

Your Path to Success!
Answers To Your Work Questions
From NYS PROMISE

Medical Continuing Disability Review for Children and Young Adults Who Recieve Supplemental Security Income

James R. Sheldon
Edwin J. Lopez-Soto

www.NYSPROMISE.org



In This Guide

The purpose of this guide is to educate New York youth with disabilities and their families about how and when the Supplemental Security Income (SSI) program will review your case to see if you are still disabled.

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SSI Benefits Can be Terminated Following a Medical Review

A child under age 18 or an adult age 18 or older qualifies for Supplemental Security Income (SSI) payments based on a finding of disability. The SSI beneficiary must also have limited income and resources. The Social Security Administration (SSA) will review your case from time to time to see if your medical disability still qualifies you for benefits.

The SSI Medical Continuing Disability Review (CDR) applies to children under 18 and adults age 18 or older. During this review, SSA looks at medical information and school records, for example, to see if you still meet the SSI disability criteria or test. If SSA decides you continue to have a disability, your benefits will continue. If they decide you have improved and no longer meet the disability test, they will send a letter to let you know this and to let you know your benefits will end. You can appeal this decision. If you appeal within 10 days of getting the letter, your SSI payments continue during the appeal if you request continued benefits.

This document will focus on the SSI program and reviews faced by young people in the 14 to 25 age range, particularly those being served through the PROMISE project. Readers should keep in mind that the rules and strategies that we present below for adults will also apply to SSI beneficiaries older than 25 and to Social Security Disability Insurance (SSDI) beneficiaries. In this article, we will solely focus on the SSI program.

The Medical Continuing Disability Review (CDR) Process

When to Expect a Continuing Disability Review (CDR)

All SSI beneficiaries will have a Medical CDR from time-to-time. When this occurs depends in part on the classification of the disability for which benefits were granted. The following are general rules, called the diary system, that apply to SSI beneficiaries.

- **Medical Improvement Not Expected (MINE):** SSA will review these cases once every 5 to 7 years.
- **Medical Improvement Possible (MIP):** SSA will review these cases once every 3 years.
- **Medical Improvement Expected (MIE):** SSA will review these cases as early as 6 to 18 months following a finding of disability.

If you have a benefits adviser, they should be able to help you get a statement from Social Security to show when your Medical CDR is likely to take place.

Even if a Medical CDR was not going to be scheduled, one could occur if you are classified as MIE and you are working, if you have completed a program of vocational rehabilitation (VR) and the VR agency reports you are now capable of working, or if someone with knowledge of your condition reports that your disability has improved.

Medical CDRs Occur in One of Two Ways

SSA conducts periodic Medical CDRs using one of two methods. They send some cases to the State Disability Determination Services (DDS) (in New York, the Division of Disability Determinations) for a full medical review. They complete others using the mailer process.

The Full Medical CDR: SSA sends cases with a higher likelihood of medical improvement to DDSs for immediate full medical reviews. About 20 percent or more of adult SSI cases coming up for a CDR will get an immediate full CDR. For those cases identified as having a lower likelihood of medical improvement, SSA uses a self-help mailer to gather information to decide if a full CDR is required. Currently, all children's SSI cases that come up for a Medical CDR will get an immediate full CDR.

The SSA-455 Self-Help Mailer: If SSA decides that the likelihood of medical improvement is low (using a computer-scoring process), they will send out form SSA-455 to ask the beneficiary or his/her parents to provide medical, employment, educational, and other relevant information for the past two years. After the information from this form is reviewed, only about three percent of cases are referred for a full Medical CDR. Of the 97 percent of mailer responses not selected for a full CDR, about five percent of those will still get a full CDR as part of the “integrity sampling” process. The cases not selected for a full CDR will be set up for a new medical review date of either three years or five to seven years. SSA does not currently use the self-help mailer to review children’s SSI cases.

Medical CDRs in Children’s SSI Cases

A child can qualify for SSI as early as birth and through age 18 if he or she meets the disability test for children. Unlike the disability test for adults, which focuses on the inability to work, the childhood disability test looks at how well a child functions both at school and outside of school. The SSI program will compare the child’s development and functioning to that of a child of the same age who has no known disabilities.

The areas of development and functioning that will be considered are defined as:

- Acquiring and using information
- Attending and completing tasks
- Interacting and relating to others
- Moving about and manipulating objects
- Caring for himself or herself
- Health and physical well being

What to Expect in a Child’s Medical CDR

The purpose of the Medical CDR will be to decide: 1) if the child still meets the SSI disability test; or 2) if there has been “medical improvement” allowing the child to improve his or her development and functioning. Even if there has been some medical improvement, SSI benefits will continue if the disability test is still met. It is only when there has been medical improvement and the child no longer meets the disability test that SSI benefits can be discontinued.

