

**Centers for Medicare & Medicaid Services, HHS**

**§ 436.540**

Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based on a determination by the Secretary of State.

individual's age if the year, but not the month, of his birth is known.

[55 FR 36821, Sept. 7, 1990, as amended at 56 FR 10807, Mar. 14, 1991; 58 FR 4908, Jan. 19, 1993]

[58 FR 4936, Jan. 19, 1993]

**BLINDNESS**

**Subpart F—Categorical Requirements for Medicaid Eligibility**

**§ 436.530 Definition of blindness.**

**§ 436.500 Scope.**

(a) *Definition.* The agency must use the definition of blindness that is used in the State plan for AB or AABD.

This subpart prescribes categorical requirements for determining the eligibility of both categorically needy and medically needy individuals specified in subparts B, C, and D of this part.

(b) *State plan requirement.* The State plan must contain the definition of blindness, expressed in ophthalmic measurements.

**DEPENDENCY**

**§ 436.531 Determination of blindness.**

**§ 436.510 Determination of dependency.**

In determining blindness—

For families with dependent children who are not receiving AFDC, the agency must use the definitions and procedures used under the State's AFDC plan to determine whether—

(a) A physician skilled in the diseases of the eye or an optometrist, whichever the individual selects, must examine him, unless both of the applicant's eyes are missing;

(a) An individual is a dependent child because he is deprived of parental support or care; and

(b) The examiner must submit a report of examination to the Medicaid agency; and

(b) An individual is an eligible member of a family with dependent children.

(c) A physician skilled in the diseases of the eye (for example, an ophthalmologist or an eye, ear, nose, and throat specialist) must review the report and determine on behalf of the agency—

[43 FR 45218, Sept. 29, 1978, as amended at 58 FR 4936, Jan. 19, 1993]

(1) Whether the individual meets the definition of blindness; and

**AGE**

(2) Whether and when reexaminations are necessary for periodic redeterminations of eligibility, as required under § 435.916 of this subchapter. Blindness is considered to continue until the reviewing physician determines that the recipient's vision no longer meets the definition.

**§ 436.520 Age requirements for the aged.**

The agency must not impose an age requirement of more than 65 years.

[43 FR 45218, Sept. 29, 1978, as amended at 44 FR 17939, Mar. 23, 1979]

[58 FR 4936, Jan. 19, 1993]

**DISABILITY**

**§ 436.522 Determination of age.**

**§ 436.540 Definition of disability.**

(a) In determining age, the agency must use the common law method (under which an age is reached the day before the anniversary of birth) or the popular usage method (under which a specific age is reached on the anniversary of birth), whichever is used under the corresponding State plan for OAA, AFDC, AB, APTD, or AABD.

(a) *Definition.* The agency must use the definition of permanent and total disability that is used in the State plan for APTD or AABD. (See 45 CFR 233.80(a)(1) for the Federal recommended definition of permanent and total disability.)

(b) The agency may use an arbitrary date, such as July 1, for determining an

(b) *State plan requirement.* The State plan must contain the definition of permanent and total disability.