

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001

BRIAN J. WING
Acting Commissioner



LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 97 LCM-22

Date: March 4, 1997

Division: Office of Medicaid
Management

TO: Local District Commissioners

SUBJECT: Revised Disability Criteria for Children

ATTACHMENTS: None

The federal Welfare Reform Act, P.L. 104-193 (The Personal Responsibility and Work Opportunity Act of 1996) revised the SSI Program definition of disability for children. The new definition provides that an individual under the age of 18 shall be considered disabled if they have a medically determinable physical or mental impairment which results in marked and severe functional limitations and which can be expected to last or has lasted at least 12 months or result in death. The law also mandated two other important changes. They are the discontinuance of the Individualized Functional Assessment (IFA, the evaluation process that resulted from the Zebley Supreme Court decision) and elimination from the mental impairment listings references to maladaptive behavior. Federal regulations for implementation of the new definition for disabled children have recently been issued.

The federal regulations for the SSI disability program are used to determine disability status for the Medicaid program. The State and local district Medicaid disability review teams will use the new criteria when the federal regulations are evaluated. We will send the new regulations with additional instructions for implementation as soon as possible after this evaluation.


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In the interim, local disability review teams may continue to evaluate and determine disability under current regulations. All cases that are or have been previously approved based on an IFA or maladaptive behavior will need to be re-reviewed at a later date to see if they meet the revised criteria. The DSS-639, Disability Review Team Certificate, should explain the basis for the decision. Local districts are encouraged to begin to identify cases that are likely to need re-review.

Please contact your Medicaid disability representative if you have questions.


Ann Clemency Kohler, Director
Office of Medicaid Management