

# the NADE ADVOCATE



A Publication of the National Association of Disability Examiners

Volume 20, Number 1

Nov./Dec., 2003

## Social Security Advisory Board Chair Delivers Keynote Address At NADE National Conference

by Terri Klubertanz, NADE President



Chairman Daub outlines problems  
in the disability program.

HAL DAUB, CHAIRMAN OF THE Social Security Advisory Board, spoke to the NADE National Training Conference on Wednesday, October 15. Mr. Daub is a partner with the law firm of Blackwell Sanders Peper Martin in Omaha, Nebraska and Washington, D.C. Previously, he served as Mayor of Omaha, Nebraska from 1995 to 2000, and as an attorney, principal and international trade specialist with the accounting firm of Deloitte & Touche from 1989 to 1994. Mr. Daub was elected to the United States Congress in 1980, and reelected in 1982, 1984 and 1986. While in Congress, Mr. Daub served on the House Ways and Means Committee, the Public Works and Transportation Committee and the Small Business Committee. In 1992, Mr. Daub was appointed by President George H.W. Bush to the National Advisory Council on the Public Service. From 1997 to 1999, he served on the Board of Directors of the National League of Cities, and from 1999 to 2001 he served on the League's Advisory Council. Mr. Daub was also elected to serve on the Advisory Board of the U.S.

Conference of Mayors, serving a term from 1999 to 2001. From 1971 to 1980, Mr. Daub was vice president and general counsel of Standard Chemical Manufacturing Company, an Omaha based livestock feed and supply firm. A former member of the U.S. Army, Mr. Daub is a graduate of Washington University in St. Louis, MO, and received his law degree from the University of Nebraska. Term of office on the Social Security Advisory Board is January 2002 to September 2006.

Mr. Daub stated that the Social Security Advisory Board (SSAB) is very concerned about the future of the disability program. Momentous changes will need to be implemented in the next few years. He detailed three major problems with the existing program:

disability decisions are not uniform or consistent,

the number of individuals on the disability rolls is rapidly increasing and

disability case backlogs are continuing to rise.

These problems are due to several reasons – inadequate resources to process the disability workload, the lack of an effective quality assurance system, and disability policy that doesn't meet adjudicator needs.

The SSAB members visited many different components and locations across the country involved in the disability program and heard directly from those who work on the "front-lines" about the issues facing the disability program. The SSAB issued a report in 2001 detailing out suggested changes needed to create an effective and affordable disability program. Specific goals and objectives that the Board feels are critical for a national program such as Social Security disability are: all individuals truly disabled should receive benefits and those who can work should receive assistance to do so; decisions need to be fair and consistent to all; and claimants need help to understand the disability process itself.

The SSAB believes that policy development and quality management changes are needed to bring about accountability in decision-making and consistency in application of policies. Some of the SSAB recommendations included: the state agency decision should be represented at the hearing, the record should

*continued on page 4*

### IN THIS ISSUE:

Correspondence	pp. 7-11
"Waste, Fraud and Abuse"	pp. 14-17
"Service Delivery Budget"	pp. 18-20
The Future of Quality	pp. 21-22

**President's Message**

THERE IS NO BETTER WAY for us to rejuvenate our enthusiasm for our profession than by attending a NADE National Training Conference. This year was no exception, especially since this year's conference marked the culmination of our celebratory activities honoring NADE's 40<sup>th</sup> year as a professional association and its 25<sup>th</sup> silver anniversary as an independent organization. The host chapter for this year's conference, ESADE, planned and executed a tremendous conference and everyone in attendance experienced nothing but gracious hospitality and willingness to provide whatever assistance was needed during the conference week. Special thanks go to the ESADE chapter members and also to Mr. David Avenius, the New York DDS administrator, for his support for ESADE in hosting the conference.



The national conference was the culmination of our year-long celebratory activities honoring NADE's history. Special thanks go to our corporate sponsors for their support in helping this conference to be a success. I would especially like to extend NADE's appreciation to Industrial Medicine Associates (IMA) for their sponsorship of the presidents' reception that included many excellent food choices and a silver anniversary cake, and to MDSI Physicians Group who presented NADE with a silver anniversary commemorative plaque and silver anniversary pins.

