

NEW YORK STATE DEPARTMENT OF HEALTH
OFFICE OF HEALTH INSURANCE PROGRAMS
DIVISION OF ELIGIBILITY & MARKETPLACE INTEGRATION



**STATE
DISABILITY
REVIEW UNIT**

BACKGROUND

The New York State Department of Health, Office of Health Insurance Programs, is responsible for oversight of administration of the Medicaid program in New York State. Section 6, Part F of Chapter 56, of the laws of 2012, authorizes the Department to transfer responsibility for the administration of the Medicaid program from local social services districts over a period of six years by March 31, 2018. Within OHIP's Division of Eligibility and Marketplace Integration (DEMI), the State Disability Review Unit (SDRU) will assume responsibilities from local social services districts related to the takeover of Medicaid disability determination functions. Among others, the functions to be assumed include medical evidence gathering and adjudication of disability for Medicaid eligibility purposes throughout the State. Many applicants/recipients (A/Rs) of Medicaid present with medical and/or psychological issues which may result in a determination of disability for Medicaid eligibility purposes. Disability status makes an individual eligible for select Medicaid programs for the disabled and allows for a budgeting methodology that disregards more of their income than other Medicaid programs.

As part of SDRU's adjudicative process, SDRU staff will obtain medical evidence from the A/Rs treating sources. When this information is unavailable or insufficient to make a determination of disability, SDRU staff will order a consultative examination (CE). The information from this medical examination and ancillary testing will be used to assist SDRU staff in making a determination of disability under State guidelines.

These are the Conditions Governing Referrals for Consultative Examinations.

I. QUALIFICATIONS

1. Organizations must be in full compliance with appropriate federal, state, and local operating requirements.
2. All physicians, psychologists, speech-language pathologists and certified social workers performing examinations must be licensed and currently registered in New York State.
3. The consultative examination provider assures SDRU that all support staff (nurses, technicians, etc.) who assist in conducting a consultative examination are licensed or certified, when applicable, and have appropriate experience and training in performing specified services.
4. All physicians, psychologists, speech-language pathologists, certified social workers or other health care providers must be approved by SDRU before performing any examinations or ancillary testing. Application for approval may be made by completing a Consultant Enrollment Form.
5. Secondary sources used to perform ancillary testing must also complete the enrollment process with SDRU.
6. Any physician, psychologist, speech-language pathologist, certified social worker or other health care provider currently disciplined, sanctioned, censured or suspended by any government regulatory agency will not be allowed to participate in our program.

II. PREMISES

1. The premises must comply with all Federal, State and Local health laws and with all City, County and State fire and building codes.
2. All necessary licenses and inspection certificates to do business as a medical facility must be secured, posted and kept current including certificate of occupancy, health and fire, and radiology.
3. Locked storage must be provided for drugs and biologicals.
4. The premises must be made available for inspection by SDRU personnel.
5. All equipment necessary to perform requested services must meet all health, safety, and infection control requirements, be maintained in good working order, and kept clean according to manufacturer's guidelines.
6. The waiting room must be of sufficient size to ensure adequate seating for applicants/recipients. The facility shall have drinking water, toilet facilities usable by disabled applicants/recipients and telephones available for applicants/recipients. Restrooms must be suitable and appropriate supplies and wash-up facilities must be maintained at all times.
7. The premises must be accessible to handicapped individuals (primary entrance to building usable by person in wheelchair; elevators if more than first floor is used by disabled applicants/recipients and doors at least 32 inches wide).
8. There must be at least two suitable exits which are marked with signs that are visible at all times.
9. Premises must constitute a professional office environment and be clearly identified with a sign to the general public describing the particular practice/specialty provided.

