

Answers to SOAR Training Parking Lot Questions

June 6 & 7, 2013 SOAR Training

- 1. Is the consultative exam (CE) held to a higher regard by DDS than other medical evidence?**
There is not a black and white answer because DDS will look at whether there is a Medically Determinable Impairment (MDI) verification from an acceptable source. If the CE report is consistent with an outside MDI report it will be held the same regard. If there is not an acceptable medical source (i.e. only NP or ARNP), the CE report will be held higher because they are a trained MD. If the MDI report is different between an outside doctor and the CE doctor, DDS may seek additional info from both doctors if there is a discrepancy.
- 2. May authorized representatives attend consultative exams? Is there an official rule?**
They can, however the consultative exam (CE) provider may ask them not to attend, if they so choose. If an authorized representative feels strongly about being present they could contact the DDS adjudicator far in advance of the appointment to find out if a third party is allowed and explain why it would be beneficial. The final decision is up to the CE provider.
- 3. What is the impact on the application process if they refuse treatment or to attend appointments?**
Application is denied. Let SSA/DDS know if the person has trouble getting to and/ or meeting appointments.
- 4. How can I help someone whose SSI/SSDI has been suspended or terminated?**
The SSA needs contact with the person ASAP. If you have a 1696 form you can fax that with your SOAR cover sheet to ask about it.
- 5. How can someone become a payee for someone else?**
All potential payees need to be interview by SSA. No appointment is necessary to conduct an interview. If the claimant can be there, that is nice, but they don't have to. SSA will make a decision based on the interview and information from the application. SSA really needs a compelling reason to assign a payee.
- 6. How do you advocate for a payee for someone already on benefits?**
If the individual wants a different payee, they should have a good reason why. If not, they should work it out with the payee. If there is a reason, SSA needs to hear about the complaint, with details, and they will investigate it.
- 7. What happens if I start an online disability application and become locked out?**
If completing an application online, you have a limited time after you save your progress to go back in to complete it. If you can't get back in, do the rest on paper and indicate that the other piece is online.
- 8. Does neglect count toward battery and cruelty for immigrant eligibility?**
Specific information regarding this question can be found here: <https://s044a90.ssa.gov/poms.nsf/lnx/0500502116>
- 9. Does an IDA count as an asset?**
If it is a state-run IDA program it does not count as an asset.
- 10. Does a lump sum per capita payment for tribes count toward resources?**
There are so many types, the SSA has to look at each scenario individually to determine if it is a resource.

August 23-24, 2012 SOAR Training

1. How does household income figure in to someone's SSI?

The entire households' countable income is considered when assessing for income eligibility for SSI.

2. If they don't earn SGA, but have a spouse that makes \$100,000, can they still get SSI?

No..... Countable monthly earned income after disregards is \$384.00, is total countable monthly income.

3. What is a presumptive disability?

Presumptive Disability (PD) payments are made by SSA for up to six months, if someone applied for SSI because of certain disabling conditions or blindness and are waiting for DDS to make a final decision. If SSA is not able to make a PD determination based on disability or blindness then they will consider making a determination on basis of another severe condition, if a final approval seems likely. The PD payments to not have to be repaid if denied. The amount of the PD payments will be based on countable income and the SSA field office can make the determination.

Someone may be eligible to receive SSI benefits right away on the basis of a PD if they have one of more of the following medical conditions:

- Amputation of a leg at the hip
- allegation of total deafness; that is, no sound perception in either ear;
- allegation of total blindness; that is, no light perception in either eye;
- allegation of bed confinement and immobility without a wheelchair, walker, or crutches, due to a longstanding condition excluding recent accident and recent surgery;
- allegation of stroke (cerebral vascular accident) more than three months in the past and continued marked difficulty in walking or using a hand or arm;
- allegation of cerebral palsy, muscular dystrophy, or muscular atrophy and marked difficulty in walking (for example the use of braces), speaking, or coordination of the hands or arms;
- allegation of Down syndrome;
- allegation of severe mental deficiency made by another individual filing on behalf of a claimant who is at least 7 years of age;
- a child has not reached his or her first birthday and the birth certificate or other medical evidence shows a weight below 1,200 grams (2 pounds, 10 ounces) at birth:
- a child has not attained his or her first birthday and available medical evidence shows a gestational age (GA) at birth with these corresponding birth-weights:
 - GA: 37-40 weeks; weight at birth: less than 2000 grams (4 pounds, 6 ounces);
 - GA: 36 weeks; weight at birth; 1875 grams (4 pounds, 2 ounces) or less;
 - GA: 35 weeks; weight at birth: 1700 grams (3 pounds, 12 ounces) or less;
 - GA: 34 weeks; weight at birth: 1500 grams (3 pounds, 5 ounces) or less; or
 - GA: 33 weeks; weight at birth: at least 1200 grams, but no more than 1325 grams (2 pounds, 15 ounces);
- symptomatic human immunodeficiency virus (HIV) infection or acquired immunodeficiency syndrome (AIDS); Form SSA-4814 or SSA-4815 is needed;
- a physician confirms by telephone or in a signed statement that an individual has a terminal illness with a life expectancy of six months or less; or a physician or knowledgeable hospice official (for example, hospice coordinator, staff nurse, social worker or medical records custodian) confirms that an individual is receiving hospice services because of a terminal illness;

- allegation of a spinal cord injury producing an inability to ambulate without the use of a walker or bilateral hand-held assistive devices for more than two weeks with confirmation of such status from an appropriate medical professional;
- allegation of end stage renal disease (ESRD) requiring chronic dialysis, and the file contains a completed CMS-2728 End Stage Renal Disease Medical Evidence Report-Medicare Entitlement and/or Patient Registration;
- allegation of amyotrophic lateral sclerosis (ALS) known as Lou Gehrig's disease.

4. How long do you have to complete the SSDI online application once you start filling it out?

Three months to complete the online application.

5. What happens to your SSI or SSDI benefits when you hit retirement age?

SSA no longer considers people disabled once they reach retirement age. Disabled people are now on Social Security because of age. Bottom line - Those on SSD at retirement age will continue to receive the same benefits but are no longer considered disabled by Social Security regarding monthly payments. Each year approximately a month prior to a birthday, SSA mails a statement showing the amount received if on disability. If you are not yet retired, it will show the amount upon retirement. Then Social Security calculates your average indexed monthly earnings during the 35 years in which you earned the most. If you worked less than 35 years prior to disability, that will affect the amount received.

6. How can we get records through DOC and DSHS?

Typically a standard HIPAA compliant release which is signed by the applicant. WA has a standard DOC release. Many DOC's require SSA- 827(Authorization for release) and SSA-3288 (Consent for Release of Information) which must be completed. If the applicant was referred by DSHS, typically you should be able to obtain the welfare file, ie) medical deferral, assessments.

7. Can photos or video be submitted to DDS as evidence of disability?

SSA cannot accept video, but can accept photographs. It is helpful to have the photograph time stamped. The photos ought to be pertaining to the individual's allegations (I.e. individual is hunched over due to back problems or have a skin disorder).