I am looking forward to continuing my service to NADE as President for the coming year and I am looking forward to working with all of you. This year holds promise for being a very exciting year for NADE in many respects. I want to take this opportunity to thank all of you in advance for your support and assistance in the year ahead as we approach many critical decisions regarding the future of the disability program and our Association.

SSA Commissioner Jo Anne Barnhart recently announced her decision to commit SSA to move toward implementation of a new disability claims process. Her proposal has generated a lot of questions from the DDS community. NADE received a personal briefing on this proposal from the Commissioner before the start of our national conference and NADE's leadership was invited to Washington the week after the conclusion of our national conference for another meeting with the Commissioner for a more detailed discussion regarding the specifics of this proposal and the concerns our members have for this new proposal. You can find information on these meetings by contacting your regional director or by visiting NADE's web site at [www.nade.org](http://www.nade.org).

In order for NADE to continue to be an effective voice for the DDS perspective, it is critical that we continue our work to increase our membership. Our membership has declined in recent years as a result of the constant turnover of staff in the DDSs and the retirements of many of our long-time members. It has

*continued on next page*

Letters to the Editor are welcomed and may be selected for inclusion in future issues. Please forward ideas for future Advocate topics to the editor or your Regional Publications Representative.

Advocate advertising rates are as follows:		
Size	Single Run	Multiple runs
1/3 page	\$75.00	\$50.00 per issue
1/2 page	\$125.00	\$100.00 per issue
Full page	\$200.00	\$175.00 per issue

**Professional Opportunities:** Brief 1-2 lines on related occupational information (\$25.00)  
**Chapter Networking/Fund Raising:** "Chapter Bulletin Board" (\$10.00)  
**Membership Networking:** Exchange or request for information, such as computer information (\$5.00)  
**Advertising:** Contact Donna Hilton 417.888.4152 or Susan Smith 614.438.1879.

NADE is an incorporated, nonprofit organization.

**Editor**

**Donna Hilton**  
1117 Sunshine Drive  
Aurora, MO 65605  
417.888.4152  
Fax 417.888.4069

**Regional Representatives:**

**Great Lakes**  
**Marcia Shantz**  
41000 Greystone Blvd.  
Plymouth, MI 48170  
313.456.1604

**Great Plains**  
**Mark Bernskoetter**  
2530-I S Campbell  
Springfield, MO 65807  
417.888.4070  
Fax 417.888.4069

**Mid-Atlantic**  
**Betty James**  
211 Arms Chapel Road  
Reistertown, MD 21136-1332  
410.966.8097

**Northeast**  
**Debi Chowdhury**  
4 Derby Ct  
Loudonville, NY 12211  
518.473.9038  
Fax: 518.473.9017  
debichowdhury@yahoo.com

**Southeast**  
**Julia Johnson**  
410 W. Chestnut  
Louisville KY 40202  
502.595.4404

**Southwest**  
**Barry Hight**  
PO Box 44446  
Shreveport, LA 71134-0446  
318.869.6563

**Pacific**  
**Jeff Friel**  
PO Box 21  
Boise, ID 83707  
208.327.7333 ext. 334

The next issue will be published in **January, 2004.**

All correspondence should be directed through your Regional Representative or directly to the Advocate editor **no later than December 15, 2003.**

You may e-mail articles in text format to [drhilton@sofnet.com](mailto:drhilton@sofnet.com)  
Please forward a hard copy.

become increasingly difficult to recruit and retain members from a pool of potential members who increasingly express the collective opinion that they do not plan to stay at the DDSs because of the increasing complexity of the workload and the declining morale in the workplace. These negative forces, however, make it even more imperative that the DDS community continues to be represented on a national level by a highly credible professional association that is widely recognized for its professional expertise and which has the capability to represent the interests of those of us who have chosen to make a commitment to public service. This need has never been greater!

