

Workers' Compensation Programs for review, or if more than one claim has been filed with the Secretary of Labor by the same claimant, such claims shall be merged and processed with the first claim filed with the Office of Workers' Compensation Programs.

§ 410.706 Effect of the Social Security Administration determination of entitlement.

Under section 435 of the BLBRA of 1977 a determination of entitlement made by the Social Security Administration under this subpart G is binding on the Office of Workers' Compensation Programs as an initial determination of eligibility.

§ 410.707 Hearings and appeals.

The review of any determination made by the Social Security Administration of a claim under this subpart will be made by the Office of Workers' Compensation Programs. If the Social Security Administration does not approve the claim following its review under this subpart, the claim will be referred to the Office of Worker's Compensation Programs, and the Office of Workers' Compensation Programs will automatically review the claim. The Office of Workers' Compensation Programs will provide an opportunity for the claimant to submit additional evidence if it is needed to approve the claim. See § 410.704(e)(2) of this subpart. If the Social Security Administration approves the claim but the claimant disagrees with any part of the Social Security Administration's determination, he or she may request the Office of Workers' Compensation Programs to review the Social Security Administration's determination. See § 410.704 (e)(1) of this subpart.

PART 411—The Ticket to Work and Self-Sufficiency Program

Subpart A—Introduction

Sec.

- 411.100 Scope.
411.105 What is the purpose of the Ticket to Work program?
411.110 How is the Ticket to Work program implemented?
411.115 Definitions of terms used in this part.

Subpart B—Tickets Under the Ticket to Work Program

- 411.120 What is a ticket under the Ticket to Work program?
411.125 Who is eligible to receive a ticket under the Ticket to Work program?
411.130 How will SSA distribute tickets under the Ticket to Work program?
411.135 What do I do when I receive a ticket?
411.140 When can I assign my ticket and how?
411.145 Once my ticket has been assigned to an EN or State VR agency, can it be taken out of assignment?
411.150 Can I reassign my ticket to a different EN or the State VR agency?
411.155 When does my ticket terminate?

Subpart C—Suspension of Continuing Disability Reviews for Beneficiaries Who are Using a Ticket

INTRODUCTION

- 411.160 What does this subpart do?
411.165 How does being in the Ticket to Work program affect my continuing disability reviews?
411.166 Glossary of terms used in this subpart.

DEFINITION OF USING A TICKET

- 411.170 When does the period of using a ticket begin?
411.171 When does the period of using a ticket end?
411.175 What if I assign my ticket after a continuing disability review has begun?

GUIDELINES FOR TIMELY PROGRESS TOWARD SELF-SUPPORTING EMPLOYMENT

- 411.180 What is timely progress toward self-supporting employment?
411.185 How much do I need to earn to be considered to be working?
411.190 How is it determined if I am meeting the timely progress guidelines?
411.191 Table summarizing the guidelines for timely progress toward self-supporting employment.
411.195 How will the PM conduct my 24-month progress review?
411.200 How will the PM conduct my 12-month progress reviews?
411.205 What if I disagree with the PM's decision about whether I am making timely progress toward self-supporting employment?

FAILURE TO MAKE TIMELY PROGRESS

- 411.210 What happens if I do not make timely progress toward self-supporting employment?

THE EXTENSION PERIOD

- 411.220 What if my ticket is no longer assigned to an EN or State VR agency?
 411.225 What if I reassign my ticket after the end of the extension period?

Subpart D—Use of One or More Program Managers To Assist in Administration of the Ticket to Work Program

- 411.230 What is a PM?
 411.235 What qualifications are required of a PM?
 411.240 What limitations are placed on a PM?
 411.245 What are a PM's responsibilities under the Ticket to Work program?

EVALUATION OF PROGRAM MANAGER PERFORMANCE

- 411.250 How will SSA evaluate a PM?

Subpart E—Employment Networks

- 411.300 What is an EN?
 411.305 Who is eligible to be an EN?
 411.310 How does an entity other than a State VR agency apply to be an EN and who will determine whether an entity qualifies as an EN?
 411.315 What are the minimum qualifications necessary to be an EN?
 411.320 What are an EN's responsibilities as a participant in the Ticket to Work program?
 411.321 Under what conditions will SSA terminate an agreement with an EN due to inadequate performance?
 411.325 What reporting requirements are placed on an EN as a participant in the Ticket to Work program?
 411.330 How will SSA evaluate an EN's performance?

