

CHAPTER 16
CRITERIA FOR ISSUING SPECIAL VEHICLE IDENTIFICATION
PERMITS TO DISABLED PERSONS

§16-01 Introduction.

This rule establishes criteria for the issuing of Special Vehicle Identification Parking Permits (SVIPP), also known as Parking Permits for People with Disabilities (PPPD), pursuant to §2903(a)(15)(a) of the New York City Charter, to or on behalf of disabled persons who have a permanent disability seriously impairing mobility and authorizes the use of physicians designated by the Department, including New York City Health & Hospitals Corporation employed physicians so designated pursuant to a contract entered into by the Department with the Health & Hospitals Corporation and the Department of Transportation, to make the decisions as to the eligibility of such persons for these special permits.

§16-02 Permanent Disabilities Seriously Impairing Mobility.

For the purposes of §2903(a)(15)(a) of the New York City Charter the following conditions constitute permanent disabilities that seriously impair mobility:

- (a) Complete monoplegia or paraplegia of lower extremities.
- (b) Above ankle amputation of lower extremities, at the discretion of the examining physician. Well-fitted below the knee prosthesis with normal ambulatory gait should not routinely be regarded as mobility impaired.
- (c) Arthritis of two major weight bearing joints of the lower extremities with clearly substantial X-rays changes and/or MRI changes, such as loss of joint space, severe degenerative changes plus one or more of the following:
 - (1) Objective finding of sizable effusion of joint(s) detected by clinical examination
 - (2) Gross instability or valgus/varus deformities of joint(s) detected by clinical examination
 - (3) Ankylosis or contracture of major joint(s) to such a degree as to preclude stair climbing.

Joint replacement does not qualify by itself unless accompanied by one or more of the above criteria.

- (d) Severe atrophy of one or both lower extremities (or discrepancy in leg lengths greater than three inches) which clearly and seriously impairs mobility.
- (e) Spinal column abnormalities of severe degree with unequivocal motor involvement not amenable to bracing or surgery which would seriously and permanently impair mobility. X-ray evidence of arthritis of the spine with or without pain is insufficient reason for approval. CT Scan, MRI and/or EMG results must be available for review prior to a decision.
- (f) Neurological conditions, such as multiple sclerosis, myasthenia gravis, myopathies, Parkinsonism and Alzheimer's Disease, affecting both lower extremities that would seriously impair mobility. Objective documentation (i.e., MRI, EMG, nerve conduction studies, et al.) must be submitted, where appropriate, by the applicant.
- (g) Cardiovascular and peripheral vascular disease of severe degree resulting in mobility impairment. Cardiovascular disease must meet ADA Class III or IV criteria; stress test,

echocardiogram, Doppler or other diagnostic studies must support evidence of significant pathology and/or disability.

- (h) Pulmonary disease with documented evidence of severe obstructive or restrictive disease on pulmonary function testing. Evidence of use of supplemental oxygen for more than twelve hours per day may also be acceptable evidence of impairment.
- (i) Renal insufficiency requiring frequent renal dialysis with significant objective finding of neural or hemic abnormalities.
- (j) Malignancies of any category that require chemotherapy and/or radiation therapy or other medical interventions which continuously and seriously impair mobility.
- (k) Post-Polio syndrome that on examination clearly and seriously impairs mobility.
- (l) AIDS related conditions, including peripheral neuropathy, wasting syndrome, dementia, which clearly seriously impair mobility on physical examination.
- (m) Mental conditions resulting in mental retardation of a severe nature documented by appropriate psychological evaluation, which permanently and seriously impair mobility.
- (n) Congenital diseases of any type that clearly result in permanent serious mobility impairment, including cerebral palsy, spina bifida and Down syndrome.
- (o) Any other permanent disability that in the specific circumstances, would seriously impair the mobility of the applicant.

§16-03 Physicians Employed by Health & Hospitals Corporation Designated to Perform Special Vehicle Identification Parking Permit Certifications.

The Department may use physicians, made available for this purpose by the Health & Hospitals Corporation pursuant to a contract entered into by the Department with the Health & Hospitals Corporation and the Department of Transportation, to perform medical certifications of Special Vehicle Identification Parking Permit applications submitted to the Department of Transportation. Such physicians, employed by the Health & Hospitals Corporation, shall be qualified to certify persons for a Special Vehicle Identification Parking Permit as possessing a "permanent disability seriously impairing mobility" in accordance with §2903(15)(a) of the Charter and the criteria specified in §16-02 above. A practitioner in an appropriate field of specialization may be used to perform a medical certification when deemed necessary by the non-specialist/physician assessing the person's medical eligibility for a SVIPP.

§16-04 Certification.

- (a) *Certification Form.* The Physician Certification Form shall state that, after a review of the SVIPP application and any accompanying documentation furnished by the applicant's personal physician, it has been determined that the applicant does or does not have a "permanent disability seriously impairing mobility". Where certification has been denied, the Form shall indicate whether that determination was based upon the fact that the medical documentation presented does not support a finding of a "permanent disability seriously impairing mobility" or because the clinical findings are inconsistent with the applicant's medical history or otherwise does not support the finding of a "permanent disability seriously impairing mobility". Except as otherwise provided in §16-05, such determination shall be final when it is adopted by the Department.

- (b) *Post-Certification Reevaluation.* In certain cases where certification has been granted, an applicant may be required to submit, at some future time designated by the physician/provider at the time of certification, to a reevaluation/reassessment of his (her) medical condition in order to determine whether the applicant continues to have a "permanent disability seriously impairing mobility". The decision to require a reevaluation of the applicant shall not be subject to appeal pursuant to §16-05.

§16-05 Appeals.

Where certification has been denied, an applicant for a Special Vehicle Identification Parking Permit may appeal such determination. Such request for appeal must be made within thirty business days of service of the decision denying the certification upon the applicant on a form received with the decision. Where the denial of certification was based upon a determination/finding that the medical history of the person does not support a finding of a "permanent disability seriously impairing mobility", the Department shall provide for a review of the file by a physician other than the physician who denied such certification. Where such denial was based upon clinical findings, or where the clinical findings were inconsistent with the medical history of the person, the Department shall provide a second assessment, which may include a physical examination by a physician selected by the Department other than the physician who denied certification. The applicant/appellant shall not be precluded from engaging an outside medical expert or specialist for purposes of his or her appeal. The results of any examination performed by such specialist and his or her conclusions shall be made part of the appeal record. The Department, or provider designated by the Department, may also provide a second assessment by a specialist when deemed necessary by the physician/provider. The results of the examination by this specialist shall also be made part of the appeal record. The determination of such appeal shall be final when it is adopted by the Department. A final determination denying certification shall preclude the filing of a Special Vehicle Identification Parking Permit application for the same condition by or on behalf of such person unless such person demonstrates that the condition has significantly worsened.