Since this will be a full Medical CDR (not just using the mailer process), you can expect SSA to take a number of key steps:

SSA will often make a personal contact (in person or by phone) with the parent or other person who serves as the representative payee.

SSA will explain the CDR process, that the parent/payee is responsible, with SSA assistance, to submit evidence to establish a continuing disability and the right to appeal if the child is found to be no longer disabled.

SSA will ask the parent/payee to complete required forms, including forms that ask about the child's disabilities or medical condition, and the type of educational services they receive.

SSA will ask that the parent/payee sign forms that allow SSA to get information from doctors, other health providers, and educational staff. It is very important to carefully complete these forms or ask PROMISE staff, another service provider or SSA for assistance completing them.

In a majority of cases, SSA will find after the CDR that the child continues to have a disability and SSI will continue with a new review date set for the future. If SSA finds the person no longer disabled, they must send out a notice letting the parent/payee know of the decision. That decision can be appealed.

Medical CDRs in Adult SSI Cases

An adult, age 18 or older, will meet the adult disability test if unable to do significant work (substantial gainful activity, or "SGA") due to their disability or combination of disabilities. The purpose of the adult medical CDR is to determine if the person's condition has medically improved to the point where he or she can now do substantial gainful work. SSA will focus on your medical condition and not look at how much you earn during this process. In most cases, the person whose case is being reviewed will be age 22 or older.

The CDR process for adults will be similar to what is described above for children, with a few differences:

- Approximately 20 percent of adult SSI beneficiaries who come up for a medical CDR will be selected for a full Medical CDR without going through the mailer process.
- Approximately 80 percent of adults whose SSI cases come up for a CDR will go through the mailer process. Most of them will be continued on SSI without a full CDR, with about eight percent of them getting a full CDR.
- SSA will still seek information from doctors and other health care providers, with a focus on the ability to work despite the person's medical condition. It is less likely that SSA will seek information from educators unless the young adult was in a public school program within the past two years.
- As noted above for children's CDRs, SSA will often begin the process through a personal contact and will ask the SSI beneficiary or his or her representative payee (this could still be the parent) to complete a number of required forms. Here again, it is very important to carefully complete these forms or ask PROMISE staff, another service provider or SSA for assistance.

In a majority of adult SSI cases, SSA will find after the CDR that the person is still disabled and SSI will continue with a new review date set for the future. If SSA finds the person no longer disabled, they must send out a notice letting the person, or payee, know of the decision and that it can be appealed. If the appeal is filed within 10 days of getting the letter, SSI can continue during the appeal if the person requests that payments continue.

Special Rules that Apply to Medical CDRs

Active Use of Ticket to Work Puts a Hold on a Medical CDR

The Ticket to Work allows SSI or SSDI beneficiaries, ages 18 to 64, to use or "assign" their "ticket" to receive services through an organization called an Employment Network (EN). The purpose of the EN's free services is to help a beneficiary reach a work goal. The EN will only get paid if the beneficiary meets certain levels of progress toward an employment goal.

A beneficiary can also get free vocational rehabilitation (VR) services from New York’s Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) or the New York State Commission for the Blind (NYSCB). These services are to support a work goal. Although the beneficiary does nothing to assign the ticket to one of these agencies, they are still treated as getting services through the Ticket to Work program for the purposes of putting a hold on a medical CDR.

A Hold on Medical CDR if Beneficiary is Making “Timely Progress” Toward Work Goal:

Since an SSI or SSDI beneficiary does not qualify for a ticket until age 18, this discussion applies solely to medical CDRs for adults over 18. If a beneficiary has assigned their ticket to an EN or is receiving services from a state VR agency (like ACCES-VR) through a written, individualized plan of employment, SSA will put a hold on their scheduled medical CDR if the person is making “timely progress” toward what they call self-supporting employment. A full description of the timely progress criteria is beyond the scope of this document but some general comments can be made:

- A person can meet timely progress requirements by working and having their wages increase over a period of years.
- A person can meet timely progress requirements by making progress in an education or training program, including: earning a high school diploma or GED; earning credits toward a college or community college degree; or meeting progress in a technical, trade, or vocational school.
- A person can also meet timely progress requirements with a combination of work and education/training program activity.

