## DEPARTMENT OF HEALTH SERVICES

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May 11, 1992

TO: All County Welfare Directors All County Administrative Officers Letter No.: 92-33

All County Medi-Cal Program Specialists/Liaisons

SUBJECT: Presumptive Disability for HIV/AIDS Applicants

The purpose of this letter is to inform you that we are in the process of evaluating new Social Security Administration (SSA) requirements for presumptive disability (PD) for applicants who allege infection with human immunodeficiency virus (HIV). This is strictly an informational letter. Another letter containing specific county instructions for implementation will follow. This letter provides you with: (1) background information on SSA's new procedures for PD based on HIV infection, and (2) citations to the law and regulations which mandate that we implement these new requirements.

## BACKGROUND

The SSA revised and expanded their procedures for making PD decisions based on HIV infection. PD is determined by their Field Office staff for purposes of determining eligibility for Supplemental Security Income and disability retirement under Title II of the Social Security Act. These revised procedures permit SSA to identify individuals who meet the requirements for PD because of HIV infection at the earliest possible stage in the application process.

Previously, PD was authorized only for individuals with a full blown AIDS Under the revised criteria, adults and children can meet PD diagnosis. requirements when there is evidence of an HIV infection and the individual's medical source confirms that the disease manifestations are of listing-level Listing-level severity means that an applicant's symptoms meet severity. specified criteria to establish disability based on the HIV infection. SSA developed two separate forms to determine listing-level severity: one for adults, and one for children which addresses specific criteria that apply only to children. The current DHS 7035 (Medical Verification - AIDS) form will be revised to reflect the new criteria. (See enclosed draft forms.)

Currently, county eligibility workers (EWs) complete the DHS 7035 form which is a simple and straight forward form consisting of only three sections. Implementation of SSA's new procedures will revise and expand the EW's role in processing PDs in HIV infection cases. County EW staff will need to evaluate a more complex HIV/AIDS form(s) and familiarize themselves with the various conditions under which PD is allowed.

All County Welfare Directors All County Administrative Officers All County Medi-Cal Program Specialists/Liaisons Page 2

We are working with various county and state offices to determine the approximate number of individuals which may be affected by this new requirement. Hopefully, we will be able to provide you with these figures in our next letter.

FEDERAL AND STATE REGULATION CITES

Title II and Title XVI of the Social Security Act provides that disability is defined as an inability to engage in any substantial gainful activity by reason of medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last at least 12 months. Federal regulations at 42 Code of Federal Regulations, section 416.933, specify how a finding of PD is made. The proposed revision to this regulation authorizes a finding of PD based on a medical evidence of HIV infection.

Title 22, CCR, Section 50223 (a) provides that persons 18 years of age or over are disabled if they are persons who meet the definition of disability in Title II or XVI of the Social Security Act.

We are in the process of: (1) evaluating these requirements; (2) determining their potential impact; (3) working with our fiscal office to determine and resolve funding issues; and (4) working with the Forms Committee members for their input to the new revised DHS 7035 forms. Implementation is projected for August 1, 1992. In the meantime, if you have any concerns or questions please contact RaNae Dunne at (916) 657-0714; CALNET 437-0714.

> sincerely, ORIGINAL SIGNED BY

Frank S. Martucci, Chief Medi-Cal Eligibility Branch

Enclosures

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33.	Bacterial sepsis 36	6. 🔲 Kaposi's s	sarcoma 39		
34.	Fungal sepsis 37 Endocarditis 38		al neuropathy 41		

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	Form SEA 027 *Authorization To Release Medical Info	SE INFORMATION ALCA Intration to the Social Scourity Administration" attached. Degar 4 mph - 0 4 14 PALth	Services or
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	<ul> <li>6. Nephropathy</li> <li>7. Failure to thrive, or a failing off from the age-appropriate range of the projected provide curve.</li> </ul>	<ul> <li>26. [_] Cryptococcosis, disseminated beyond the lungs, or involving the central nervous system</li> <li>27. [_] Histoplasmosis, disseminated beyond</li> </ul>	
	growth curve 8. Lymphoma of the brain 9. Lymphoid interstitial pneumonia in a child less than age 13	the lungs or tymph nodes	
	10. Pulmonary lymphoid hyperplasia in a child less than age 13	<ul> <li>28. Cytomegalovirus, of an organ other than the liver, spleen, or lymph nodes</li> <li>29. Herpes simplex virus, causing bronchilis</li> </ul>	
	<ul> <li>11. Hodgkin's disease</li> <li>12. Non-Hodgkin's lymphoma (including Burkit's lymphoma)</li> <li>13. M. kansasii disease, disseminated</li> </ul>	30. Herpes simplex virus, causing chronic continuous mucocutaneous infection, or infection of the pulmonary or gastrointestinal	
	other than or in addition to the lungs, skin, or cervical or hilar lymph nodes	tract or encephalitis 31. Herpes simplex virus causing esophagitis 32. Herpes simplex virus, causing a mucocutaneous	
	15. Mycobacterial infection, disseminated beyond the lungs, or lymph nodes	ulcer persistent over 1 month 33. Herpes simplex virus, causing pneumonitis	
	16. Progressive neurological disease	34. Progressive multifocal leukoencephalopathy BACTERIAL INFECTIONS	
	17. Cryptosporidiosis, intestinal with diarrhea more than 1 month	35. Saimonella bacteremia, non-typhoid, recurrent 36. Nocardiosis	
	<ul> <li>18. Isospariasis, with diarrhea more than 1 month</li> <li>19. Fneumocystis carinii pneumonia</li> <li>20. Strongyloidiasis, extra-intestinal</li> <li>21. Toxoplasmosis of the brain</li> </ul>	37. Multiple or recurrent bacterial infections affecting a child less than age 13 (septicemia, pneumonia, meningitis, bone or joint infection, or abscess of an internal organ)	
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NOTE: IF YOU HAVE CHECKED ANY ITEM IN BLOCK D, SKIP BLOCKS E, F, & G, GO TO BLOCKS I & J.

