

Policy Clarifications

Medicaid - All

PMA-18895-305

Submitted: 03/18/18

Agency: OIM Bureau of Operations

Subject: MRT Certification Clarification

Question: Is there a policy for when the MRT and SSA do not agree on the disability determination? Are CAOs to have the client pursue SSA benefits, possibly in a continuous cycle of applying, appeals and reapplying?

Example: A client applies for SSA disability benefits and is denied due to disability not meeting SSA criteria. They appeal through the Administrative Law Judge (ALJ) and Appeals Council Review and is again denied. The client decides to reapply for SSA benefits instead of pursuing the appeal further.

If an MRT referral is made after the client is denied for SSA, and MRT certifies the case, is the client then considered "disabled" (no longer presumptive) even if denied by SSA? Does the MRT certification override the continuous SSA denials?

Response By: Division of Health Services

Date: 04/30/18

When determining whether an MRT certification trumps an SSA denial, it is important to note that the MRT reviews two types of cases:

1. **Individuals pursuing federal benefits.** These individuals applied for SSI/SSD benefits and were denied due to not meeting SSA's disability criteria. They are referred to the MRT as "Pursuing SSI/SSD – Regular DAP Case." The MRT reviews their case using the same criteria that SSA uses to make a disability determination. If the MRT certifies them as disabled, their attorney may utilize the MRT reports at the ALJ hearing to support their case.

For individuals in this scenario, an SSA denial at the ALJ level overrides the MRT's certification because both determinations used the exact same criteria. The CAO should end-date the disability and review the individual for eligibility in another MA category. The individual may pursue a review by the Appeals Council (AC) if the DAP worker and/or attorney determine further appeal is warranted, but the SSA denial will be upheld pending the AC's decision.

NOTE: Cash and MA recipients pursuing federal benefits through the DAP process are expected to appeal an SSA disability denial at least to the ALJ level. If the DAP worker and/or the recipient's lawyer decide the recipient does not have a reasonable chance of being determined eligible for SSI/SSD, the recipient does not have to pursue the ALJ appeal. The DAP worker will narrate the reason why and complete an MRT referral for "Medical Card Only."

2. **Individuals applying for federal categories of MA that require a disability certification.** These individuals are ineligible for SSI/SSDI benefits due to income or resources and are referred to the MRT as "Medical Card Only." In these cases, the MRT does not consider the individual's Substantial Gainful Activity (SGA). All other factors for SSA disability are considered.

For individuals in this scenario, the MRT's certification would take precedence over the SSA denial because the determinations did not use the exact same criteria. Once MRT certified, the individual

is considered disabled for MA even if SSA denies their SSI/SSD application. The disability is no longer presumptive because the presumptive period applies to when the SSA or MRT determination is still pending.

In both scenarios, the individual should NOT be required to reapply for SSA benefits unless there has been a significant change in the individual's disability.