

*23ND ANNUAL CHRONIC ILLNESS AND DISABILITY CONFERENCE:  
TRANSITION FROM PEDIATRIC TO ADULT-BASED CARE*  
October 27-28, 2022  
Houston, Texas

# SOCIAL SECURITY DISABILITY REVIEWS.©

Beth S. Sufian, J.D.

SUFIAN & PASSAMANO, L.L.P.

HOUSTON, TEXAS

© BETH SUFIAN. ALL RIGHTS RESERVED.

## ***Disclaimer:***

This presentation is informational only.  
Nothing in this presentation is intended to be legal  
advice.

# About the Speaker



## **BETH SUFIAN, J.D.**

- Partner in Sufian & Passamano, L.L.P.
- Director of the CF Legal Information Hotline.
- Director of the CF Social Security Project.
- Practicing Attorney for 32 years.
- 57 year old with CF.

# What We Will Learn Today:

- The importance of Continuing Disability Reviews to maintaining disability benefits.
- When and why the Social Security Administration conducts Continuing Disability Reviews.

# What is a Continuing Disability Review or CDR?

- A Continuing Disability Review is a review by the Social Security Administration (SSA) of an SSI or SSDI beneficiary to determine if the beneficiary continues to have a disability and continues to meet all other eligibility requirements for benefits.

# Who is the Subject of the Continuing Disability Review?

- SSI and SSDI beneficiaries are subject to Continuing Disability Reviews.
- SSI and SSDI are different disability benefits programs with different eligibility criteria and different sets of benefits.
- However, SSI and SSDI share the same or substantially similar medical eligibility criteria.

# Why Does The Social Security Administration Conduct CDRs?

- The SSA is required by its regulations to conduct a medical continuing disability review at certain intervals.

# When Can the SSA Conduct a CDR?

- Generally for adult beneficiaries, the SSA will conduct a CDR as frequently as once every **3 years**, but it depends on each case.
- For medical conditions that the SSA expects not to improve, CDRs may be conducted once every **5 to 7 years**.
- If the SSA receives information indicating that a beneficiary may no longer be disabled (or experienced a substantial medical improvement), then it can conduct a CDR **at that time**.

# Is the Frequency of CDRs the Same for Children?

- For children, the SSA will generally conduct a CDR once every 3 years regardless of whether SSA expects the child's health to improve.
- However, for a child approved for benefits before the child was one year of age, SSA is likely to review that child after one year –
  - especially if low-birth weight or failure to thrive was a basis for the approval because SSA expects such conditions to resolve.

# Transition from Childhood to Adult – 18 Year Old Review.

- Children who have been determined eligible for benefits and who are continuing to receive benefits when they reach the age of 18 years will be reviewed before or near the time of their 18<sup>th</sup> birthday.
- The reason for the 18-year-old review is that the eligibility standards for children differ from the eligibility standards for adults.
- The purpose of the 18-year-old review is to determine if the beneficiary meets the disability eligibility standards for adults when they become an adult.

# The Frequency of CDRs has Increased.

- In the past, SSA conducted a CDR of beneficiaries with CF about once every 5 to 7 years.
- However, SSA is currently conducting CDRs of all beneficiaries more frequently, about once every 3 years.

# What does SSA Evaluate during a CDR?

- The primary purpose of a CDR is to evaluate the beneficiaries medical eligibility.
- SSA will also review applicable non-medical eligibility criteria.
  - For SSDI beneficiaries, SSA will evaluate substantial gainful activity (work, school, other activities), earned income, work history.
  - For SSI beneficiaries, SSA will evaluate work history, substantial gainful activity (work, school, other activities), income, assets, resources, household and living arrangements, and other applicable eligibility requirements.

# Work and Earning Limits

- The substantial gainful activity amount of earned income from part-time work by a person who is not self employed is \$1,350/month.
- The substantial gainful activity amount of earned income from part-time work by a self-employed person is \$970/month in 2022.
- Part-time work means less than 20 hours per week.
- If a beneficiary's earned income exceeds the applicable amount, then the person will likely be reviewed by SSA and may have a termination of benefits.
- However, up to 9 months of earnings over the SGA may be considered trial work months by SSA for SSDI beneficiaries.

# How is the CDR Initiated?

- SSA initiates the review by contacting the beneficiary by mail at the last known address:
  - If your address has changed, it is important to give notice of the change of address to SSA
  - If SSA sends the CDR documents to an old address, the beneficiary does not receive them, and does not respond, SSA may understand that to be a failure to reply to a request for information and terminate benefits.

# What Documents does SSA send to initiate a CDR?

- SSA uses a few different forms to collect the CDR information from a beneficiary:
  - 15 page form (SSA-454) is a detailed questionnaire about condition, treatment, daily activity. and limitations.
  - 2 page form (SSA-455).
  - There may be other forms used by SSA.

# On-lines Forms.

- SSA may invite beneficiaries to complete the forms on-line.

# Medical Records are an Important Source of Information.

SSA will look at:

- Clinic visit notes to see if the medical records indicate limitations in the person's daily activities and for evidence of the daily treatment burden;
- Hospital Discharge Summaries; and
- Other medical records.

# Other Sources of Information

- SSA may collect Information from third parties, such as:
  - Payers of wages and non-employee income.
  - Individuals who know the beneficiary (family members, physicians, other third parties).
  - Schools.
  - Other Government agencies, including the IRS, the Department of Homeland Security Arrivals and Departure data (showing absences from the United States), etc.
  - Social-media posts.

# One Opportunity.

- A beneficiary typically has one opportunity to respond to a request for information from the SSA in a CDR.
- The SSA uses the beneficiary's response (or lack of response) to determine whether benefits will continue.
- If the response is unclear, incomplete, inconsistent, lacks important details, or otherwise fails to accurately communicate the beneficiaries condition, then the SSA will likely make a decision that does not reflect the true nature of the beneficiaries disability status.

# What should Beneficiary Do when SSA initiates a CDR.

- Be Prepared: Beneficiaries receiving disability benefits will likely be reviewed at some point, and should be prepared for it.
- Relate complete and accurate information about daily limitations at clinic visits.
- Understand that a CDR is important, and could result in the loss of benefits.
- Act promptly when you receive the forms that indicate you are being reviewed.
- Tell your clinic or care team.
- Get assistance.

# Why are CDRs Especially Important Now.

- From March to August 2020, SSA suspended CDRs because of the COVID19 pandemic.
  - SSA has since resumed conducting CDRs that can result in a termination benefits.
  - SSA is now processing current CDRs and CDRs that would have been conducted in 2020.
- SSA Inspector General's report November 2021.
  - IG estimates \$20 billion in payments that exceed what beneficiaries are due.
  - CDR is the mechanism SSA uses to verify that benefits are due.
- 15% of SSA Administrative Budget (\$1.6 Billion) is dedicated to Program Integrity which includes continuing and expanding CDRs.