

# Medicaid Disability Manual

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- examinations);
- (3) Laboratory findings and diagnostic procedure results, such as blood pressure, X-ray reports, electrocardiogram results, pathology reports, pulmonary function test results and blood and urine analysis reports;
  - (4) Diagnosis (statement of disease or injury based on its signs and symptoms);
  - (5) Treatment prescribed, with response and prognosis;
  - (6) Medical assessment of functional capacity (except in statutory blindness cases) including:
    - (a) Limitations in ability to do work-related activities such as sitting, standing, walking, lifting, carrying, handling objects, hearing, speaking; and
    - (b) In cases of mental impairments, limitations in the ability to reason, remember, understand and carry out instructions; to maintain attention and concentration; to sustain an ordinary routine; to respond appropriately to criticism from supervisors; and to get along with co-workers.
- b. Medical evidence forms the foundation for determination of disability. The existence of a disabling condition must be based on a substantiated medical report(s) from acceptable medical sources. Acceptable medical sources (AMSs) are:
- (1) Licensed physicians (medical or osteopathic doctors).
  - (2) Licensed or certified psychologists at the independent practice level.
  - (3) School psychologists, or other licensed or certified individuals with other titles who perform the same function as a school psychologist in a school setting, are AMSs for impairments of intellectual disability, learning disabilities, and borderline intellectual functioning only.
  - (4) Licensed optometrists, for purposes of establishing visual disorders, or measurement of visual acuity and visual fields only.
  - (5) Licensed podiatrists, for purposes of establishing impairments of the foot. Per NYS Education Law Article 141, the practice of Podiatry may also include diagnosing, treating, operating and prescribing for any disease, injury, deformity or other condition of the ankle and soft tissue of the leg below the tibial tuberosity if the podiatrist has obtained an issuance of a privilege to perform podiatric standard ankle surgery or advanced ankle surgery.

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- (6) Qualified speech-language pathologists (SLPs), for purposes of establishing speech or language impairments only. For this source, "qualified" means that the speech-language pathologist must be licensed by the State professional licensing agency, or be fully certified by the State education agency, or hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association.
  - (7) In claims with a filing date on or after March 27, 2017, licensed physician assistants for impairments within the licensed scope of practice only.
  - (8) In claims with a filing date on or after March 27, 2017, licensed audiologists for impairments of hearing loss, auditory processing disorders, and balance disorders within the licensed scope of practice only. NOTE: Audiologists' scope of practice generally includes evaluation, examination, and treatment of certain balance impairments that result from the audio-vestibular system. However, some impairments involving balance involve several different body systems that are outside the scope of practice for audiologists, such as those involving muscles, bones, joints, vision, nerves, heart and blood vessels.
  - (9) In claims with a filing date on or after March 27, 2017, a Nurse Practitioner (NP) may diagnose, treat, and prescribe for a patient's condition that falls within their specialty area of practice.
  - (10) Persons authorized by a hospital, clinic, or health care facility to provide a copy or summary of the individual's medical records.
    - Medical source: Only an individual, not an entity, can be a medical source. When an entity provides evidence from multiple sources, evaluate each medical source's evidence separately instead of considering as one source.
- c. Objective medical evidence (signs, laboratory findings, or both) is required from an acceptable medical source (AMS) to establish that an individual has an MDI(s). This is performed at **step 2** of the sequential evaluation process. Evidence includes:
- An MDI cannot be established based on symptoms, a diagnosis, or a medical opinion.
  - An MDI must result from anatomical, physiological, or psychological abnormalities identified by medically acceptable clinical and laboratory diagnostic techniques.
  - If objective medical evidence is needed from a consultative examination (CE) to establish the existence of an MDI, a qualified CE source who is also an AMS must personally examine the claimant, though qualified support staff may assist.

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## d. Considering all evidence

Once it is established an individual has an MDI based on objective medical evidence from an AMS, evidence is used from all sources for all other findings in the sequential evaluation process, including showing the severity of a claimant's MDI at **step 2** of the sequential evaluation process. Other sources who may contribute to the disability determination may include:

(1) Medical sources who are not AMSs but are legally permitted to provide healthcare, such as naturopaths, chiropractors, and therapists;

(2) Nonmedical sources such as:

- Educational personnel (for example, school teachers, counselors, early intervention team members, developmental center workers, and daycare center workers);
- public and private social welfare agency personnel; and
- relatives (spouses, parents, siblings, etc.), caregivers, friends, neighbors, past employers, and clergy.

(3) The medical evidence, including the clinical and laboratory findings, shall be complete and detailed enough to allow a determination as to whether or not the individual is disabled. It must allow a determination of:

- The nature and severity of the impairment(s) and the extent of limitation imposed by impairments for the time period in question;
- The probable duration of the impairment(s); and
- Residual functional capacity to do work-related physical and mental activities.

e. If the individual's medical sources are unable to provide sufficient medical evidence regarding the A/R to enable the Disability Review Team to make a determination, a consultative examination may be required.

## 4. Completion of Forms

Each case record submitted for a disability determination must contain a medical report which contains a diagnosis(es) and sufficient medical and non- medical evidence to make a determination. The forms that follow solicit the necessary information to make a determination of disability. (See Section A.6. for the definition of a case record.)

- a. Form LDSS-1151 "Disability Questionnaire" and Form LDSS-1151.1 "Disability Questionnaire Continuation Sheet" (These forms can be found in CentraPort and the DOH intranet library.)

The LDSS-1151 should be completed as thoroughly as possible. The LDSS- 1151 may be completed by the agency worker, the A/R, or the A/ R's representative. If