III. EXAMINATIONS AND ANCILLARY TESTING

1. The following represent SDRU's most frequently requested examinations and ancillary testing. These exams and tests must be performed according to accepted professional standards and practices in the medical field with the provider assuming full responsibility:

EXAMINATIONS	TESTS
Internal Medicine	X-rays
Orthopedic	Resting ECG
Neurological	Treadmill Exercise ECG
Psychiatric	Pulmonary Function Studies
Psychological Testing	Doppler including Doppler after Exercise
Pediatric	Audiogram
Speech-Language	Speech Discrimination
Ophthalmological	Blood Tests
Otolaryngological	

Blood specimens, when ordered, shall be drawn as part of the examination process and referred for testing to a clinical laboratory certified by New York State that will accept the SDRU Fee Schedule or on premises if approved by SDRU.

2. All equipment used in ancillary testing must provide results as specified in our reporting guidelines, meet all health, safety and infection control requirements, and be properly calibrated and maintained in good working order.
3. Background information will be provided with each referral, when available. Only after you have reviewed the background information, taken the history and performed the examination can you authorize completion of those ancillary tests requested which are not medically contraindicated. Tests which are medically contraindicated should not be performed and the medical reason should be documented in your report.
4. Applicants/recipients or designated SDRU staff will call your office to schedule an appointment. The consultant is expected to provide an appointment date within ten (10) calendar days of the issuance of our referral and return the completed report to the SDRU office within ten (10) days of the examination. Should the applicant/recipient miss two (2) scheduled appointments, the consultant should contact the SDRU on how to proceed.
5. The consultant is expected to provide the applicant/recipient with travel directions to and from the facility. Should the issue of travel be raised the consultant should inform the applicant/recipient to contact the SDRU.
6. No examination or test should be initiated or conducted on applicants/recipients under the influence of alcohol or drugs if such conditions could significantly affect the accuracy of the examination or test. If this situation occurs, call the SDRU Disability Analyst to discuss how to proceed.

7. Unless the consultant is also the applicant/recipient's treating source, he/she should not recommend treatment or a change in treatment directly to the applicant/recipient but should include such suggestions in the report. However, in circumstances where the evidence shows a medical condition that is legally reportable or which could be injurious to the health or safety of the individual or others, or where the individual has made a threat against himself/herself or others, or has made statements concerning a non-medical serious reportable event (SRE) covered by statute or law, the consultant should take action consistent with sound and accepted medical practice including notification to the applicant/recipient, applicant/recipient's representative/family, or applicant/recipient's treating source as appropriate. Any emergency treatment and/or information provided should (1) immediately be reported to SDRU and (2) be specified in the report. The New York State DOH is not liable for payment of expenses associated with emergency medical treatment.
8. The consultant is expected to explain the purpose of the examination. During the course of the examination, the applicant/recipient's privacy must be maintained. Arrangements must be offered for female staff to be present before any examinations of female applicants/recipients are performed.
9. When scheduling appointments, the consultant must allow sufficient time to take a complete case history, perform the examination and administer the required tests. SDRU requires the following minimum scheduling intervals, i.e., time set aside for the individual, not the actual duration of the examination.
 - Comprehensive general medical, musculoskeletal or neurological examinations: at least 30 minutes, 20 of which must be actual time spent with the physician.
 - Comprehensive psychiatric examination: at least 40 minutes, 30 of which must be actual time spent with the physician/psychologist.
 - Psychological examination: at least 60 minutes, 45 of which must be actual time spent with the psychologist. (Additional time may be required depending on types of psychological tests administered.)
 - Speech-language evaluation: at least 60 minutes must be spent with the speech-language pathologist.
 - All others must last at least 30 minutes, or in accordance with accepted medical practice, with prior approval by SDRU.

Appointments must be scheduled to accommodate the above duration requirements and to minimize waiting time.

10. In the event that additional tests (other than those requested by SDRU) may be indicated during the course of the examination, prior approval for such testing must be obtained by telephone from SDRU while the applicant/recipient is still at the examining site. Any changes approved by SDRU must be reflected on the voucher. SDRU cannot pay for unauthorized services.
11. Consultative examinations must not be performed in an applicant/recipient's home unless specifically requested by SDRU.
12. Consultant cannot refuse to provide service to any referral from SDRU without prior approval from SDRU.

