

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1001

H.P. 737

House of Representatives, March 10, 2011

**An Act To Assist Persons Who May Be Eligible for Social Security
Disability Assistance**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EVES of North Berwick.
Cosponsored by Senator ROSEN of Hancock and
Representatives: CORNELL du HOUX of Brunswick, FOSSEL of Alna, ROTUNDO of
Lewiston, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of
Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3788, sub-§3**, as amended by PL 2001, c. 335, §2, is further
3 amended to read:

4 **3. Assessment.** Each participant's case manager shall conduct an initial assessment
5 to determine that individual's education, training and employment needs based on
6 available program resources, the participant's skills and aptitudes, the participant's need
7 for supportive services, local employment opportunities, the existence of any good cause
8 circumstances under section 3785 and, to the maximum extent possible, the preferences
9 of the participant. The department shall document findings in the participant's case
10 record indicating any barriers to participation, including, but not limited to, any physical
11 or mental health problems or other good cause circumstances specified in section 3785.

12 If it is determined upon initial assessment or at a later date that the participant has
13 significant employment barriers, including physical or mental health problems, learning
14 disabilities or limitations related to providing care for a disabled household member or a
15 child with serious behavioral problems, the case manager shall refer that participant for a
16 comprehensive disability screening and assessment conducted by a qualified individual to
17 identify the abilities, limitations and needs of that participant. The participant may
18 supplement the assessment with medical records or any other credible information related
19 to the participant's ability to participate in program activities. Such an assessment may
20 also be initiated at the request of the participant at any time.

21 The case manager shall use the comprehensive disability screening and assessment to
22 determine appropriate services and supports to enable economic self-sufficiency and
23 family well-being for the participant that may include:

24 A. Referral to a community agency qualified to assist the participant with services,
25 supports, education, training and accommodations needed to reduce or overcome any
26 barriers to achieve self-sufficiency and to fulfill each participant's personal and
27 family responsibilities; or

28 B. Assistance applying for federal social security disability insurance benefits or
29 federal supplemental security income benefits needed by that participant to access
30 those benefits in accordance with subsection 3-A.

31 Nothing in this subsection may preclude a determination that the participant is
32 temporarily unable to participate due to good cause circumstances as described in section
33 3785. Any determination made under this subsection may be appealed in accordance with
34 section 3762, subsection 9.

35 A participant identified as qualifying for the comprehensive disability screening and
36 assessment under this subsection may not be sanctioned for failing to comply with an
37 assigned activity until assessment results are received and reviewed by the department.

38 The department shall provide training for case managers to ensure that they are able to
39 identify participants needing the comprehensive disability screening and assessment and
40 understand the requirements of the federal Americans with Disabilities Act.

41 **Sec. 2. 22 MRSA §3788, sub-§3-A** is enacted to read:

1 **3-A. Application assistance; Social Security Administration.** The department
2 shall develop a system to expedite and maximize the award of federal social security
3 disability insurance benefits and federal supplemental security income benefits for a
4 participant receiving assistance under the ASPIRE-TANF program who has been
5 assessed as having a severe illness or disability and any dependent of the participant who
6 may be eligible for benefits administered through the United States Social Security
7 Administration. If it is determined under subsection 3 that the participant has a physical
8 or mental health problem that may be severe enough for the participant to qualify for
9 federal social security disability insurance benefits or federal supplemental security
10 income benefits, the case manager shall provide or arrange for assistance in accessing the
11 benefit for which the participant may be eligible. The department shall work with
12 members of the medical and mental health provider community to increase and update
13 their knowledge of the social security law and procedures related to a disability so that
14 they may provide more comprehensive and effective evidence in support of disability
15 applications.

16 The department shall:

17 A. Assist the participant or dependent in submitting a timely and complete
18 application to the United States Social Security Administration for assistance;

19 B. Obtain consent to become the participant's or dependent's representative during
20 the application process when necessary and appropriate;

21 C. Determine if the participant or dependent may have an impairment that warrants a
22 finding of presumptive disability under the social security law and, if so, advise the
23 United States Social Security Administration of the condition;

24 D. Assist in collecting comprehensive medical evidence to document functional and
25 medical disability sufficient to permit a claims adjudicator to make an accurate
26 determination of disability, increase the likelihood of disability benefit award at the
27 time of the initial application and substantially reduce the processing time associated
28 with the application;

29 E. Arrange for any additional medical assessment necessary to accurately determine
30 disability;

31 F. Prepare a summary report for inclusion with the application stating all relevant
32 evidence in support of the participant's or dependent's claim for consideration by the
33 claims adjudicator conducting the disability determination; and

34 G. Arrange for legal representation when necessary to appeal an adverse decision
35 related to the participant's or dependent's application when an appeal is warranted.

36 **SUMMARY**

37 This bill requires the Department of Health and Human Services to assist
38 ASPIRE-TANF participants who have been determined to have a physical or mental
39 health problem that may be severe enough to qualify for federal social security disability
40 insurance benefits or federal supplemental security income benefits to apply for those
41 benefits. The bill also establishes guidelines and criteria that the department is required
42 to follow in assisting the participants.