

103^D CONGRESS
1ST SESSION

H. R. 1498

To amend the Social Security Act to provide for findings of presumptive disability under title II of such Act in the same manner and to the same extent as is currently applicable under title XVI of such Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1993

Mr. STARK introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

A BILL

To amend the Social Security Act to provide for findings of presumptive disability under title II of such Act in the same manner and to the same extent as is currently applicable under title XVI of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS OF PRESUMPTIVE DISABILITY**

4 **UNDER TITLE II OF THE SOCIAL SECURITY**

5 **ACT.**

6 (a) IN GENERAL.—Section 221 of the Social Security
7 Act (42 U.S.C. 421) is amended by adding at the end the
8 following new subsection:

1 “Presumptive Disability

2 “(m)(1) The Secretary shall provide by regulation for
3 findings of whether an individual applying for benefits
4 under section 223 or benefits based on such individual’s
5 disability under section 202 is presumptively disabled.
6 Such findings shall be made in the same manner and
7 under the same disability standards as apply in finding
8 whether an individual applying for benefits under title
9 XVI is presumptively disabled under such title.

10 “(2) If an individual applying for benefits under sec-
11 tion 223 or benefits based on such individual’s disability
12 under section 202 is found to be presumptively disabled
13 under the regulations prescribed pursuant to paragraph
14 (1) and is determined to meet the requirements for entitle-
15 ment to such benefits other than the requirement that the
16 individual be under a disability, the Secretary shall pay
17 such benefits to such individual for each month during the
18 period—

19 “(A) beginning with the later of—

20 “(i) the month in which the finding of pre-
21 sumptive disability is made, or

22 “(ii) the first month after the expiration of
23 the applicable waiting period (as defined in sec-
24 tion 223(c)(2), 202(e)(5)(A), or 202(f)(6)(A),
25 as applicable, as if the reference therein to ‘dis-

1 ability' were a reference to 'presumptive disabil-
2 ity'), and

3 "(B) ending with the earlier of—

4 "(i) the last month before the date of a de-
5 termination of whether the individual is dis-
6 abled, or

7 "(ii) the last month of the 6-month period
8 beginning with the month described in subpara-
9 graph (A).

10 "(3) An individual to whom a disability insurance
11 benefit is payable under paragraph (2) for any month shall
12 be treated as entitled to such benefit for such month for
13 purposes of determining entitlement of other persons to
14 benefits for such month under section 202 based on such
15 individual's entitlement to such benefit.

16 "(4) Any benefits paid to an individual under this
17 subsection for months prior to the determination of wheth-
18 er such individual is disabled, and benefits paid to another
19 person on the basis of the treatment of such individual
20 as entitled to disability insurance benefits under para-
21 graph (3), shall in no event be considered overpayments
22 for purposes of section 204 solely because such individual
23 is determined not to be disabled.

24 "(5)(A) Subject to subparagraph (B), a benefit shall
25 not be payable to any individual under this subsection or

1 section 1631(a)(4)(B) if such individual has been paid
2 benefits based on the presumptive disability or presump-
3 tive blindness of such individual for 6 months (irrespective
4 of whether the prior payments were made pursuant to this
5 subsection, section 1631(a)(4)(B), or any combination
6 thereof).

7 “(B) For purposes of subparagraph (A), any benefits
8 paid under this subsection or section 1631(a)(4)(B) in
9 connection with a prior disability or blindness of such indi-
10 vidual shall be disregarded.”.

11 (b) DETERMINATIONS OF MEDICAID ELIGIBILITY.—
12 Section 1634 of such Act (42 U.S.C. 1383c) is amended
13 by adding at the end the following new subsection:

14 “(e)(1) Any individual who receives a benefit under
15 title II in any month on the basis of presumptive disability
16 pursuant to section 221(m) shall be deemed for purposes
17 of title XIX to be a recipient of a benefit under this title
18 in such month in any case in which he or she would be
19 eligible for such benefit under this title in such month if
20 the amount of such benefit under title II received in such
21 month were disregarded.

22 “(2) For purposes of paragraph (1), the term ‘benefit
23 under this title’ means a supplemental security income
24 benefit under this title, a State supplemental payment of
25 the type referred to in section 1616(a), and a payment

1 of the type described in section 212(a) of Public Law 93–
2 66.”.

3 **SEC. 2. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply with
5 respect to applications for benefits under title II of the
6 Social Security Act filed after the 180-day period following
7 the date of the enactment of this Act and may, at the
8 discretion of the Secretary of Health and Human Services,
9 apply to applications filed during such period.

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