
Medicaid Disability Manual

month period. The local agency should consult the SDX for the disability date.

Field 98 of the SDX will usually contain the onset date of disability. This date may be earlier than the SSI effective date. If the disability onset date in field 98 covers the three-month retroactive period (or less if coverage is sought for only 1 or 2 months) then a separate Medicaid disability review is not necessary. A separate Medicaid disability review is necessary when the onset date is not found on the SDX, when it does not cover the period requested, or when it cannot be otherwise obtained from the SSA office. Medicaid coverage as disabled should occur only when the effective date or onset date of disability is established by either the SSA or the Medicaid Disability Review Team. If a Medicaid disability review is necessary, the agency should use Form LDSS-1151, "Disability Questionnaire", to inform the Disability Review Team that the individual is currently in receipt of SSI, the individual's effective SSI date of disability, and that a disability determination is needed for the three-month retroactive period only. The completed LDSS-1151, along with medical documentation covering the retroactive period, should be submitted to the Disability Review Team for a determination of disability in accordance with the procedures detailed in this manual.

J. Substance Addiction Disorders

Department Regulation Section 360-5.10

1. Evaluation of Substance Addiction

Substance addiction disorders are evaluated by determining if the drug addiction or alcoholism is a contributing factor material to the determination of disability. There is no disability listing for substance abuse. Substance addiction disorders frequently involve the behavioral or physical changes associated with the regular use of substances that affect the central nervous system. An individual may not be considered disabled if substance abuse would be a contributing factor material to the decision that the individual is disabled.

An individual with a substance addiction disorder may have physical disorders such as liver disease, peripheral neuropathy, or chronic pancreatitis. There may be a mental disorder such as depression, anxiety, organic brain disorder, or personality disorder. If any of the referent impairments are present, these impairments must be evaluated to determine if the individual meets the listing for the impairment.

The key factor in determining whether drug addiction or alcoholism is a contributing factor material to the determination of disability is whether the individual would still be disabled of he/she stopped using drugs or alcohol.

If the individual does not meet or equal the listings, physical and/or mental residual functional capacity must be evaluated to determine ability to perform work activities. The residual functional capacity assessment must take into consideration all functional limitations including those that are not related to substance abuse as well as any limitations that would be expected to remain if substance abuse were to stop.

In some instances it is difficult to distinguish between impairment of ability to perform work functions due to substance abuse from dysfunction caused by other mental and/or physical

Medicaid Disability Manual

impairments. If the Disability Review Team is unable to separate the effects of the substance abuse on the ability to work from work related dysfunction caused by other impairments (for example, co-existing mental disorders such as personality disorder, anxiety or depression), the individual's deficits should all be considered and evaluated as a whole.

An individual is not considered disabled if substance abuse would be a contributing factor material to the determination that the individual is disabled. If the only impairment documented is substance abuse, the individual will be determined not disabled. Therefore, it is particularly important to ensure that all relevant medical information is compiled for the disability review. Applicants who indicate they have a substance abuse problem should be asked if they have had treatment in the past or currently need treatment for any other chronic potentially disabling impairments. The local agency should obtain all available medical treatment records and arrange for a consultative exam if necessary to ensure that a complete and current file that addresses all the impairments is available for the Disability Review Team.

Local districts can use the sample consent form found in the Exhibits section of the Disability Manual to secure medical records from alcohol and drug abuse treatment and rehabilitation facilities for use in the disability determination process. The sample consent form should be reproduced on agency letterhead. Local districts which submit disability cases to the State Disability Review Team for adjudication should expressly state in the "Purpose of Disclosure" Section of the consent form that the information will be re-disclosed to the New York State Department of Health, Office of Health Insurance Programs for determining the individual's disability.

K. **Blindness**

Department Regulation Section 360-5.12

1. **Determination of Blindness Status** - Individuals who are blind are categorically eligible for Medicaid in the SSI-related category and may qualify for special work-related disregards from their earnings. Information regarding an individual's legal blindness status may be available through the New York State Commission for the Blind (NYSCB) if the A/R does not have verification of legal blindness.

The agency must first obtain a signed release form from the A/R. The inquiry and signed consent to release information form can be mailed to the NYSCB at the address below or can be faxed to them at (518) 408-4063. The NYSCB will need the individual's name, social security number, address, and date of birth. The NYSCB can provide the local district with a "Verification of Blindness" form if the individual is known to them. This form should be retained in the case record.

Office of Family and Children's Services
New York State Commission for the Blind (NYSCB)
Capital View Office Park - South Building
Suite 201
52 Washington Street
Rensselaer, N.Y. 12144