

Revision # 109

**CATEGORY: DISABILITY DETERMINATIONS – APPLICATIONS AND INTERVIEW PROCESS**

[http://www.dshs.wa.gov/manuals/socialservices/sections/Disability\\_det\\_app.shtml](http://www.dshs.wa.gov/manuals/socialservices/sections/Disability_det_app.shtml)

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**Summary:** Updated for clarify and readability.

## DISABILITY DETERMINATION - APPLICATION AND INTERVIEW PROCESS

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[WAC 388-449-0001](#) What are the disability requirements for the Aged, Blind or Disabled (ABD) program?

WAC 388-449-0001

### **WAC 388-449-0001 What are the disability requirements for the Aged, Blind or Disabled (ABD) program?**

1. For the purposes of this chapter, the following definitions apply:
  - a. "We" and "us" refer to the department of social and health services.
  - b. "You" means the applicant or recipient.
  - c. "Disabled" is defined by the Social Security Administration for Supplemental Security Income (SSI) as the inability to engage in any substantial gainful activity (SGA) 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 twelve months with available treatment.
  - d. "Physical impairment" means a diagnosable physical illness.
  - e. "Mental impairment" means a diagnosable mental disorder. We exclude any diagnosis of or related to alcohol or drug abuse or addiction.

2. We determine if you are likely to be disabled when:
  - a. You apply for ABD cash benefits;
  - b. You become employed;
  - c. You obtain work skills by completing a training program; or
  - d. We receive new information that indicates you may be employable.
3. We determine you are likely to be disabled if:
  - a. You are determined to meet SSA disability criteria by the Social Security Administration (SSA);
  - b. You are determined to meet SSA disability criteria by Disability Determination Services (DDDS) based on the most recent DDDS determination;
  - c. The Social Security Administration (SSA) stops your Supplemental Security Income (SSI) payments solely because you are not a citizen;
  - d. You are eligible for long-term care services from aging and disability services administration for a medical condition that is expected to last twelve months or more or result in death; or
  - e. You are approved through the Sequential Evaluation Process (SEP) defined in [WAC 388-449-0005](#) through [388-449-0100](#). The SEP is the sequence of five steps. Step 1 considers whether you are currently working. Steps 2 and 3 consider medical evidence and whether you are likely to meet a listed impairment under Social Security's rules. Steps 4 and 5 consider your residual functional capacity and vocational factors such as age, education, and work experience in order to determine your ability to do your past work or other work.
4. If you have a physical or mental impairment and you are impaired by alcohol or drug addiction and do not meet the other disability criteria in subsection (2) (a) through (d) above, we decide if you are eligible for ABD cash by applying the sequential evaluation process described in [WAC 388-449-0005](#) through [WAC 388-449-0100](#). You aren't eligible for ABD cash benefits if you are disabled primarily because of alcoholism or drug addiction.
5. In determining disability, we consider only your ability to perform basic work-related activities. "Basic work-related activities" are activities that anyone would be required to perform in a work setting. They consist of: sitting, standing, walking, lifting, carrying, handling, and other physical functions (including manipulative or postural functions such as pushing, pulling, reaching, handling, stooping, or crouching), seeing, hearing, communicating, remembering, understanding and following instructions, responding appropriately to supervision and coworkers, tolerating the pressures of a work setting, maintaining appropriate behavior, and adapting to changes in a routine work setting.
6. We determine you are not likely to meet SSI disability criteria if SSA has denied your application for SSI or Social Security Disability Insurance (SSDI) based on disability in the last twelve months unless:
  - a. You file a timely appeal with SSA;
  - b. SSA decides you have good cause for a late appeal; or
  - c. You give us medical evidence of a potentially disabling condition that SSA did not consider or medical evidence confirming your condition has deteriorated.

This is a reprint of the official rule as published by the [Office of the Code Reviser](#). If there are previous versions of this rule, they can be found using the [Legislative Search page](#).

