefits.

All federal housing support programs are income-

based programs and do not have asset limits. While we anticipate that ABLÉ funds would be excluded from HUD determinations, we are still awaiting guidance from the Department of Housing and Urban Development (HUD) as it relates to housing and ABLÉ.

If housing expenses are paid from ABLÉ, it is a best practice to pay the expense the same month the funds are taken out of the ABLÉ account. This can be done with a debit card or check option and complies with SSI policy. 

OCR Resolves Complaints after State of Connecticut and Private Hospital Safeguard the Rights of Persons with Disabilities to Have Reasonable Access to Support Persons in Hospital Settings During COVID-19

Today, the Office for Civil Rights (OCR) at the U.S Department of Health and Human Services (HHS) announces that it has reached an Early Case Resolution (ECR) with the State of Connecticut after the state issued an executive order regarding non-visitation policies for short-term hospitals, outpatient clinics, and outpatient surgical facilities to ensure that people with disabilities are not denied reasonable access to needed support persons. OCR also reached an ECR with Hartford Hospital after it agreed to grant a 73-year old woman with aphasia access to support persons to help with her communication

and comprehension in her treatment.

In May 2020, OCR received complaints from Disability Rights Connecticut, CommunicationFIRST, the Arc of Connecticut, Independence Northwest: Center for Independent Living of Northwest CT, Center for Public Representation, and The Arc of the USA alleging that Connecticut guidance regarding hospital visitation for people with disabilities violates the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act and Section 1557 of the Affordable Care Act, which are enforced by OCR.

The complainants alleged that Connecticut guidance

concerning hospital “no visitor” policies during the COVID-19 pandemic allowed only narrow exceptions for support persons for individuals with disabilities receiving certain services from the state Department of Developmental Services (DDS), leaving large groups of persons with disabilities unable to avail themselves of the exception. The complainants alleged that without support persons, specific patients with disabilities in Connecticut facilities were being denied equal access to medical treatment, effective communication, the ability to make informed decisions and provide consent, and that

(continued on page 3)

(continued from page 2)

they were being unnecessarily subjected to physical and pharmacological restraints.

Complainants also alleged that Hartford Hospital, a 937-bed facility in the state, unlawfully failed to provide a reasonable modification to the hospital's no-visitor policy to a 73-year old patient with aphasia and severe short-term memory loss, who is mostly non-verbal, and was denied in-person access to support persons able to help with her communication and comprehension during care. The patient did not fall under the exception to no-visitor policies under Connecticut's guidance because she did not receive services from the state DDS.

OCR has reviewed the complaints, communicated with, and provided assistance to Connecticut, the Connecticut Department of Public Health, and Hartford Hospital, and mediated a resolution of the matters acceptable to all parties.

As part of the resolution, Connecticut is issuing an executive order to ensure that people with disabilities have reasonable access to support personnel in hospital settings in a manner that is consistent with disability rights laws and the health and safety of patients, health care providers, and support persons. The order includes establishing

a statewide policy requiring hospitals and other acute care settings to permit the entrance of a designated support person for a patient with a disability and permitting family members, service-providers or other individuals knowledgeable about the needs of the person with a disability to serve as a designated support person. Where patients with a disability are in such a setting for longer than one day, they may designate two support persons, provided only one is present at a time.

OCR mediated an agreement between Hartford Hospital and the complainants that granted the 73-year patient access to a designated in-person support person. Based on Hartford Hospital's responsive actions, OCR is closing this complaint as satisfactorily resolved.

"We cannot commend Connecticut enough for quickly updating its policies to protect the right of persons with disabilities to equal treatment especially during a crisis," said Roger Severino, Director of OCR. "This resolution proves that states can keep people safe during this pandemic without sacrificing the right of persons with disabilities to the support they need to receive equal access to medical care and treatment," Severino concluded.

Connecticut submitted the following statement to OCR for

For more information about how OCR is protecting civil rights during COVID-19, <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html>.

To learn more about non-discrimination on the basis of sex, race, color, national origin, age, and disability; conscience and religious freedom; and health information privacy laws, and to file a complaint with OCR, please visit www.hhs.gov/ocr.

Follow OCR on Twitter at @HHSOCR

inclusion in this announcement:

"As vulnerable populations around the state continue to be disproportionately affected by the COVID-19 pandemic, it was a priority for my office and the state to come to a resolution on allowing a support person to accompany and advocate for individuals with disabilities into our hospitals," Governor Lamont stated. "The order issued by Commissioner Gifford implements vital safeguards for individuals with special needs to ensure proper and safe care is being provided and received in a hospital setting."

"I am pleased to have worked with the Governor's Office, the Department of Public Health, and the HHS Office for Civil Rights to issue the DPH order that protects the rights of individuals with
(continued on page 4)

(continued from page 3)

disabilities and facilitates a process to allow every voice, even in a hospital setting, to be heard,” said Jordan A. Scheff, Commissioner of the Department of Developmental Services.

