

MEDICAL ASSISTANCE BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

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SUBJECT:

Responsibility of MA Providers to provide requested medical/psychological information to the Disability Advocacy Program (DAP)

A handwritten signature in cursive script, appearing to read "Michael Nardone".

By Michael Nardone, Acting Deputy Secretary
Office of Medical Assistance Programs

PURPOSE:

The purpose of this Bulletin is to remind Medical Assistance (MA) providers of their responsibility to cooperate in providing health information to the Disability Advocacy Program (DAP) staff. MA Enrolled Providers are not universally providing requested information to DAP.

SCOPE:

This Bulletin applies to all MA enrolled providers.

BACKGROUND:

Many MA recipients are individuals with disabilities. The definition of disability under the Social Security Administration (SSA) is based on the individual's inability to work. SSA defines disability as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months".

The Disability Advocacy Program (DAP) is a Social Service Program established by the Department of Public Welfare (DPW) in 1985. DAP assists recipients with physical and mental impairments in their pursuit of federal disability benefits: Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI). The benefit of a successful application for SSI or SSDI benefits allows recipients with disabilities to obtain the financial assistance they need to achieve and maintain stability and improve their quality of life. Additionally, the Commonwealth realizes savings from no longer providing financial benefits to recipients who are the responsibility of the Federal government.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate toll-free number for your provider type.

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap

DAP advocates assist recipients with disabilities through the SSI and SSDI application and appeal process. Advocates intervene on behalf of recipients with a disability during the following phases of the DAP process: assisting with the initial SSI/SSDI application; intervening on behalf of a recipient who failed to file the initial SSI/SSDI application on his/her own; and assisting a recipient through the appeal process once he/she receives the initial denial. Many recipients complete the initial SSI/SSDI application independently, but may need assistance with the appeals process.

DISCUSSION:

Complete medical documentation is essential in order to substantiate an applicant's disability to the SSA. A medically determinable physical or mental impairment is an impairment that results from anatomical, physiological or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings, not only the individual's statement of symptoms. Additionally, the person must be unable to engage in "Substantial Gainful Activity" due to the impairment.

Substantial gainful activity is any work performed for pay or profit, involving the performance of significant physical or mental duties. The applicant must be unable to perform his former job, and is unable to work in any other job in the national economy. The medical evidence must show that the applicant has an impairment which meets or equals the listing of impairments established by the Social Security regulations for determining disability. Factors such as age, education, work experience, and vocational skills affect ability to work.

The evidence must also document the severity of the impairment during the time the applicant says he/she is disabled. The medical evidence must contain the following:

1. A history of the impairment.
2. Reports of clinical and laboratory findings which support the diagnosis and show the physical or mental changes which have occurred.
3. The factual data which is the basis for the diagnosis and prognosis.
4. A medical assessment describing the applicant's ability to do work related activities such as sitting, standing, moving about, lifting, carrying, handling objects, hearing, speaking, and traveling. If the applicant has a mental impairment, the assessment should describe his/her ability to reason or make occupational, personal, or social adjustments. The criteria for functional limitations include restrictions of activities of daily living; social functioning; concentration, persistence, or pace; and the ability to tolerate increased mental demands associated with competitive work.

PROCEDURES:

DAP or SSA requests health information from providers as part of the SSI/SSDI application process. MA providers are obligated to provide information to SSA and/or DAP when requested. See 62 P.S. § 1402(b) (requiring providers to make records available for inspection, review and copying by the department or by other authorized State officers); 55 Pa.

Code § 1101.51(e) (requiring providers to make records readily available for review and copying by State and Federal officials or other authorized agents); 55 Pa. Code § 1101.71(a) (requiring providers to cooperate with reviews made by the Department). DAP staff are acting as authorized State officials and compliance with requests for information should be provided without charge to the DAP staff per the 55 Pa. Code § 1101.51.

Recipients who are applying for federal disability benefits sign an Authorization for Release of Information Form (PA 4) to allow for the release of their private financial and medical information. This form is a legally accepted authorization form for Pennsylvania MA recipients. This form is also in compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations to release this information upon the recipient's consent. DAP staff will forward the signed PA 4 and/or if appropriate, the provider's specific form for release of information, Providers should return copies of requested medical records, including testing, to DAP staff for the purpose of supporting the SSI/SSDI application and appeals process.

For recipients receiving mental health services, this information should include, but is not limited to, psychological evaluations, psychological testing, progress summaries, and the therapist's progress notes. All of this information is vital in providing SSA with both the individual's diagnosis and the functional limitations of this diagnosis.

If the requested information is not provided, the provider may be subject to sanctions up to and including termination of the provider's enrollment and direct and indirect participation in the MA Program. See 55 Pa. Code § 1101.77(a).