
Medicaid Disability Manual

If the individual has not yet been determined to be blind, the local district should assist the individual in obtaining the necessary medical evidence for submission to the NYSCB. (See 3. below.) Call NYSCB at (518) 474-6812 for further information.

Individuals with visual impairments that do not meet the legal definition of blind should be referred for a disability review for evaluation under the category of disabled. (See 4. below.)

2. **Pending Cases** - Cases which are not eligible for Medicaid under any other category and in which blindness is alleged should be pended awaiting a determination of blindness. These cases may be pended for a maximum of 45 days. The applicant should be informed of this time standard. This time limit is the maximum time period allowed and should not be used as a waiting period. Individuals who are eligible in another category should have their case opened. When blindness is subsequently established, the case should be claimed retroactively in the SSI-related blind category.
3. **Examinations** - Eye examinations can be purchased for an individual who alleges blindness and who does not have a current treating source or has a treating source who will not cooperate in completing the necessary forms. The procedures for consultative examinations are found in Section D. 3.
4. **Medicaid Disability Reviews** - The local agency should submit to the Disability Review Team for a disability review the cases of individuals who have visual impairments but have been determined not to be legally blind by the NYSCB. Those individuals with visual impairments shall be evaluated under Section 2.01 or 102.01, Special Senses and Speech, of the Listing of Impairments in Appendix I. Medical records should include an evaluation of the individual's visual fields by his/her treating physician. Form LDSS-3451, "New York State Commission for the Blind Medical Eye Report", may be used for this purpose. This form can be found in CentraPort and the DOH intranet library.

L. **Evaluation of Symptoms and Pain**

The effect of pain and symptoms on an individual's ability to work must be considered by the Disability Review Team during the disability determination process.

1. **Presence of a Medically Determinable Impairment (MDI)**

Before evaluating the effect of pain and symptoms on an individual's ability to work, it must be shown that:

- a. the individual has a medically determinable physical and/or mental impairment(s) established by an acceptable medical source with objective medical evidence which includes signs, laboratory findings, or both; and
- b. the medically determinable impairment(s) could reasonably be expected to produce the alleged pain.

When medical findings do not substantiate any physical impairment capable of producing the alleged pain or symptoms, the possibility of a mental impairment as the basis for the pain should be considered.

In the absence of objective findings of any medically determinable physical or mental