## CLARIFYING INFORMATION

1. ~~Persons who meet the criteria outlined in WAC 388-400-0060 (1)(a)(i) or WAC 388-449-0001 (2)(a) through (d) are found determined eligible for ABD cash by the Disability Program Specialist if there is supporting department has documentation to support the approval. When the necessary supporting information is available, these individuals don't need a disability decision.~~
2. ~~ABD cash assistance eligibility for all other persons is determined using the ABD disability determination process outlined in WAC 388-449-0005 through WAC 388-449-0100.~~
- 4.3. ~~The Disability Specialist is responsible for determining whether the person meets the approval criteria outlined in WAC 388-400-0060 (1)(a) and WAC 388-449-0001 (3).~~
- 2.4. ~~All ABD recipients person who is determined to be "likely to be disabled" based on this criteria must comply with program chemical dependency assessment and treatment requirements and pursue federal and SSI/SSDI benefits as a condition of eligibility. Facilitation.~~
- 3.5. ~~Review of disability is not necessary for:~~
  - a. ~~A person over the age of sixty five.~~
  - b. ~~A person who remains eligible for long-term care services from Aging and Disability Services Administration (ADSA) at the time of their ABD disability review.~~
- 4.6. ~~Eligibility for ABD cash ends when a final disability determination has been made at the SSA Post-Appeal stage, or when an unfavorable disability determination is made at the initial, reconsideration, or hearing stage AND the person fails to file a timely appeal.~~
- 5.7. ~~If the person's SSI or SSDI application was denied based on disability within the past less than 12 months ago, ABD is denied unless:~~
  - a. ~~The person filed a timely appeal with SSA; Deny disability unless the person provides medical evidence that SSA did not consider (either of a new condition or medical evidence that their condition has deteriorated).~~
  - a-b. ~~SSA decides the person has good cause for a late appeal and reopens the claim; or~~
  - b-c. ~~The person must provides medical evidence of a disabling condition SSA did not consider or medical evidence confirming the condition SSA already considered has deteriorated. proof they have requested SSA reconsider their claim, or provide proof of ineligibility based on a non-disability related rule (for example: citizenship status) prior to approval of ABD cash benefits.~~

<b>NOTE:</b>	<del>If a client is approved for ABD cash assistance based on a NGMA approval, and SSA denies their application for SSI, the SSI denial stands and the NGMA decision is no longer valid. The person must <b>BOTH</b> file a timely SSI and be approved through the 5 step disability determination process in ICMS to remain eligible for ABD.</del>
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## WORKER RESPONSIBILITIES

### Social Service Intake Interview

1. Review the referral from financial services and any existing ~~medical~~ documentation.
2. Consider if the person meets ~~any of the~~ aged approval criteria detailed in WAC 388-400-0060 (1)(a)(i) or the other non-SEP criteria outlined in WAC 388-449-0001 (3) (a) through (d). If there is documentation that the person meets these non-SEP criteria, the Disability Specialist approves ABD.
3. Explain the purpose, eligibility requirements, and benefits of ABD cash, Medical Care Services (MCS) and Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) programs.

4. If the person does not meet the non-SEP criteria outlined above, complete the Social Services Intake in ICMS. Document:
  - a. Claimed impairments and treatment history.
  - b. Educational history.
  - c. Work history (**15** years).
  - d. Professional observations.
5. Explain the purpose of DSHS 18-235(X), SSI Interim Assistance Reimbursement Authorization (IARA). The following individuals must sign and date an IARA:
  - a. An ABD cash applicant with a pending has applied for SSI application.
  - b. All ABD recipients.

### Requesting Medical Evidence

1. Request medical records from acceptable medical sources per [WAC 388-449-0010](#) (doctors) who have provided treatment for the potentially disabling condition(s) with-in the last five years.
2. Request medical records from all treating medical professionals who have provided treatment within the -seen in the -the past 90 days.
3. Schedule a mental health or physical evaluation only when available medical evidence is not sufficient to determine eligibility. no current medical records exist or there is no diagnosis from a doctor within the last five years.