Connecticut’s executive order is available at <https://portal.ct.gov/-/media/Coronavirus/20200609-DPH-Order-regarding-patients-with-disabilities-in-health-care-facilities.pdf> 



The ABLE National Resource Center (ANRC) presented a webinar, “ABLE Accounts and Special Needs Trusts”

Click on the link below to view a replay of the webinar:

<https://youtu.be/qJCeFI5LSJ8>



ABLE New Mexico Now Has 491 Active Accounts! Go, New Mexico!



ABLE New Mexico YouTube Video

“Saving for the Future of Your Child with a Disability”

<https://youtu.be/5KzieaoyKSQ>

Friendship, Employment, and Virtual Events

by Nathan Reiman, Director, State Operations and Programs, Best Buddies

Here in New Mexico, we are a community. We enjoy feeling connected, treating each other fairly, and appreciating the close ties we have with each other. Here in the DDS community, Best Buddies New Mexico is doing a great job bringing these values to people with intellectual and developmental disabilities as the organization continues to deliver connections in friendship, employment, and virtual engagement. The ultimate goal of this organization: to put themselves out of business by eliminating a need for the services they offer.

During the 2019-2020 academic year, over 850 individuals from 41 schools benefited from Best Buddies New Mexico’s friendship

programs. Alejandra from Las Cruces shared the following regarding her friendship with Chica: “(w)e both love the same things and truthfully, we both have very outgoing personalities. We’ve done everything together from getting ready for prom to petting animals at the [New Mexico State] fair to walking down a makeshift runway together.” Fifteen new schools were added during this past academic year, and Best Buddies New Mexico is always looking for more interest and connections as it expands.

During this same timeframe, Best Buddies New Mexico continued

to excel with employment as they offered, through a Project Search partnership with six other organizations, internship

(continued on page 5)



Chica and Alejandra, Best Buddies NM Friendship Program

(continued from page 4)

rotations at the Embassy Suites Hotel and the University of New Mexico Hospital. The international evidence-based Project Search model, known for helping participants obtain employment at higher wages and for increased hours, does just this in Albuquerque. In New Mexico, the average statewide wage was \$8.88 per hour and average work hours per week was 12.17. In comparison, Best Buddies New Mexico placed 100% of graduates from the 2018-2019 Project Search program, increasing the organization's average placement wage to \$10.49 and average hours worked per week to 23.56. Similar to the above-mentioned friendship programs, the Jobs

Team is always looking for more participant interest as the organization continues to grow.

While COVID-19 has put a damper on many community activities, Best Buddies New Mexico is striving to minimize the effect of isolation on people with and without intellectual and developmental disabilities. With nine virtual events per week including Trivia Tuesday, Netflix Party Wednesday, Citizens Thursday, and Forum Friday, new people every week are engaging and building new connections. Details about these events and all the other Best Buddies New Mexico offerings can be found at <https://www.bestbuddies.org/newmexico/>. Thank you Best Buddies, and good luck putting yourselves out of business! ✚

Technology Assistance Program Services

The New Mexico Technology Assistance Program (NMTAP) is open for limited services. While we are still practicing social distancing, we're able to offer some services at a distance.

We are currently sending out device loans of assistive technology every Thursday via FedEx.

NMTAP staff can also provide guidance to individuals with disabilities, therapists, or family members on recommending AT solutions. This can be done via phone, email, or Zoom.

Please contact us at (505) 841-4464 to request these services and please visit our website for more information:

<http://www.tap.gcd.state.nm.us/>



Parents Reaching Out

SSI: A Parent Perspective

Tuesday, July 21, 2020

1 pm–2 pm

Join us on Zoom as we go over how to apply for Social Security Income (SSI).

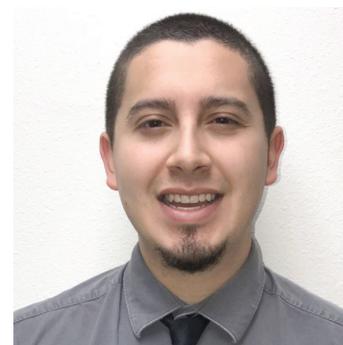
This workshop is provided at no cost to you!

Register in advance for this meeting:

<https://echo.zoom.us/meeting/register/tJ0udeihqTwrH9Z6Gvq8zxqjYbWlY5N2Grct>

Send questions to: csalazar@parentsreachingout.org

(505) 247-0192 (800) 524-5176 www.parentsreachingout.org



Jesse Armijo, AT Coordinator
NM Technology Assistance Program
Governor's Commission on Disability
625 Silver Avenue SW
Suite 100 B
Albuquerque, NM 87102
office (505) 841-4464
direct (505) 841-4450
fax (505) 841-4467 ✚