

Procedural Standard 98-3
June 1, 2007

TO: All DES Staff

FR: A. E. Adams, Ph.D. Director, Disability Evaluation Services

BY: Sherry J. Campanelli, Program Compliance Manager

RE: Establishing the Disability Review Date

Purpose: This memorandum clarifies the process for establishing disability review dates for both MassHealth and Department of Transitional Assistance (DTA) program cases.

Policy: Once a finding of disability has been made, it is necessary to consider how far into the future the recipient is likely to remain disabled considering both medical and medical-vocational factors.

Disability review dates are projected forward from the time the case is signed off by the Physician Advisor (PA). Establishing a disability review date starts with a **clinical** assessment of the expectation (or lack thereof) of medical improvement. A disability review date is established when (month/year) medical improvement is anticipated such that, considering both medical and vocational factors, a finding of not disabled is anticipated. That is, since non-medical factors such as age, ability to communicate in English, education, and past work experience may have a significant impact on the prognosis for an individual to return to work, the disability review team must carefully consider the interaction of the impairment(s) and these vocational factors in establishing a disability review date. This is true whether or not the current approval has a medical only or a medical-vocational basis.

For **MassHealth** approvals, the disability review date determines when the Continuing Disability Review (CDR) will be conducted. Disability review dates are set for when medical improvement is expected but usually no earlier than 12 months from the sign-off date. If medical improvement is anticipated beyond a 12 month period, a later date is set consistent with the evidence in the case.

In some rare instances, when medical evidence clearly supports medical improvement sooner than a year from the date of sign-off, an earlier disability administrative review date may be set.

Example: An otherwise healthy, 25 year old MassHealth applicant with a severe leg fracture, delayed healing and inability to bear full weight at eight months post-fracture is presented as an approval for PA sign-off in June, 2005. The medical evidence includes the treating physician's statement dated May, 2005 that full healing and return to work without restrictions is anticipated in six months. PA review of the available objective evidence agrees with the treating physician's prognosis and assigns the disability review date for November, 2005.

In MassHealth cases where medical improvement is **not expected**, the requirement to establish a disability review date is waived in favor of an administrative date of review (seven years.)

For DTA approvals (where the MassHealth claim is not approved), the projected disability review month is the point at which the recipient must reapply in order to retain benefits. The EAEDC review is established no less than 60 days (no less than 30 days for TAFDC) and no more than 11 months after the sign-off date for both DTA programs.

Within the context of the administrative time frames specified above, the selection of a date is based on an assessment of the prognosis and medical course of the impairment (s), the anticipated functional limitations, if any, at the point of maximum improvement evaluated in light of the client's vocational profile as of the proposed review date.

Procedure: When presenting an approval for PA sign-off, the DR may suggest a review date that considers the relevant MassHealth and/or DTA vocational rules. If the DR recommends a disability review date, he/she also provides a short rationale for the suggested date.

In light of the information provided by the DR, the PA considers, from a medical perspective, when (and if) sufficient functional improvement can be anticipated to result in a finding of not disabled. The PA then enters a month/day/year that reflects that expectation on both the Disability Determination Review Form and the Disability Determination Tracking Form. If that level of medical improvement is not anticipated, a waiver is indicated by entering a disability review date of seven (7) years from the date of sign-off on the tracking form. In cases involving both medical and psychological impairments, a PA whose specialty correlates with the primary disabling impairment recommends the disability review date.

The PA is also cognizant of program-specific administrative requirements when recommending a disability review date as follows:

- In MassHealth approval cases, the PA will generally assign a review date of at least 12 months. If, in the judgment of the PA, an earlier review is clearly appropriate, concurrence of the Associate Director of Clinical Affairs (or designee) is obtained before the decision is finalized.
- In DTA approval cases (where the MassHealth case is a denial), disability review dates may not be established for more than eleven (11) months from the date of PA sign-off. Also, in DTA cases (except hearings), review dates must be set for at least 60 days from sign-off for EAEDC (at least 30 days for TAFDC), even if medical improvement appears to have already occurred.

Disability Assistants (DA) responsible for closing the case enter the review date or the waiver as indicated by the PA. In a waived case, the system generates a date that is seven years from the date of the sign-off.

Summary: Disability review dates are established for a future time based on the expectation of medical improvement that may likely result in a finding of not disabled and in consideration of program-specific administrative requirements. Within the administrative constraints of the specific program, any interval may be established based on the medical evidence and sound clinical judgment. Disability review dates are waived if there is not an expectation of medical improvement. In waived cases, administrative reviews are established at least every seven years.