**Policy Clarification**

**Medicaid – All**

**PMA-19579-305**

**Submitted: 8/16/2019 Agency: CAOs**

**Subject: Medical Review Team (MRT) Disability Determinations**

**Question**: Can a Medical Review Team (MRT) disability determination override a Social Security Administration (SSA) disability determination?

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| **Response By:** Division of Health Services | **Date:**  |

Although in most cases an SSA determination of disability is binding and overrides an MRT determination of disability, federal Medicaid regulations at 42 CFR § 435.541 list the situations when the MRT may make an independent disability determination.

The MRT may make an independent disability determination in any of the following situations:

1. The individual has not applied and is not required to apply for Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI).
2. The individual has been found ineligible for SSI/SSDI due to a non-disability related reason.
3. The SSA has not made a disability determination within 90 days from the date of the individual’s application for MA.
4. The individual states the condition that is being evaluated for disability for MA is different or is in addition to the condition that was denied for disability by the SSA.
5. The individual states that the condition has worsened since they were denied SSA benefits more than 12 months ago and they have not applied to the SSA for a determination on their worsened condition.
6. The individual states that the condition has worsened since they were denied SSA benefits less than 12 months ago, *and*
	1. They have submitted a request to SSA to reopen their original case and SSA has refused; *and/or*
	2. They no longer meet the non-disability requirements for SSI/SSDI but meet non-disability requirements for MA (for example, their income is too high).

Once an SSA determination is made, it is binding and overrides an MRT determination. If the SSA determines that an individual is not disabled and the individual does not file a timely appeal, the individual is not eligible for disability related MA and must be reviewed for non-disability related MA. However, if the SSA revises its disability determination or #4, #5, or #6 above occur, the CAO will make an MRT referral or the individual will be required to pursue SSA benefits again. As long at the individual is in the SSA appeals process, they are still eligible for disability related MA.

**NOTE:**  In general, MA applicants/recipients are required to pursue all potential sources of income, such as SSI/SSDI. However, in situations in which the individual’s earned income is clearly over Substantial Gainful Activity (SGA) and their income would make them ineligible for SSI/SSDI or the individual is a disabled child who is eligible for PH95, the worker should make an MRT referral ([SHB 820.5](http://services.dpw.state.pa.us/oimpolicymanuals/supp/820_Disability_Advocacy_Program/820_5_The_DAP_Process_the_Eligibility_Worker.htm), [PMA-18939-315](http://services.dpw.state.pa.us/oimpolicymanuals/ma/c_277423.pdf)). The exception to this is that Healthy Horizons (PH00) applicants/recipients are required to apply for SSI/SSDI as a condition of eligibility, regardless of whether their earned income is clearly over SGA. If the CAO is unsure, the income is borderline, or the individual would like help pursuing SSA benefits, the CAO should make an SSA referral.

Examples of Each Situation in Which MRT Can Make an Independent Disability Determination:

1. On May 1, 2017, Carey is authorized MA under the Children with Special Needs (PH95) program. Following guidance in PMA-18939-315, the CAO does not require that Carey’s parents pursue SSI for her as a condition of MA eligibility. Carey is certified disabled by MRT on May 25, 2017. In 2019, Carey’s parents apply for SSI for her. SSA determines she is not disabled. Carey’s parents do not appeal the Administrative Law Judge (ALJ) denial in a timely manner. Sixty days after the ALJ denial, the SSA determination overrides the MRT certification. Carey’s disability must be end-dated, and she must be evaluated for non-disability related MA.

2. On April 5, 2019, George is authorized MA under PH00 after he provided an Employability Assessment Form (PA 1663) and signed the DAP Referral Form (PA 731) agreeing to pursue SSI/SSDI as a condition of eligibility. George applies for SSI/SSDI the next day. On May 5, 2019, George is denied SSI due to income. As this is a denial due to a non-disability reason, the MRT Letter (CM 584) will be mailed out and the worker will do an MRT referral once all necessary medical documentation has been received.

3. On January 1, 2019, Samuel applies for MA and pursues SSI/SSDI as a condition of eligibility. The CAO authorizes him under PH00. As of April 2, 2019, his SSI application is still pending, and it’s been more than 90 days from the date of the MA application. Based on the federal regulation, the CAO has the option to refer Samuel to MRT. The MRT result is the disability determination until an SSA determination is made. **Reminder:** As part of current process provided in OPS 18-03-02, individuals who are denied SSI due to non-financial reasons and have an SSDI application pending will be referred to MRT.

4. On August 20, 2018, Margaret, a MAGI MA recipient, is denied SSI/SSDI due to disability at the ALJ level. She has cooperated with pursuit of potential benefits. Her disability is end-dated, and she remains eligible for MAGI MA. On February 5, 2019, Margaret reports a change to the CAO that she is no longer working and has a new condition that is a permanent disability. In this situation, since Margaret is required to pursue SSI/SSDI as potential income, the CAO must do an SSA referral.

5. On February 10, 2017, Allen, an MRT-certified MAWD recipient, has also applied for SSDI and is denied due to disability. Allen timely appeals the ALJ denial and continues to be MAWD eligible. On January 11, 2018, the Appeals Council upholds the ALJ denial. Allen does not pursue an appeal to the US District Court. After 60 days following the Appeals Council decision, the SSA determination overrides the MRT certification. Allen’s disability must be end-dated, and he must be evaluated for non-disability related MA. Allen is reviewed and is determined to not be eligible for any other MA. His MA terminates March 31, 2018. On April 19, 2019, Allen applies for MAWD and states his condition has worsened. He has not applied to SSA based on his worsened condition. As he is not required to pursue SSA benefits for MAWD, the CAO submits an MRT referral. Allen is MRT certified on his worsened condition. The MRT certification stands and Allen is eligible for MAWD.

6a. On March 7, 2019, Deborah (a previous PH00 recipient) applies for MA and states her condition has worsened since she was denied disability by SSA on October 14, 2018. She provides verification that SSA has refused to reopen her case and a PA 1663 that indicates she is permanently disabled. Deborah is eligible for presumptive Healthy Horizons. In this situation, since Deborah is required to pursue SSI/SSDI as potential income, the CAO must do an SSA referral.

6b. On February 1, 2019, Christopher (a previous PH00 recipient) applies for MA and states his condition has worsened since he was denied by SSA due to disability on April 30,2018. Christopher received a promotion at work and his income is clearly over the SGA to the point that Christopher is no longer income eligible for PH00 and is now income eligible for MAWD. Christopher provides a PA 1663 that indicates he is permanently disabled. He is eligible for presumptive MAWD. The CAO submits an MRT referral once they have gathered necessary medical documentation and Christopher is MRT certified on March 1, 2019. The MRT certification stands and Christopher is eligible for ongoing MAWD.

**This policy clarification replaces PMA-18895-305, which is obsolete.**