

Disability Determination for Working Disabled Medicaid

To qualify for Working Disabled Medicaid, an individual must be disabled according to the SSI definition, except that they may earn above the Substantial Gainful Activity limit (\$860/month in 2006). The applicant must either have already had their disability determined for SSI or SSDI, or it must be established by the Arkansas DHHS Medical Review Team.

If an individual received SSI or SSDI disability benefits within the last 12 months, and lost entitlement due to employment (rather than medical improvement), he or she can automatically be considered disabled at the time of application. However, disability must be re-determined at the first annual recertification.

Applicants who have not received SSI/SSDI benefits in the last 12 months will have their disability determined by the Medical Review Team as part of the application process. MRT has 90 days to determine eligibility.

What if an individual's disability has been denied by SSA?

Medicaid policy (attached) says that disability decisions by SSA are controlling for Medicaid for 12 months. If someone has applied for SSDI/SSI and been denied *for medical reasons*, then that decision applies for Medicaid for 12 months. There are two exceptions:

- 1) if the applicant alleges that he/she has a NEW disabling condition, different or in addition to the condition assessed by SSA, OR
- 2) if the applicant alleges that his/her condition has changed or deteriorated since SSA made the decision,

AND

he/she has asked for reconsideration but SSA has refused,

OR

the individual's disability can't be reconsidered because they are no longer meet non-disability requirements for SSDI or SSI, such as earning over SGA.

People can apply for Working Disabled while their SSDI/SSI application is pending, and qualify for Medicaid if MRT decides they have a disability. However, if their disability is denied by SSA, then they are ineligible for Medicaid for 12 months or until they are approved by SSA on reconsideration or appeal, unless they fit one of the exceptions above.