I ask you to seriously think about what you want NADE to be and whether you want to continue to have a voice at the national level. NADE is not about me, nor is it about you, but it is about us as an Association – an Association that is dedicated to improving the disability program and offering our collective wisdom to rebuild public confidence in the disability claims process and make the program more viable in the long-term.

NADE is truly the only organization that represents those of us who work on the front line of the disability program. We are the ones who know the true challenges for the disability program and we are the ones who witness on a daily basis the issues that need to be addressed and resolved. We are the ones who have the experience and expertise to communicate these issues and seek to obtain reasonable solutions.

Communication is very important for our professional association and it is just as important that your national leaders hear from you as you hear from us. By sharing communications via the *NADE Advocate*, through our regional directors, e-mail exchanges, phone calls or our web site, I hope that you will agree with me that NADE continues to be very much involved in those critical areas that impact on your day-to-day work. If you believe NADE can and should continue as a credible voice presenting pragmatic, affordable ideas for improving the disability program, then I ask each of you to recruit your co-workers to become members.

As we move forward to address future needs and re-build confidence and credibility in the disability program, I believe that NADE can bring about real changes and improvements but I also believe that NADE cannot do it alone. We need each other and can gain strength for our ideas by working collaboratively and cooperatively with others as equally involved in disability program issues as those of us in NADE. As we continue to address future issues and move forward, NADE will need your on-going support, assistance and ideas to ensure that NADE's voice is heard.

If every member recruited just one new member, NADE's membership base would double and our ability to represent your professional interests would expand likewise. If these efforts to increase NADE's membership prove to be unsuccessful, then the Association will face difficult decisions in the near future regarding choices as to whether we should increase membership dues or curtail some of the Association's activities. Either choice will have a profound impact on the continuing ability of NADE to maintain its capacity to effectively represent the DDS perspective in the national debate over the future of the disability program. These tough choices will need to be made if we are unsuccessful in increasing our membership. I hope we can avoid the necessity of that. NADE's continued strength can only be accomplished with your help.

I believe in NADE and NADE's mission or I would not be NADE's President. NADE's long history as a professional organization with the majority of our members working on the front –lines of the disability program and our strong involvement in advocating for and offering suggestions for improvements in the disability program speak for themselves as to the credibility of our voice. Please work with me to ensure that that voice continues to be heard. Thank you.

## Theresa B. Klubertanz

Terri Klubertanz  
President

**GOLD Corporate Member**  
**FAMILY INDEPENDENCE AGENCY**




235 South Grand  
Avenue  
Suite 1414  
Lansing MI 48909

**Charles A. Jones**  
Office of Reengineering and Quality Management Director  
517.335.4655 Fax 517.241.8390

**Silver Corporate Member**

**CHAMBERLIN  
EDMONDS**



744 Broad St., Ste. 1720, Newark NJ 07102  
3500 Piedmont Rd. N.E. #400, Atlanta GA 30305  
1212 Bath Ave, Ste. 1, Ashland KY 41101

*Chairman Daub, from page 1*

be closed after the ALJ hearing and the agency needed to review the value of the functions performed by the Appeals Council.

Mr. Daub stated that the Board welcomes the dramatic changes proposed by Commissioner Barnhart and applauds her leadership and willingness to tackle this task. Fundamental change is never easy. There will be ample opportunity for those responsible for carrying out the reform to provide their opinion and views on the proposed changes.

Mr. Daub praised NADE and NCSSMA for their joint work on a paper suggesting ideas to promote improved service to the public. He said this was an excellent example of two components in the disability program working closely together to best serve the claimants. Mr. Daub suggested that if there are areas of the proposed new disability case process plan that organizations are critical of, organizations should pose alternative solutions, not just criticize. The SSAB will be spending a great deal of time over the next few months evaluating the Commissioner's proposal.

The SSAB is considering the issue of whether it is time to rethink the fifty year old definition of disability. The Board believes it is time to consider changes in the definition to remove disincentives for individuals to return to work and identify earlier in the process those individuals who are interested in returning to work. The SSAB will soon be releasing a paper on this topic. The SSAB is very interested in receiving NADE's reaction to their upcoming report.



*Chairman Hal Daub (right) was accompanied to the NADE conference by the SSAB staff director, Joe Humphreys.*

Mr. Daub stated that the reforms proposed by Commissioner Barnhart are compassionate for claimants and for workers. If no changes are made to the program, a substantial outlay of benefit costs will be unfunded over the next 75 years. The completeness of the disability file has a lot to do with quality and consistency of decisions and how quickly decisions can be processed. The new plan allows for a more thorough and complete record at the initial case process. Removing the quick decisions from the DDSs will allow more time to work the more complex cases. Early screening and quick reviews of obvious disability cases is not currently working well and the new process addresses that problem. Some features need to be added into the initial screening function to be more focused on who can get back to work.

The SSAB is also looking at the inter-relationship of Social Security Disability/SSI/MA and Medicare in retirement issues. A report is expected to be out in one year in this area. There are fewer workers and more beneficiaries and this is expected to get worse in future years. Current options such as raising taxes or decreasing benefit amounts are not viable alternatives for the long-term health of the program. Medicare is in very big trouble and will be in significant fiscal trouble much sooner than Social Security.

Mr. Daub stated that he likes the current state/federal relationship in the disability program. By maintaining state independence, it preserves the close relationship between those individuals who are affected by the work being done and it gives more accountability at the state level.

**NADE CALENDAR OF EVENTS:**

Great Lakes	Adam's Mark Hotel	Columbus, OH	May 12-14, 2004
Great Plains/Pacific	Owyhee Plaza Hotel	Boise, ID	May 19-21, 2004
Southeast	Radisson Hotel	Birmingham, AL	April 27-30, 2004
Southwest	Holiday Inn Downtown	Shreveport, LA	April 20-23, 2004
2004 National Conference	Fairmont Hotel	Kansas City MO	Sept. 18-24, 2004

## NADE Marks Its Silver Anniversary in 2003 Celebrating 25 Years as an Independent Professional Organization and 40 Years Since Inception

In keeping with the focus on NADE's 25th anniversary, NADE President Terri Klubertanz enlightened the membership with "THE TOP 25 QUESTIONS ASKED ABOUT NADE" at the Albany Conference.

PRESIDENT KLUBERTANZ  
BEGAN BY ASKING, "How many can  
you answer?"

#25. What is NADE?

#24. When was NADE formed?

#23. Why was NADE formed?

#22. Who formed NADE?

#21. Why was the name "National Association of Disability Examiners" selected as the organization's name?

#20. Can just disability examiners belong to NADE?

#19. Was NADE always an independent association?

#18. Who was NADE's first President?

#17. What state was Mr. Blalock from?

#16. Who designed the NADE logo?

#15. What state was Mr. Lucian Zadrozny from?

#14. When did NADE become an independent organization?

#13. What was predicted for NADE's future as an independent association?

#12. Who was NADE's first President as an Independent Association?

#11. When was NADE's first independent National conference?

#10. What is NADE's Mission?

#9. How does NADE accomplish its mission?

#8. When was NADE's professional certification process started?

#7. When was NADE's certification program most recently revised?

#6. What is NADE's official communication tool?

#5. When was NADE's first *Advocate* published?

#4. Who was the first NADE *Advocate* editor?

#3. How is NADE governed?

#2. Where does NADE derive its strength?

AND LAST BUT NOT LEAST, the #1 question I receive about NADE.

### #1. Why Should I belong to NADE?

In your conference packet, you should find a handout titled NADE highlights for 2002-2003. This is a list of some of the activities and initiatives that NADE was involved with this past year. There are 22 items listed here (sorry, listing the top 25 would have put me onto another page and you know we want to save that NADE budget!) I won't go over all of these highlights with you today. But please take the time this week to look these over. If you have any questions on any of them, I will be glad to talk to you about them. I think once you have had an opportunity to review this list that you will agree with me that NADE speaks for those who are on the "front-lines" of the disability program.

NADE continues to live up to its original mission working as a grass-roots organization to represent the interests of its members. NADE is truly an independent professional association. NADE is not influenced by political parties or other entities or take money from other organizations. NADE's membership dues comprise ninety percent of the Association's revenue.

NADE is your professional organization and it is the only organization that can truly represent the disability professional or support professional in Baltimore and Washington D.C. where the decisions are made that determine how you do your job in the DDS.

NADE is your voice—the voice that expresses the "front-line worker" in the DDS perspective in ongoing policy discussions and in testimony before Congress.

That voice is important. No one else can speak for the people who do the work that so many are trying so hard to change.

What will you get from becoming a member if you are not already one?

You will receive six issues of the NADE *Advocate* per year. This is the Association's bimonthly professional publication and contains news of ongoing developments at SSA and in the medical profession, news about the organization and its members and news about what we can expect in the future.

You will be afforded opportunities for leadership. NADE is a member led organization whose leaders at the state, regional and national levels are your co-workers. NADE's leaders know exactly what it takes to do your job because they, too, do your job and know the impact of new developments and changes on how that job is done.

You will be afforded opportunities for training and learning. The very fact that you are here demonstrates your interest in on-going training and learning. And as you can see from the agenda, NADE training is aimed directly at what

*Top 25, continued next page*

**Top 25, from page 5**

you do (and we try to throw some fun into it too!) You will have the opportunity to ask questions from top medical and policy speakers speaking directly to you. NADE's training conferences are specifically designed for the disability professionals and support professionals like you who render critical decisions on disability on a daily basis.

You may have opportunities for career advancement. NADE membership will not automatically enhance your opportunities for promotion unless you take advantage of seizing those opportunities. However, NADE offers you valuable knowledge and skills that will make you a much more viable employee to your employer or to another employer across the country, because as NADE members, you will learn about employment opportunities in other locations.

You will have opportunities to work with other people to effectuate positive change. This is probably one of the most satisfying aspects of NADE membership – the ability to be able to look back and say, "Yes, I helped change the system." NADE members are working every day to help design a better system, to look at more effective and more efficient ways of doing business and to make a positive difference in their lives of our members and in the lives of other people. NADE members also work hard at community service projects that help people and NADE members are dedicated to the best possible customer service that can be provided.

NADE offers you the opportunity for professional certification. NADE is the only certifying professional association for disability professionals, disability support professionals and disability medical consultants in the DDSs. NADE offers this certification as a service to its current NADE members, as well as recertification after three years, upon completion of the necessary requirements. You can be proud as a NADE member of your professional standing knowing that you have surpassed the minimum certification requirements.

NADE is a professional association known by Congress, SSA and other government agencies for its expertise and credibility. NADE is consulted by the congressional committees and subcommittees that oversee the Social Security Administration. NADE's advice and counsel was sought by President Bush about our issues and concerns in his choice for a new SSA Commissioner. NADE played a prominent role in the confirmation hearings for the Inspector General of SSA. NADE has assisted Congress in writing legislation that impacts on the disability program and we are invited on a regular basis to provide expert testimony at congressional hearings on issues affecting the Social Security disability program. NADE was invited to a briefing by the Commissioner of Social Security to discuss her proposal for a new disability case process and will be meeting with her individually later this month to discuss NADE's reaction to the proposal, to obtain further details about the proposal and to discuss NADE's issues and concerns about the proposed new disability case process.

NADE offers a variety of professional awards that recognize the many contributions and outstanding achievements of its members. These awards are presented annually at regional and national conferences and serve as a symbol for the vital and critical service that

NADE members perform for the American public.

There are many intangible benefits for NADE members with perhaps the best of these being the new friends you will gain all across the country and even in your own agency. NADE membership offers opportunities to work together with people in your own agency and across the nation. Being here at this training conference offers opportunities for you to meet other people from across the country and make new friends.

If you are not currently a member of NADE, I urge you to join us. Your membership in NADE is important because each new member increases the visibility and the effectiveness of NADE to advocate on your behalf. And with major changes on the horizon, this is becoming increasingly more important every day. NADE membership ensures you that there is someone who can speak on your behalf! The future is now and NADE must provide a strong positive voice to impact on that future."

Terri Klubertanz  
NADE President

*Special thanks to Frank Giordano, Marty Blum and Jeff Price for the information they provided to me and for their assistance in developing the answers to the NADE history questions.*

*Answers to Questions 2-25 will be published in later Advocate issues.*



*IMA, a Gold Corporate member, sponsored the President's Reception and honored NADE with a special 25th anniversary cake.*

**NADE Correspondence**



Theresa B. Klubertanz, President  
National Association of Disability Examiners  
Post Office Box 7886  
Madison, WI 53707  
Phone 608.266.7604  
Fax 608.266.8297  
E-mail [theresa.klubertanz@ssa.gov](mailto:theresa.klubertanz@ssa.gov)

October 7, 2003

The Honorable E. Clay Shaw, Jr., Chairman  
Social Security Subcommittee  
Committee on Ways & Means  
United States House of Representatives  
2408 Rayburn House Office Building  
Washington, D.C. 20515-0922

Dear Representative Shaw:

The National Association of Disability Examiners (NADE) reviewed with great interest the testimony presented at the September 25, 2003 hearing on Social Security Administration's Management of the Office of Hearings and Appeals. We are particularly interested in the new disability claims process proposed by Commissioner Barnhart.

NADE is a professional association whose purpose is to advance the art and science of disability evaluation. The majority of our members work in the State Disability Determination Service (DDS) agencies and thus are on the "front-line" of the Social Security disability case process. However, our membership also includes Social Security Field Office and Central Office personnel, physicians, attorneys, claimant advocates and others. The diversity of our membership, combined with our extensive program knowledge and "hands on" experience, enables NADE to offer a perspective on disability issues that is both unique and reflective of a pragmatic realism.

We share your belief that the Congress and the Social Security Administration must find ways to ensure "that individuals with disabilities can receive the prompt and accurate service they deserve". As individuals who have extensive program knowledge and experience with the current disability case process and who will be required to implement the changes, we hope that you will consider including our organization in any future hearings on the new disability claims process.

Thank you for your consideration.

Sincerely,

**Theresa B. Klubertanz**

Theresa B. Klubertanz

*This letter was also sent to Robert T. Matsui, Ranking Minority Member on the House of Representatives' Social Security Subcommittee, Committee on Ways & Means.*

Theresa B. Klubertanz  
Post Office Box 7886  
Madison, WI 53707  
Phone 608-266-7604  
Fax 608-266-8297  
E-mail [theresa.klubertanz@ssa.gov](mailto:theresa.klubertanz@ssa.gov)

October 9, 2003

*This letter was sent to the following conferees to the House of Representatives' Appropriations Committee:*

Randy "Duke" Cunningham  
Rosa DeLauro  
Kay Granger  
Ernest J. Istook  
Steny Hoyer  
Jesse L. Jackson, Jr

Patrick Kennedy  
Nita Lowey  
Anne Northrup  
David Obey  
John E. Peterson  
Ralph Regula

Lucille Roybal-Allard  
Don Sherwood  
Mike Simpson  
Dave Weldon, M.D.  
Roger Wicker  
C. W. Bill Young

Dear Congressman (*name inserted*):

During conference negotiations on the Labor-HHS-Education Appropriations bill, the National Association of Disability Examiners (NADE) urges adoption by the House of the Senate's position on the Social Security Administration's Limitation on Administrative Expenses (LAE) account. We are greatly concerned that the House-passed bill provides \$168.2 million less than the President and the Senate have recommended for Fiscal Year 2004.

NADE is a professional association whose mission is to promote the art and science of disability evaluation. Our members, whether they work in the state Disability Determination Service (DDS) agencies, the Social Security Field Offices, SSA Headquarters, OHA offices or in the private sector, are deeply concerned about the integrity and efficiency of the Social Security and SSI disability programs. Simply stated, we believe that those who are entitled to disability benefits under the law should receive them; those who are not, should not. This goal cannot be achieved without adequate resources.

Any reduction in the level of funding for the LAE account will have a substantial impact on the Social Security disability program. If the LAE account is reduced, SSA's ability to provide high quality and timely service to the American public is similarly reduced. Those who will face the most significant disturbances in service delivery due to this reduction in funding are the most vulnerable members of our communities – the elderly and the disabled.

SSA is already facing a backlog of pending disability claims. This backlog will only increase as the baby boom generation begins to reach their "disability prone" years. To address this problem, the Commissioner developed a Service Delivery Budget plan which formed the basis for her Fiscal Year 2004 budget submission. The President responded to that plan by recommending an 8.5% increase in the administrative budget for SSA workloads. The Senate has approved that increase, the passage of which will put SSA on a path to eliminating by 2008 backlogs in all workloads – including disability. If the full level of funding of the LAE account is reduced, SSA will not be able to maintain even the minimum staffing needed to address urgent issues and the disability backlog will continue to grow.

The number of individuals filing for benefits continues to increase while the number of staff that are available to evaluate their claims continues to be limited due to budget constraints. SSA estimates that if the full funding level for the LAE is not achieved it will result in 300,000 initial disability claims that will not be taken and 150,000 disability hearings that will not take place. In addition, the number of hearings pending will increase from 500,000 to 750,000.

Once again, we are asking that you adopt the Senate position during conference negotiations for the Social Security Administration's Limitation on Administrative Expenses account. Your support of the full funding level specified by the Senate and the President will help ensure that senior citizens, the disabled, and other members of our communities receive the high quality service they expect and deserve.

Thank you for your consideration of this request.

Sincerely,

**Theresa B. Klubertanz**

Theresa B. Klubertanz

E. CLAY SHAW, JR FLORIDA, CHAIRMAN  
SUBCOMMITTEE ON SOCIAL SECURITY

BILL THOMAS, CALIFORNIA, CHAIRMAN  
COMMITTEE ON WAYS AND MEANS

SAM JOHNSON, TEXAS  
MAC COLLINS, GEORGIA  
J.D. HAYWORTH, ARIZONA  
KENNY S. HULSHOF, MISSOURI  
RON LEWIS, KENTUCKY  
KEVIN BRADY, TEXAS  
PAUL RYAN, WISCONSIN

ALLISON GILES, CHIEF OF STAFF  
KIM HILDRED, SUBCOMMITTEE STAFF  
DIRECTOR

JANICE MAYS, MINORITY CHIEF COUNSEL  
KATHRYN OLSON, SUBCOMMITTEE MINORITY

# Congress of the United States U.S. House of Representatives

ROBERT T. MATSUI, CALIFORNIA  
BENJAMIN L. CARDIN, MARYLAND  
EARL POMEROY, NORTH DAKOTA  
XAVIER BECERRA, CALIFORNIA  
STEPHANIE TUBBS JONES, OHIO

COMMITTEE ON WAYS AND MEANS  
WASHINGTON, DC 20515

ExOfficio:  
BILL THOMAS, CALIFORNIA  
CHARLES B. RANGEL, NEW YORK

SUBCOMMITTEE ON SOCIAL SECURITY

October 23, 2003

Ms. Theresa B. Klubertanz  
President  
National Association of Disability Examiners  
Post Office Box 7886  
Madison, WI 53707

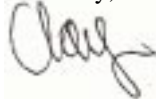
Dear Ms. Klubertanz:

Thank you for writing to offer your assistance on the behalf of the National Association of Disability Examiners (NADE) in reviewing the new disability claims process proposed by Commissioner Barnhart. I am very optimistic that the proposals put forth by the Commissioner will result in improved service to those applying for disability benefits and provide further assistance to individuals with disabilities who want to work.

