



## **ABLE Implementation: Fall 2016 Update**

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There have been numerous developments in ABLE programs since the enactment of the Stephen Beck, Jr. Achieving a Better Life Experience (ABLE) Act in 2014. With this piece of legislation, lawmakers made it possible for some individuals with disabilities with onset prior to age 26 to engage in asset building without jeopardizing essential public benefits, such as Supplemental Security Income (SSI) and Medicaid. The bill unleashed a wave of legislative and regulatory action that is expected to positively impact the economic futures of some people with disabilities and their families for years to come.

In January 2015, state legislators began drafting versions of the ABLE Act for their residents with disabilities. By June, over 40 percent of the states had passed ABLE legislation, with almost 70 percent passing a version by year's end. Simultaneously, federal agencies issued a number of policies to streamline implementation for state program administrators and to assist beneficiaries in navigating the new program. In December 2015, Congress amended the ABLE Act, removing the state residency requirement, thereby allowing individuals to enroll in any state program that offers a nationwide plan. This allows people the opportunity to select from a number of plans in order to find the one that best fits their particular needs and financial goals.

In 2016, some states worked to pass legislation, while others started planning their ABLE programs. Today, 47 states and the District of Columbia have authorized legislation for ABLE accounts, and many are now focused on implementation. These states have chosen to design their programs in a variety of ways:

- First is the most direct avenue: **building their own ABLE programs**. So far, approximately a quarter of the states have taken this approach.
- In January 2016, a second option emerged: **joining the ABLE consortium**, facilitated by the state of Illinois. Through collaboration and combining resources among its 11 members, these states expect to create an economy of scale, offering low account fees, as well as quality investment options, all while running their own programs. Current consortium members include Alaska, Illinois, Iowa, Kansas, Minnesota, Missouri, Nevada, New Jersey, North Carolina, Pennsylvania, and Rhode Island, with more states possibly joining in the future.

- **Partnering with other states** is yet another means of establishing an ABLE program. To date, Oregon, Ohio, Nebraska and Tennessee offer the opportunity for states to partner with them to achieve lower costs for participants, to realize economies in administration and management, to offer a wider range of options, or to achieve expeditious implementation. Florida, while maintaining its residents-only program, announced last month it is extending the opportunity for other states to become members under their ABLE United umbrella. And most recently, Ohio introduced a no-cost option for states where funding is limited or was not appropriated. In most of these partnership programs, the beneficiary will find a home-state-branded program and an ABLE plan limited to in-state residents.
- Lastly, a handful of states are governed by ABLE legislation which requires **studying all available alternatives** prior to committing to a specific implementation strategy. States taking this route include Maine and Kentucky.

The first four ABLE programs launched in spring-summer 2016. Ohio, Tennessee, and Nebraska offer nationwide programs, while Florida's plan is only open to state residents. Michigan has announced it will open November 1 and will be a national program. It is expected that Arkansas, the District of Columbia, Iowa, Kansas, Minnesota, Missouri, Nevada, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia and West Virginia will have programs active by year-end, bringing the grand total of states launching this year to 19. Another wave of states accepting participants is expected in 2017. This will include Alabama, Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Utah, Vermont, and Washington.

To keep up with all ABLE action, be sure to visit The Arc's [ABLE Program Implementation chart](#) frequently.

*The Arc promotes and protects the human rights of people with intellectual and developmental disabilities and actively supports their full inclusion and participation in the community throughout their lifetimes. The Special Needs Alliance is collaborating with The Arc to provide educational resources, build public awareness and advocate for policies on behalf of people with intellectual/developmental disabilities and their families.*

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