DHS 7035 ?

E. OTHER MANIFESTATIONS OF HIV THERAPY. (If one or more of the following		OVER A 2 MONTH PERIOD AND/OR RESISTANT TO st also be completed.)	
38. 🔲 Bacterial sepsis	41. 🗌 Kaposi's sarc	coma 44 🛄 Pneumonia	
39. 🔲 Fungal sepsis	42. 🔲 Meningitis	45. Pulmonary tuberculosis	
40. Endocarditis	43. Peripheral ne	europathy 46. Septic arthritis	
NOTE: IF YOU HAVE CHECKED BLOCK G.	ANY ITEM IN BLOCK E.	., YOU NEED NOT COMPLETE BLOCK F., GO TO	
47. Anemia-Hct. less than or equ	at to 30%	54. 🔲 Herpes zoster, recurrent	
48. Granulocytopenia (absolute	neutrophil	55. 🔲 Hepatomegaly	
count less than or equal to 1	000/mm²)	56. 🛄 Lymphadenopathy, generalized	
49. 🔲 Thrombocytopenia (Less tha	in or equal to	57. 🛄 Mucosal candidiasis (including vutvovagina	al
40,000/mm³)		58. 🔲 Oral hairy leukoplakia	
50. Dermatological conditions, p	ersistent	59. 🔲 Parotitis	
51. Diambea, persistent and unri	esponsive	60. 🔲 Sinusitis, persistent or recurrent	
52. Documented temperature of	100.4° F.	61. 🔲 Splenomegaly	
(38°C) or greater		62. 🗍 Weight loss of greater than or equal	
53. 🔲 Herpes zoster, chronic		to 10% of baseline	
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65. 🛄 Apathy, over-excital		idren no more than one-hall the child's chronological a onstrated by an absent or grossly excessive response	
of the following: Visual stimu Auditory sin Tactile stim	nulation, or ulation; or		
Inability by I	6 months to participate in	poing, reciprocal basis as evidenced by: vocal, visual, and motoric exchanges (including facial	
expression) E Failure by 9	months to communicate	basic emotional responses, such as cuddling or exhib	iting

Failure to attend to the caregiver's voice or face or to explore an inanimate object for a period of time appropriate to the infant's age; or

67. Attainment of development or function generally acquired by children no more than two-thirds of the child's chronological age in two or more areas (i.e., cognitive/communicative, motor, and social). 68. Other:

G. FUNCTIONAL LIMITATIONS (CONTD)—IF AN ENTRY WAS MADE IN BLOCK E. OR F., AS MANY OF THE FOLLOWING ITEMS AS ARE APPLICABLE MUST ALSO BE COMPLETED.

AGE 1 TO ATTAINMENT OF AGE 3-FOR OLDER INFANTS AND TODDLERS, PLEASE INDICATE THE FOLLOWING:

- 69. 🔲 Gross or fine motor development at a level generally acquired by children no more than one-half the child's chronological age; or
- 70. Cognitive/communicative function at a level generally acquired by children no more than one-half the child's chronological age; or
- 71. Social function at a level generally acquired by children no more than one-half the child's chronological age; or

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- 72. Attainment of development or function generally acquired by children no more than two-thirds of the child's chronological age in two or more areas covered by 69, 70, or 71. 73. Other:

GE 3 TO ATTAINMENT OF AGE 18FOR OTH NOTE: MARKED MEANS MORE				
74. Harked impairment in age-appropri historical and other information from such information is needed and ava	m parents or other inc	unicative function (includ dividuals who have know	ing consideration of rledge of the child, when	
75. Marked impairment in age-appropri information from parents or other in needed and available); or	iate social functioning			
76. Marked impairment in personal/beh Marked restriction of age-a information from parents of	ppropriate activities of	ot daily living, (including		
Persistent serious maladap	ptive behaviors destri			
77. Deficiencies of concentration, persi		liting in frequent failure t	o complete tasks in a	
timely manner. 78. 🔲 Other:				
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