

2412.25.00 DEFINITION OF DISABILITY (MED 1)

To qualify as Disabled under MA D, MADW, or MA R, an individual must be determined disabled according to SSI criteria.⁶¹

Disability for adults is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months.⁶²

If the individual is a child under the age of 18, the individual will be disabled if the child has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. No child who engages in substantial gainful activity may be considered disabled.⁶³

~~Effective June 1, 2014, applicants stating they are disabled will be required to apply for disability benefits through the Social Security Administration (SSA) within 45 days after the date of the 2032, unless the disabled applicant is under 18 years of age (see IHCPPM 2432.00.00).~~

~~Children under the age of 18 are not required to file for disability through SSA; MRT will continue to determine disability for children who are disabled. When a child with an approved MRT determination turns 18, the member is required to verify that an application for disability has been filed with SSA. For children with an approved MRT determination, it is best practice to advise the legal guardian that the child will be required to apply for disability with SSA when they turn 18. If a member turns 18 and fails to apply for disability, then the MED 1 category should be terminated, and other categories must be explored.~~

If MRT determines a person to be disabled and a later determination is made by SSA that agrees with the MRT decision, there is no change regarding the determination of disability for that individual.

If MRT determines a person to be disabled and the SSA later determines the person is not disabled, then the SSA determination supersedes the MRT approval, and the MA D will be reviewed for possible termination of MED 1 benefits. If a SSA denial is received, and the denial is not appealed within 65 days (see IHCPPM 2412.50.00), then the MED 1 category should be closed, and the Medicaid hierarchy will be explored (see IHCPPM 2412.50.00).

~~For ongoing recipients, those with MRT determinations with waived progress reports prior to June 1, 2014, verification of filing an application through SSA must be requested at recertification. If verification is not received, and the recipient.~~⁶⁴

An individual can qualify for the basic category of MEDWorks, MADW, if that person meets the above disability definition except for the fact that he is working. The above definition also applies to MA R.

A recipient of MEDWorks in the basic category, MADW, who becomes ineligible in that category due to medical improvement, can qualify in the medically improved category of M.E.D. Works, MADI, if the medical condition has not been resolved, or the person is not completely recovered.⁶⁴

⁶¹ 42 cfr 435.541

⁶² 42 cfr 435.831(1) and 42 CFR 435.603

⁶³ 405 IAC 2-2-3; 42 U.S.C. 1382c(a)(3)

⁶⁴ 470 IAC 2.1-1-2