

**CABINET FOR HEALTH AND FAMILY SERVICES**

**Department for Income Support**

**Division of Disability Determinations**

**(Amended at ARRS Committee)**

**923 KAR 2:470. Disability Determinations Program.**

RELATES TO: KRS 205.245, 20 C.F.R. 401.5-401.200 , Subparts A, B, C, 404.900-404.999d, Subpart J, 416.1400 - 416.1499, Subpart N, 416.1701 - 416.1725, Subpart Q, 422.401 - 422.445, Subpart E

STATUTORY AUTHORITY: KRS 194A.030(9), 194A.050 (1) , 20 C.F.R. 404.1501 - 404.1599, Appendix 1 & 2, Subpart P, 404.1601 - 404.1694, Subpart Q, 416.901 – 416.999d , Subpart I, 416.1001 - 416.1094, Subpart J

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(9) requires the Cabinet for Health and Family Services, Department for Income Support to serve as the state unit, as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. KRS 194A.050(1) requires that the Secretary shall promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law. 20 C.F.R. 404.1501-404.1599 provides that in order for a person to be entitled to any benefits based upon disability or blindness or to have a period of disability established, they must be disabled or blind as defined in Title II of the Social Security Act. 20 C.F.R. 404.1601-404.1694 provides the standards of performance and administrative requirements and procedures for states making determinations of disability under Title II of the Social Security Act. 20 C.F.R. 416.1001-416.1094 provides the standards of performance and administrative requirements and procedures for states making determinations of disability under title XVI of the Social Security Act. This administrative regulation establishes procedures and requirements for making disability determinations.

Section 1. The following C.F.R. sections govern disability determinations made by the Cabinet for Health and Family Services, Department for Income Support, Division of Disability Determination Services:

- (1) 20 C.F.R. 401.5 - 401.200 , Subparts A, B, and C;
- (2) 20 C.F.R. 404.900 - 404.999d, Subpart J;
- (3) 20 C.F.R. 404.1501 - 404.1599, Appendix 1 & 2, Subpart P;
- (4) 20 C.F.R. 404.1601 - 404.1694, Subpart Q;
- (5) 20 C.F.R. 416.901 - 416.999d, Subpart I;
- (6) 20 C.F.R. 416.1001 - 416.1094, Subpart J;
- (7) 20 C.F.R. 416.1400 - 416.1499, Subpart N;
- (8) 20 C.F.R. 416.1701 - 416.1725, Subpart Q; and
- (9) 20 C.F.R. 422.401 - 422.445 , Subpart E.

(23 Ky.R. 2387; eff. 12-18-96; Recodified from 904 KAR 2:470, 10-30-98; Recodified from 921 KAR 5:470, 5-1-2000; 48 Ky.R. 1059; 1771; eff. 12-15-2021.)

CONTACT PERSON: Krista Quarles, Policy Specialist, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.