Subpart F—State Vocational Rehabilitation Agencies' Participation

PARTICIPATION IN THE TICKET TO WORK PROGRAM

- 411.350 Must a State VR agency participate in the Ticket to Work program?
 411.355 What payment options does a State VR agency have under the Ticket to Work program?
 411.360 How does a State VR agency become an EN?
 411.365 How does a State VR agency notify SSA about its choice of a payment system for use when functioning as an EN?
 411.370 Does a State VR agency ever have to function as an EN?
 411.375 Does a State VR agency continue to provide services under the requirements of the State plan approved under title I of the Rehabilitation Act of 1973, as

amended (29 U.S.C. 720 *et seq.*), when functioning as an EN?

TICKET STATUS

- 411.380 What does a State VR agency do if the State VR agency wants to determine whether a person seeking services has a ticket?
 411.385 What does a State VR agency do if a beneficiary who is eligible for VR services has a ticket that is available for assignment or reassignment?
 411.390 What does a State VR agency do if a beneficiary to whom it is already providing services has a ticket that is available for assignment?
 411.395 Is a State VR agency required to provide periodic reports?

REFERRALS BY EMPLOYMENT NETWORKS TO STATE VR AGENCIES

- 411.400 Can an EN to which a beneficiary's ticket is assigned refer the beneficiary to a State VR agency for services?

AGREEMENTS BETWEEN EMPLOYMENT NETWORKS AND STATE VR AGENCIES

- 411.405 When does an agreement between an EN and the State VR agency have to be in place?
 411.410 Does each referral from an EN to a State VR agency require its own agreement?
 411.415 Who will verify the establishment of agreements between ENs and State VR agencies?
 411.420 What information should be included in an agreement between an EN and a State VR agency?
 411.425 What should a State VR agency do if it gets an attempted referral from an EN and no agreement has been established between the EN and the State VR agency?
 411.430 What should the PM do when it is informed that an EN has attempted to make a referral to a State VR agency without an agreement being in place?

RESOLVING DISPUTES ARISING UNDER AGREEMENTS BETWEEN EMPLOYMENT NETWORKS AND STATE VR AGENCIES

- 411.435 How will disputes arising under the agreements between ENs and State VR agencies be resolved?

Subpart G—Requirements for Individual Work Plans

- 411.450 What is an Individual Work Plan?
 411.455 What is the purpose of an IWP?
 411.460 Who is responsible for determining what information is contained in the IWP?
 411.465 What are the minimum requirements for an IWP?

Social Security Administration

Pt. 411

411.470 When does an IWP become effective?

Subpart H—Employment Network Payment Systems

411.500 Definitions of terms used in this subpart.

411.505 How is an EN paid by SSA?

411.510 How is the State VR agency paid under the Ticket to Work program?

411.515 Can the EN change its elected payment system?

411.520 How are beneficiaries whose tickets are assigned to an EN affected by a change in that EN's elected payment system?

411.525 How are the EN payments calculated under each of the two EN payment systems?

411.530 How will the outcome payments be reduced when paid under the outcome-milestone payment system?

411.535 What are the milestones for which an EN can be paid?

411.540 What are the payment amounts for each of the milestones?

411.545 What are the payment amounts for outcome payment months under the outcome-milestone payment system?

411.550 What are the payment amounts for outcome payment months under the outcome payment system?

411.555 Can the EN keep the milestone and outcome payments even if the beneficiary does not achieve all 60 outcome months?

411.560 Is it possible to pay a milestone or outcome payment to more than one EN?

411.565 What happens if two or more ENs qualify for payment on the same ticket but have elected different EN payment systems?

411.570 Can an EN request payment from the beneficiary who assigned a ticket to the EN?

411.575 How does the EN request payment for milestones or outcome payment months achieved by a beneficiary who assigned a ticket to the EN?

411.580 Can an EN receive payments for milestones or outcome payment months that occur before the beneficiary assigns a ticket to the EN?

411.585 Can a State VR agency and an EN both receive payment for serving the same beneficiary?

411.587 Which provider will SSA pay if, with respect to the same ticket, SSA receives a request for payment from an EN or a State VR agency that elected payment under an EN payment system and a request for payment from a State VR agency that elected payment under the cost reimbursement payment system?

411.590 What can an EN do if the EN disagrees with our decision on a payment request?

411.595 What oversight procedures are planned for the EN payment systems?

411.597 Will SSA periodically review the outcome payment system and the outcome-milestone payment system for possible modifications?