If a person has either an assigned ticket or active case with a state VR agency and meets timely progress requirements a Medical CDR will not be scheduled.

Section 301 Allows Benefits to Continue After Determination of No Longer Being Disabled if Involved in Certain VR Programs

Section 301 allows your benefits to continue if SSA finds you to be no longer disabled if you are involved in certain vocational or other programs that are likely to lead to employment and no future need for SSI. To get Section 301 protection you must generally meet two criteria:

1) you had to start the vocational or other program before SSA made its decision finding you no longer disabled; and 2) staying in the program has to make it more likely you will not qualify for SSI in the future. As noted below, in some cases the second part of the criteria does not need to be met.

For young people currently served in a PROMISE treatment group, the most common ways to keep benefits using Section 301 are as follows:

- The young person remains in school, getting special education services with an individualized educational program (IEP). In these cases, there does not need to be a vocational program involved and there is no need to separately show that it is likely the person will not qualify for SSI in the future.
- The young person continues to be enrolled in PROMISE treatment services. Here again, there does not need to be a specific vocational plan involved and there is no need to separately show that it is likely the person will not qualify for SSI in the future.
- The young person no longer attends high school and is now being served by ACCES-VR or NYSCB with a work goal. In this case there will need to be a finding that this makes it more likely you will not qualify for SSI or SSDI in the future.

Although the SSI beneficiary would have a separate right to continued benefits by appealing, sometimes those benefits end before the benefits under Section 301 end. This is because Section 301 benefits will continue until the program in question ends, often a period of four years or more if the person is in a college program.

To learn more about Section 301, see our Section 301 brochure that explains Section 301 rights in greater detail.

Are There Any Work Incentives That Can Support Work?

The SSI program has many work incentives available that act as income exclusions or disregards. These work incentives can be deducted from gross monthly earnings as part of SSA's calculation in determining the amount of your adjusted SSI cash benefit. A brief description of each follows:

The \$20/\$65 Plus 50 Percent of Remaining Earnings Exclusion allows the SSI beneficiary to reduce their countable gross monthly unearned income by \$20 and their earnings by \$65 (or \$85 if no unearned income) plus another 50 percent of the remaining earned income.

Impairment-Related Work Expenses (IRWE) are work expenses related to a disability, or medical condition for which they receive treatment, that are needed to work and are paid for by the individual.

Blind Work Expenses (BWE) are any ordinary and necessary expenses related to the earning of income for an individual who is blind and are paid for by that individual.

Plan to Achieve Self-Support (PASS) allows an individual to set aside their own income and/or resources in a special account, not counted for SSI purposes, with the money to be used for expenses that will support their long-term work goal.

Student-Earned Income Exclusion (SEIE) helps students under the age of 22 who regularly attend school, receive SSI, and work to exclude up to \$1,870 per month up to a maximum of \$7,550 per year in 2019. These figures change each year.

These are all SSI work incentives and can positively affect the amount of an individual's SSI cash benefit. The impact of each is determined by the placement of the exclusion in the SSI calculation. Note that other guides on these work incentives will be available to provide more detailed information on how they work.

What if I Have Questions About How My Benefits will be Affected by Going to Work?

If you have questions about how your benefits will be affected by going to work, you can contact specialists to assist you toll-free at 1-888-224-3272. The hotline is available during business hours Monday through Friday, except on holidays. Every effort will be made to return calls the same day or within one business day.

Additionally, SSA has contracted with local organizations to provide work incentives counseling services for SSDI and SSI beneficiaries. The Work Incentive Planning Assistance (WIPA) agencies have people who have been specially trained to help individuals with disabilities who are considering going to work or who are working. You can get a list of the WIPAs in New York at:

<https://choosework.ssa.gov/findhelp/> (search by state or zipcode).

If you are involved in the PROMISE project, you are entitled to the benefits advisement service which includes work incentives counseling. If you do not have a benefits adviser assigned to you, ask your PROMISE case manager to refer you for this service.

What Documentation Will I Need to Provide?

- Medical records you already have
- Information from doctors, other healthcare providers and educational staff
- Information from vocational staff and job coaches

Questions about how earnings
impact your disability benefits?
Call us toll-free at 1-888-224-3272

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K. Lisa Yang and Hock E. Tan
Institute on Employment and Disability
Cornell University
201 Dolgen Hall
Ithaca, New York 14853

voice: 607-255-6270
fax: 607-255-2763
email: nyspromise@cornell.edu
web: www.nyspromise.org

www.NYSPROMISE.org

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