



Plan, start Amoxicillin 500 mg. t.i.d., increase fluid intake and report in 48 hours.

Note, a urinalysis performed today was essentially normal, except for 1+ protein.

The patient advised me that she has already been scheduled for a chest x-ray and pulmonary function exam in Rutland which would certainly shed more light on the matter.

Regarding the patient's capacity for work, if the what appears to be an extended acute episode of bronchitis is controlled and thus restoring the normal ventilation, ordinarily I would see no reason for any physical restriction on her capacity to work, likewise mentally she is an alert lady, intelligent and I would see no restriction in that area either.

However, at the present time she would be unable to perform any significant physical work especially anything that involved going up stairs or anything that would increase her respiratory rate.

This condition may well completely reverse with proper medical management.

However, in a note dated November 14, 1991, the same physician was less sanguine in his prognosis and

recommendation:

[Petitioner] has had a recent deterioration in her pulmonary status due to chronic obstructive pulmonary disease which has rendered her unable to do any significant amount of work due to shortness of breath and bouts of acute asthma.

Whether or not this becomes a permanent problem remains to be seen. However withdrawing her from the workplace for a year could prove very beneficial and possibly prevent a more prolonged disability.

The above assessment is entirely uncontroverted.

Therefore, it is found that the petitioner's disability can reasonably be expected to last at least one year. Moreover, it is clear that the petitioner's attempting to return to work before a year is up would be medically contraindicated.

ORDER

The Department's decision is reversed.

REASONS

Medicaid Manual Section M211.2 defines disability as follows:

Disability is the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or combination of impairments, which can be expected to result in death or has lasted or can be expected to last for a continuous period of not fewer than twelve (12) months. To meet this definition, the applicant must have a severe impairment, which makes him/her unable to do his/her previous work or any other substantial gainful activity which exists in the national economy. To determine whether the client is able to do any other work, the client's residual functional capacity, age, education, and work experience is considered.

In this case, uncontroverted medical evidence establishes that the petitioner meets the above definition.

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