

# ***Edited Content Extracted from: sections 305–309.docx***

## PART III. BENEFITS (third chunk)

### SUB-PART C: DISABILITY INSURANCE

#### **\*\*Section 305. Disability Insurance\*\***

A disabled individual who was fully and currently insured, permanently insured, or insured at the onset of disability is entitled to a monthly insurance benefit. The benefit begins in the month the person becomes eligible and ends with the month before the month of death or recovery from disability, whichever occurs first, subject to the earnings test in §330.

**\*\*Subject to Subsections (a) and (b) of Section 754, the monthly disability insurance benefit is the basic benefit, with a minimum monthly benefit of one hundred forty-eight dollars (\$148.00), effective on October 1, 2013. The basic benefit shortfall will apply as set forth in Section 304 (c).\*\***

**\*\*Subject to Section 754(b), if the person is receiving a periodic workman's compensation benefit, the disability insurance benefit shall be reduced in any month by the amount in which the total of the workman's compensation benefit plus the basic benefit exceeds eighty percent (80%) of one-twelfth (1/12) of the highest annual remuneration on which contributions were made in the period consisting of the year in which the disability occurred and the preceding five (5) years.\*\***

[41 PNC § 754, as amended by RPPL No. 9-11, Sec. 5]

#### **\*\*Section 306. Disability Defined\*\***

(a) The term "disability" shall mean the following:

\* Inability to engage in any substantial gainful employment or activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted, or can be expected to last for a continuous period of not less than twelve (12) months.

A child under the age of eighteen (18), or under the age of twenty-two (22) if a bona fide student, will be considered disabled if he or she has a medically determinable physical or mental impairment or combination of impairments that causes marked and severe functional limitations or can be expected to cause death or that has lasted or can be expected to last for a continuous period of not less than twelve (12) months.

(b) Substantial gainful activity is work activity that is both substantial in nature and gainful in terms of compensation:

\* Substantial work activity is work activity that involves doing significant physical or mental activities. Work may be substantial even if it is done on a part-time basis, for fewer hours, less responsibility, or for less compensation.

\* Gainful work activity that is for pay, compensation, wages, profit, or some other gain. Work may be considered gainful if it is the kind of work usually done for pay or profit, whether or not a profit is realized.

The Administration shall not consider personal maintenance, household tasks or chores, hobbies, therapy, school attendance, club activities, or social programs to be substantial gainful employment.

[Source 41 PNC § 711 and § 712(d)]

#### **\*\*Section 307. Medically Determinable Impairment\*\***

To receive disability benefits, a person must have a physical or mental medically determinable impairment. Each person who files a claim for disability is responsible for providing medical evidence from acceptable medical sources showing that he or she has determinable impairment(s) and the severity of the impairment(s). A physical or mental medically determinable impairment is an impairment that results from an anatomical, physiological, or psychological abnormality which can be shown by medically acceptable clinical and laboratory techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms, diagnosis, tests, findings, laboratory work. Statements made by an individual claiming the disability may be offered as support of a medically determinable impairment but shall not be conclusive by themselves.

The Administration shall use a listing(s) of impairments, for each major body system, that are considered severe enough to prevent a person from doing any gainful activity. Most of the listed impairments are considered permanent or expected to result in death, or a specific statement of duration is made. These listed impairments shall not require proof that the impairment has or is expected to last for a continuous period of twelve (12) months or more. For all other non-listed impairments, the claimant shall provide proof from an acceptable medical source that the impairment has or is expected to last for a continuous period of twelve (12) months or more.

[Source 41 PNC § 711 and § 712(d) & U.S. SSA]

#### **\*\*Section 308. Acceptable Medical Sources for Evidence\*\***

Acceptable medical sources include but are not limited to the following:

- \* Licensed physicians (medical or osteopathic doctors);
- \* Licensed or certified psychologists;
- \* Licensed optometrists;
- \* Licensed podiatrists;
- \* Qualified speech-language pathologists;
- \* Treating sources such as hospitals or health facilities; or
- \* Other sources such as schools, caregivers, social workers, naturopaths, chiropractors, and audiologists.

[Source 41 PNC § 711 and § 712(d) & U.S. SSA]

#### **\*\*Section 309. Disability Determination\*\***

The Administration shall make a determination of disability based on medical evidence provided by the claimant through a process known as “sequential evaluation”.

For adults, the procedure requires sequential review of the claimant’s current work activity, the severity of his or her impairment(s), the claimant’s residual functional capacity, his or her past work experience, and his or her age, education, and work experience.

For children, the process requires sequential review of the child’s current work activity (if any), the severity of his or her impairment(s), and an assessment of whether his or her impairment(s) result in marked and severe functional limitations.

If an adult or child is found to be disabled or not disabled at any point in the evaluation, the evaluation shall immediately cease.

[Source 41 PNC § 711 and § 712(d) & U.S. SSA]