Subpart I—Ticket to Work Program Dispute Resolution

DISPUTES BETWEEN BENEFICIARIES AND EMPLOYMENT NETWORKS

411.600 Is there a process for resolving disputes between beneficiaries and ENs that are not State VR agencies?

411.605 What are the responsibilities of the EN that is not a State VR agency regarding the dispute resolution process?

411.610 When should a beneficiary receive information on the procedures for resolving disputes?

411.615 How will a disputed issue be referred to the PM?

411.620 How long does the PM have to recommend a resolution to the dispute?

411.625 Can the beneficiary or the EN that is not a State VR agency request a review of the PM's recommendation?

411.630 Is SSA's decision final?

411.635 Can a beneficiary be represented in the dispute resolution process under the Ticket to Work program?

DISPUTES BETWEEN BENEFICIARIES AND STATE VR AGENCIES

411.640 Do the dispute resolution procedures of the Rehabilitation Act of 1973, as amended (29 U.S.C. 720 *et seq.*), apply to beneficiaries seeking services from the State VR agency?

DISPUTES BETWEEN EMPLOYMENT NETWORKS AND PROGRAM MANAGERS

411.650 Is there a process for resolving disputes between ENs that are not State VR agencies and PMs, other than disputes on a payment request?

411.655 How will the PM refer the dispute to us?

411.660 Is SSA's decision final?

Subpart J—The Ticket to Work Program and Alternate Participants Under the Programs for Payments for Vocational Rehabilitation Services

411.700 What is an alternate participant?

411.705 Can an alternate participant become an EN?

411.710 How will an alternate participant choose to participate as an EN in the Ticket to Work program?

411.715 If an alternate participant becomes an EN, will beneficiaries for whom an

- employment plan was signed prior to implementation be covered under the Ticket to Work program payment provisions?
- 411.720 If an alternate participant chooses not to become an EN, can it continue to function under the programs for payments for VR services?
- 411.725 If an alternate participant becomes an EN and it has signed employment plans, both as an alternate participant and an EN, how will SSA pay for services provided under each employment plan?
- 411.730 What happens if an alternate participant signed an employment plan with a beneficiary before Ticket to Work program implementation in the State and the required period of substantial gainful activity is not completed by January 1, 2004?

AUTHORITY: Sec. 1148 of the Social Security Act (42 U.S.C. 1320b-19); sec. 101(b)-(e), Pub. L. 106-170, 113 Stat. 1860, 1873 (42 U.S.C. 1320b-19 note).

SOURCE: 66 FR 67420, Dec. 28, 2001, unless otherwise noted.

Subpart A—Introduction

§411.100 Scope.

The regulations in this part 411 relate to the provisions of section 1148 of the Social Security Act which establishes the Ticket to Work and Self-Sufficiency Program (hereafter referred to as the "Ticket to Work program"). The regulations in this part are divided into ten subparts:

- (a) Subpart A explains the scope of this part, explains the purpose and manner of implementation of the Ticket to Work program, and provides definitions of terms used in this part.
- (b) Subpart B contains provisions relating to the ticket under the Ticket to Work program.
- (c) Subpart C contains provisions relating to the suspension of continuing disability reviews for disabled beneficiaries who are considered to be using a ticket.
- (d) Subpart D contains provisions relating to the use of one or more program managers to assist us in the administration of the Ticket to Work program.
- (e) Subpart E contains provisions relating to employment networks in the Ticket to Work program.
- (f) Subpart F contains provisions relating to State vocational rehabilita-

tion agencies' participation in the Ticket to Work program.

(g) Subpart G contains provisions relating to individual work plans in the Ticket to Work program.

(h) Subpart H contains provisions establishing employment network payment systems.

(i) Subpart I contains provisions that establish a procedure for resolving disputes under the Ticket to Work program.

(j) Subpart J contains provisions explaining how the implementation of the Ticket to Work program affects alternate participants under the programs for payments for vocational rehabilitation services under subpart V of part 404 and subpart V of part 416 of this chapter.

§411.105 What is the purpose of the Ticket to Work program?

The purpose of the Ticket to Work program is to expand the universe of service providers available to individuals who are entitled to Social Security benefits based on disability or eligible for Supplemental Security Income (SSI) benefits based on disability or blindness in obtaining the services necessary to find, enter and retain employment. Expanded employment opportunities for these individuals also will increase the likelihood that these individuals will reduce their dependency on Social Security and SSI cash benefits.

§411.110 How is the Ticket to Work program implemented?

We are implementing the Ticket to Work program in graduated phases at phase-in sites around the country. We are implementing the program at sites on a wide enough scale to allow for a thorough evaluation and ensure full implementation of the program on a timely basis.

§411.115 Definitions of terms used in this part.

- As used in this part:
- (a) "The Act" means the Social Security Act, as amended.
 - (b) "Commissioner" means the Commissioner of Social Security.
 - (c) "Cost reimbursement payment system" means the provisions for payment