**Section 120.313 Blind**

MANG(B)

a) To be eligible for medical assistance as a blind person an individual must be determined blind as currently defined by the Social Security Administration (SSA). (See 20 CFR 416, Subpart I, April 1, 1984).

b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration determination of blindness. The Department will make the determination when the client has been denied SSI on the basis of too much income or when the client is applying for medical assistance only and not receiving SSI or OASDI. The Department uses the same criteria for blindness as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984).

c)

1) If an individual applying for or receiving medical assistance is determined currently "not blind" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of blindness and deny or cancel the case, no matter which agency made the original determination of eligibility.

2) If the individual appeals the SSA determination of blindness to SSA, medical assistance shall be continued for recipients through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of c)3) below. If medical assistance has been cancelled but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of c)3) below.

3) If the client notifies the Department of his appeal to SSA within 10 days of the date of the Department notice, medical assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days of the date of the Department notice, medical assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, medical assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days of the date of the Department notice, in which case medical assistance will be reinstated back to the original date of cancellation.

4) Medical assistance shall not be provided to applicants for medical assistance through the SSA appeals process.

5) If an Administrative Law Judge finds the individual "not blind", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of blindness to the Department at any time during this process.

d) Redetermination of blindness is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

e) When appropriate, the Department shall pay for a medical examination to determine blindness.

(Source: Amended at 8 Ill. Reg. 6770, effective April 27, 1984)