13. No assurances are given with respect to the volume of referrals.

14. Applicants/recipients with questions regarding their disability status must be directed to contact the SDRU.

IV. REPORTING REQUIREMENTS

1. The consultant must provide a typed narrative report on office stationery to include the history, physical examination, results and interpretations of requested tests, diagnosis and prognosis. The reported results must conform to accepted professional standards and practices in the medical field for a complete and competent examination. The consultant must send the completed report to the SDRU within 10 business days of the examination.
2. In addition to the actual medical facts, the report should also include a statement which describes the individual's ability to do work related activities based on your findings. For individuals less than 18 years of age, there should be a statement describing the individual's ability to perform age appropriate activities and behave in an age appropriate manner. Opinions such as "patient is unable to work" or "patient is disabled" must not be included in the report.
3. The consultant's report must address all items on the consultative examination reporting requirement form(s) provided by SDRU. Original tracings, x-ray interpretations, laboratory findings, charts and graphs must be attached to the narrative report. Also attach any medical reports or test results brought to the examination by the applicant/recipient..
4. The following identifying information must appear on the first page of the typed narrative report: applicant/recipient name, Disability Identification Number (DIN), date of birth and date of report

Each subsequent page of the report and any other attachments (e.g. tracings) must have the applicant/recipient's name, DIN and date of birth

5. Medical staff must be made readily available for telephone discussions to clarify or answer questions regarding the report.
6. Copies of all reports, tracings, lab results, and x-ray films must be maintained for a minimum of one (1) year.

V. SIGNATURE REQUIREMENTS

1. The physician's name must be typed at the end of the report and all reports must be personally reviewed and signed by the physician who actually performed the examination.
2. The examining physician's signature on a report annotated "not proofed" or "dictated but not read" is not acceptable.
3. The physician's rubber stamp signature or the physician's signature entered by another physician or other person is not acceptable.
4. Properly signed consultative examination reports telefaxed directly from your office to SDRU are acceptable.

VI. CONFIDENTIALITY

1. **Complete confidentiality of applicant/recipient information must be maintained at all times.**
2. **Consultants must not divulge examination/test results to anyone**, including the applicant/recipient, their representative or treating source, or be used in any study or publication without the express written approval of SDRU, **except as specified in Section III, item 7.**
3. Consultant's shall advise applicants/recipients who request a copy of consultative examination and/or test reports that they may contact the SDRU to have copies sent to their treating source(s) or representative
4. **Only SDRU is authorized to release consultative examination reports.**
5. **Consultants are responsible** for making third party service providers (transcription, messenger, etc.) aware that applicant/recipient confidentiality must be maintained and that **disclosure of applicant/recipient information is prohibited by Federal law.**
6. Should a consultant receive a request for disclosure or release of the consultative examination report or a subpoena, **please call the SDRU.**

VII. FINANCIAL REQUIREMENTS

1. Reimbursement will be provided at SDRU's established fee. Phlebotomy services are included as part of the basic examination fee and are not reimbursed separately.
2. Applicants/recipients or other third party insurers, including governmental sources, shall not be charged for any services requested by SDRU. The consultant is also responsible for notifying the secondary source that the applicant/recipient is not to be billed.
3. Consultants are independent agents and not employees of the DOH SDRU. Consultants must accept full liability for all claims resulting from services rendered.
4. Consultants may be required to repeat an examination/test without additional reimbursement should SDRU find it to be incomplete or not performed according to disability program requirements.
5. SDRU cannot authorize payment for broken/missed appointments.
6. Prior approval from SDRU is needed to authorize payment for additional services not originally requested.
7. The consultant will be notified by phone and in writing when examinations/tests are cancelled by SDRU. SDRU cannot provide payment for services performed after the date of cancellation.

For further information, contact the Division of Eligibility & Marketplace Integration, State Disability Review Unit, at 1-866-330-0591.