

Social Security Benefits When in Public Institutions

What happens to Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) when you enter a state hospital?

SSDI benefits continue unless a person is determined to be not guilty by reason of insanity (NGRI). However, the facility will ask that this resource be used to help pay for their hospital expense. In some instances, the facility will become your representative payee, but this should not be necessary if you or your representative payee can continue to manage these funds.

If NGRI, you will have to re-apply for SSDI upon discharge.

SSI benefits may continue for up to 3 months during a temporary stay in an institution if:

- A doctor certifies that the person is expected to be there 3 months or less:
and
- The person has a home and pays permanent living expenses such as rent or mortgage

After 3 months, SSI is suspended except for a \$30 a month personal needs allowance. The rest of these funds are redirected to the facility.

After 12 months, the SSI ends and will require a new application upon discharge.

When benefits are suspended or stopped how do you get SSDI/SSI re-started upon discharge?

Ask your social worker if the facility has a **pre-release agreement** with the local Social Security office. If so, the facility will verify your upcoming discharge and work with Social Security to help you re-start your benefits or re-apply. Your facility will notify Social Security if you are likely to meet the eligibility rules and provide them records of your disability. Social Security can begin processing your re-instatement or new application so your benefits can start soon after your release.

- **TIP** - If your facility does not have a **pre-release agreement** with Social Security they can easily start one at any time by contacting your local security office.

- **TIP** - If it has been several years since your SSDI/SSI benefit started your benefits may be ready to undergo a review to determine if you still meet the disability rules. This process may take extra time.

What about your Medicare or Medicaid coverage?

Medicare – Once your SSDI is re-started your Medicare should be available again.

Medicaid - If your SSI is terminated while in an institution, then your Medicaid also terminated. Upon discharge the facility social worker should connect you to your local Department of Social Services (DSS) office to re-apply.

How to Contact Social Security or Make an Appointment

Call 800-772-1213 or TTY 1-800-325-0778 if you are deaf or hard of hearing. They are open from 7am to 7pm Monday through Friday.

Other Resources on this topic:

SSA: What Happens to my SSI Benefits if I go into a Nursing Home or Hospital
<https://www.ssa.gov/ssi/spotlights/spot-temp-institution.htm>

SSA: Is There a Way to Apply for SSI Before My Anticipated Release from an Institution?
<https://www.ssa.gov/ssi/spotlights/spot-prerelease.htm>

The disAbility Law Center of Virginia has many Social Security guides that explain the process of applying for or appealing benefits, how Social Security makes the decision, how to prepare for a benefit review, and how you can better document your case. You will find these guides at:
www.dlcv.org/socialsecurity

dLCV publications are available in alternate format, upon request.