

CHAPTER 3

Medical Assistance for Children & Youth with Disabilities



David Gates, Esq.
PA Health Law Project

Family to Family Health Information Center
a project of the PEAL Center

Medical Assistance through SSI

- Get monthly cash benefit + Medical Assistance
- Child under 18
- Child must meet SSA child disability or medical condition criteria
- Parent's & child's income & resources count
- Apply at Social Security Office
See www.ssa.gov

Medical Assistance for Child w/ Disability: PH 95 "Loophole"

- For children ineligible for SSI due to parental income/assets
- Child's disability/medical condition meets or equals the SSA disability criteria for children
- Parental income & assets do not count
- Some income of child does count
- Child's Social Security benefits do not count
- Court ordered child support does not count
- Get MA only
- Apply at County Assistance Office or online (www.compass.state.pa.us)

See BLUE Healthcare Law Project
"Getting MA for a Child..."

SSA Disability Criteria

- Meet Social Security disability criteria
 - Birth to 18: Social Security criteria for children- "Listing of Impairments"
 - Age18+: Social Security criteria for adults
 - Criteria at <http://www.socialsecurity.gov/disability/professionals/bluebook/listing-impairments.htm>

SSA Disability Criteria birth to 18

- Childhood "listing of impairments" (under 18)
 - <http://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>
- Functional limitations key- not just diagnosis
- Having an IEP not enough
- Standards vary depending on body system effected
 - MR & autism listed under 112-Mental Disorders

SSI Childhood Listing of Impairments

- Growth Impairment, 100.00
- Musculoskeletal System, 101.00
- Special Senses & Speech, 102.00
- Respiratory System, 103.00
- Cardiovascular System, 104.00
- Digestive System, 105.00
- Genitourinary system 106.00
- Hematological Disorder 107.00



SSI Childhood Listing of Impairments

cont'd

- Skin Disorders, 108.00
- Endocrine System, 109.00
- Impairments that Affect Multiple Body Systems, 110.00
- Neurological, 111.00
- Mental Disorders, 112.00
- Malignant Neoplastic Disorders, 113.00
- Immune System Disorders, 114.00

<http://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>



MA Disability Determination

- PH 95 Loophole – County Assistance Office can make “presumptive” disability determination so MA can be authorized while full disability determination is pending
- **You should appeal if MA or SSA says child not disabled**
 - Can't get MA under PH95 if SSI denied on lack of disability (denial based on parental income is ok)

Disability Determination

- Documentation by treating physician/psychologist critical
 - Should detail medical/behavioral conditions + how they affect child's functioning
 - Parent should assist doctor with content
- Tests, evals, hospital & school records also important

Behavioral Disability Standard

- Functional impairment is key
 - IEP not enough
 - Diagnosis not enough
- “Marked limitation” in at least 2 areas:
 - Cognitive/communicative functioning
 - Social Functioning
 - Personal functioning
 - Concentration, persistence & pace
