

12.3 PROCESS FOR DETERMINING DISABILITY, INCAPACITY AND BLINDNESS

A. GENERAL REQUIREMENTS

NOTE: The determination of disability, incapacity or blindness for SSI-Related Medicaid applicants must not be delayed to determine if the client will meet his spenddown. The establishment of disability, incapacity or blindness and meeting a spenddown requirement are both eligibility factors and both must be pursued simultaneously. If the application is denied in eRAPIDS for a reason other than failure to meet a spenddown prior to a MRT decision, the Worker must notify MRT of the denial. MRT will stop consideration of the case and return all information to the Worker. If the Worker determines that the client is ineligible for any other reason prior to the MRT decision, the application is denied, and the Worker must notify MRT to stop consideration of the application. This does not apply when the only reason for denial is failure to meet a spenddown.

The following steps are necessary in the process of determining incapacity, disability and blindness. These steps do not apply to the determination of disability for SNAP benefit policies. See Section 12.15.

- Accept the application.
- Prepare the Social Summary, using form DFA-RT-1, completing it in RAPIDS, unless not available
- Obtain initial medical reports
- Evaluate for presumptive approval and/or referral to MRT
- Obtain additional medical reports when indicated
- Re-evaluate for presumptive approval
- Re-referral to MRT
- MRT decision
- Disposition
- Notify the Federally-Facilitated Marketplace (FFM) electronically when appropriate.

NOTE: Should the Worker determine that the client is ineligible at any time during this process, he denies the application and immediately notifies MRT. This does not apply when the only reason for denial is failure to meet a spenddown.

B. SSI-RELATED DISABILITY PROCESSING REQUIREMENTS

1. Target Time Frames

Target time periods have been established to assure that SSI-Related disability cases are processed within the 90-day processing time limit, except when the delay is beyond the Department's control.

| REQUIRED ACTION | TIME LIMIT |
|---|---|
| Request medical records and reports | By the 7 th calendar day after application |
| Follow-up request(s) for medical records or reports | By 30 days after initial request (and each 30 days thereafter) |
| Submission to MRT | By 7 days after medical records/reports received |
| Receipt of file and logged | By 2 days after receipt by MRT |
| Initial review by MRT staff | By 7 th day after receipt |
| Physician review (initial) | By 14th day after receipt |
| Additional medical information requested (if required) by physician | By 7 th day after initial physician review |
| Physician's final review | By 7 th day after receipt of additional medical information |
| Final decision (completion of ES-RT-3 and/or DFA-RT-3M form(s)) | By 7 th day after final physicians review |
| File returned to county office | By 3 rd day after final physicians review |
| Notice to the client | By 7 th day after receipt of final decision at county office |

NOTE: The 90-day processing time limit concludes with the mailing of the client notification, not data system action.

2. DFA-20

Disability cases which have been pending longer than 90 days must receive an DFA-20 by the 100th day stating the reason for the delay.

A copy of the DFA-20 must be filed in the case record if not issued out of RAPIDS.

3. Holcomb Log Sheet

As a result of Holcomb v. Lewis, the processing of SSI-related disability applications was tracked using the Holcomb Log Sheet.

Effective October 1, 1995, the Holcomb Log Sheet is no longer required by the court order. Its use is optional.

C. INCAPACITY FOR WV WORKS

For WV WORKS purposes, a determination of incapacity must be made to determine if an individual may have good cause for failure to participate in countable activities.

The decision is made by the Worker and/or Supervisor, at the discretion of the Community Services Manager or the Medical Review team, depending on the length of the expected incapacity. If the incapacity is obvious and not expected to continue for an extended period, no medical verification is required but the Worker must record his findings and justify his decision. For any period of disability or incapacity that is expected to continue for over a 6 month period, the case must be submitted to the Medical Review Team for evaluation.

If the incapacity is not obvious, verification must be provided from a physician, licensed or certified psychologist, surgeon, doctor of osteopathy, or other medically-qualified individual. The verification must include an estimate of the duration of the incapacity. The medical practitioner is not required to state that the individual must be excused from participation. The Worker and/or Supervisor make this decision, based on medical records submitted and any necessary follow-up contact, but the period must not last longer than 6 months. If the incapacity is expected to be longer than a 6 month period, the case must be referred to MRT.

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The medical condition must be re-evaluated according to the statement of the medical practitioner or as determined by MRT. However, each individual who has good cause for failure to participate in countable activities must have documentation of a medical re-evaluation at least once quarterly. During the time that the individual is unable to participate in work activities, he must be referred to other potential resources, such as SSA, Legal Aid, and DRS. Such referrals and follow-up must be added to the PRC as appropriate.

NOTE: WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes.