



MIAMILAW
UNIVERSITY OF MIAMI SCHOOL OF LAW

Helping Patients Navigate the Disability Process

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Goals

- What is the Social Security standard for HIV disability?
- How can you facilitate patient care and assist patients in this process?



Documentation is Key

- Quality Patient Care
- Continuity of Care
- Patient Progress
- HIPAA Compliance
- Billing/Insurance Providers
- Avoiding Liability
- Public Health Record
- **Patient Legal Claims**



Documentation and Legal Claims

- Social Security Disability and Medicaid Claims
- Insurance Claims
- Employment- Related Disability Claims
- Other Legal Cases Where Relevant



Disability and Medical Providers

- Over 10% of Americans live with a severe disability.
- Medical providers play a key role in the outcome of a disability claim.
- Successful outcomes require medical case manager communication with the legal advocate, and well-documented patient records, as well as specific evaluation forms.
- Often, a decision in a disability case determines whether a patient receives **Medicaid** and other insurance benefits.

Importance of Evaluations and Documentation

- Millions of people rely on disability benefits and insurance to survive.
- Most applicants are initially denied.
- On appeal, approximately 2/3s of the applicants are approved.
- The primary reason for denial at every stage is lack of medical evidence.
- Patients are responsible for providing medical evidence to prove disability.

Disability Defined

- The inability to engage in any substantial gainful activity due to any medically determinable physical or mental impairment
- A disabling condition which has lasted or can be expected to last for a period of at least 12 consecutive months or result in death
- A government agency (DOH or SSA) must find an individual is disabled

Previous Social Security HIV Listing

- AIDS defining condition, e.g.s:
 - pneumocystis pneumonia ,
 - various bacterial, viral, fungal infections,
 - skin conditions,
 - Kaposi Sarcoma,
 - severe diarrhea and dehydration, etc.

OR

- “repeated manifestations of HIV” resulting in functional limitations.

January 1, 2017 Listing

Moved away from AIDS - defining conditions, now:

- a serious HIV - related condition,
- a qualifying CD4 count,
- repeated hospitalizations,

OR, as before,

- repeated manifestations of HIV.

Now, may qualify with an HIV diagnosis
and **one** of four other conditions:

1. A serious HIV - related condition, such as:

- multicentric Castleman disease
- primary central nervous system lymphoma
- primary effusion lymphoma
- progressive multifocal leukoencephalopathy
- pulmonary Kaposi sarcoma

2. A low CD4 count -

Either

A CD4 of 50 or less

Or

A CD4 of 200 or less (or CD4 percentage of less than 14)

PLUS

BMI measurement of less than 18.5;

OR

Hemoglobin measurement of less than 8.0 grams per deciliter (g/dL)

3. Complication(s) of HIV infection requiring -

- At least three hospitalizations within a 12 - month period
 - at least 30 days apart
 - must last at least 48 hours, including hours in a hospital emergency department immediately before the hospitalization

4. Repeated Manifestations:

- All those listed above but without requisite findings AND/OR
- Cardiovascular disease
- Diarrhea
- Distal sensory polyneuropathy
- Glucose intolerance
- Gynological conditions (e.g. PID, cervical cancer)
- Hepatitis
- HIV associated dementia
- IRIS
- Infections (bacterial, fungal, parasitic, viral)
- Lipodystrophy
- Malnutrition

4. Repeated Manifestations, cont'd:

- Muscle weakness
- Myositis
- Neurocognitive or other mental limitations
- Oral hairy leukoplakia
- Osteoporosis
- Pancreatitis
- Peripheral neuropathy

THAT RESULTS IN **SIGNIFICANT DOCUMENTED SYMPTOMS**, e.g.:

fever, headaches, involuntary weight loss, malaise, nausea, night sweats, pain, severe fatigue, vomiting

4. Repeated Manifestations, cont'd:

Requires

Conditions as listed above

With

Significant documented
symptoms

And ↗

One “Marked”

1. Limitation of activities of daily living
2. Limitation in maintaining social functioning
3. Limitation in completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace.

Form **SSA-4814** (01-2017) UF
Discontinue Prior Editions
Social Security Administration

MEDICAL REPORT ON ADULT WITH ALLEGATION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION

B. HOW WAS HIV INFECTION DIAGNOSED?

C. CONDITIONS RELATED TO HIV INFECTION:

- Primary central nervous system lymphoma**
- Primary effusion lymphoma**

**Complication(s) of HIV infection requiring at least three hospitalizations
within a 12-month period and at least 30 days apart.**

Complication of HIV Infection:

Date of Hospitalization:

Duration:

Name of Hospital:



Does the patient show any of the following “repeated” manifestations related to his or her HIV infection?

- Cardiovascular disease
- Diarrhea
- Distal sensory polyneuropathy
- Glucose intolerance
- Gynecologic conditions
- Hepatitis
- HIV-associated dementia
- IRIS
- Infections (bacterial, fungal, parasitic, or viral)
- Lipodystrophy (lipoatrophy or lipohypertrophy)
- Malnutrition
- Muscle weakness
- Myositis
- Neurocognitive or other mental limitations
- Oral hairy leukoplakia
- Osteoporosis
- Pancreatitis
- Peripheral neuropathy
- Other: _____

If the patient shows any of the repeated manifestations above, are there significant, documented signs of these manifestations (for example, but not limited to, fever, headaches, insomnia, involuntary weight loss, malaise, nausea, night sweats, pain, severe fatigue, or vomiting)?

No

Yes

If yes, please specify which signs are present? _____

If the patient shows repeated manifestations of any of the above, does he or she also suffer from any of the following limitations at the marked level?

Limitation of activities of daily living

Limitation in maintaining social functioning

Limitation in completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace



Evaluation Forms

- Important to help facilitate evaluation forms being filled out.
- Ask the patient about how the medical condition affects him or her.
- “Patient reports that...” is better than no response.
- Follow the evaluation form.