In coming months the Ways and Means Subcommittee on Social Security will hold a hearing to review the Commissioner's proposals. NADE has consistently provided valuable testimony for the Subcommittee and we will certainly consider including your organization in any future hearing on the Commissioner's proposals. In the meantime, my staff is most interested in meeting with you to discuss your reactions to the Commissioner's approach. Kim Hildred, Staff Director, may be reached at 202 225-9263 to arrange a time to meet.

Finding solutions to improve Social Security's disability programs will not be easy, but the Commissioner has taken an important first step by outlining a plan for change. Thank you for your continued commitment to providing the best possible service to individuals with disabilities. I look forward to our upcoming work together.

Sincerely,



E. Clay Shaw, Jr.  
Chairman

**You hold the key.....**



**To Report Fraud,  
Waste, Abuse Or  
Mismanagement**

**Call: 1.800.269.0271  
Write: SSA Fraud Hotline  
P.O. Box 17768  
Baltimore, MD 21235**

**Fax 410.597.0118  
e-mail oighotline@ssa.gov**

*NADE received the following clarification from SSA in response to inquiries received on the article written by Bill Dunn in the September 2003 issue of the Advocate pertaining to Dopplers. Unfortunately, the article provided some information that is contrary to SSA policy. NADE would like to apologize for any misunderstanding that may have resulted from the article in the September 2003 issue of the Advocate pertaining to Dopplers and is printing in full the correspondence received from Sue Roecker, SSA's Associate Commissioner for Disability Programs. Please be advised that the memo from Sue Roecker represents SSA's official policy regarding Dopplers.*



## SOCIAL SECURITY

MEMORANDUM ICN: 33297-14-2026

Date: October 28, 2003

To: Horace Dickerson  
Regional Commissioner  
Dallas

Refer To: TAVA

From: Sue Roecker /s/  
Associate Commissioner  
for Disability Programs

Subject: September/October 2003 *NADE Advocate* Article Written by Texas Disability Determination Services' (DDS) Employee—  
ACTION

Recently, an article in the September/October 2003 *NADE Advocate* was brought to our attention by the Chicago Regional Office (RO). This article, titled "Dopplers And Listing 4.12B," (tab A) written by Bill Dunn of the Texas DDS, contained some good information, but it also contained information that is contrary to our policy. In addition, there are other statements that we feel need clarification.

The information that is contrary to our policy is found under the heading "When Can We Avoid Ordering a Doppler?" The second example, which was taken from the Texas PPM (POMS Procedural Memorandum) Number 02-04, indicates that "if the claimant's impairment met or equaled the listing criteria (or was a medical/vocational allowance) prior to surgery, and the claimant develops recurrent claudication post surgery, the case can be allowed without another Doppler' by equaling listing 4.12." This information was allegedly provided to the DDS by the Dallas RO. This guidance is contrary to our policy that specifies that pre-surgical findings cannot be used to assess current severity. Another Doppler would be needed to assess the circulation properly, as the impairment may not be as severe as preoperatively. This policy clarification was provided in the response to question 72 in the last of a series of questions and answers on the then-new cardiovascular system listings, shared with all regions via a note dated August 17, 1994 (tab B). Pre-surgical findings in such a case may only be used to establish whether the duration requirement is met and to determine the onset date.

We also would like to clarify the following points presented under the cited article headings:

### **WHAT YOU GET WHEN ORDERING A DOPPLER**

- In the discussion of cases involving diabetes and other specific peripheral vascular diseases (PVD), such as Monckeberg's sclerosis, the indications suggesting the need for toe pressures would include normal or **spuriously high** indices, rather than the "near normal indices" mentioned in the article.
- When evaluating a case involving advanced diabetes with PVD, if a Doppler is to be done, it should include both the ankle and the toe pressures, and not just the toe pressures, as suggested. This will provide a better assessment of the PVD, as well as serve as a check on the validity of the toe pressures, *vis a vis* the other pressures.

### **WHEN CAN WE AVOID ORDERING A DOPPLER?**

We have a caveat for the example in the first paragraph: If there is an arteriogram in the file that failed to visualize the common femoral or deep femoral artery in an extremity, listing 4.12A is met and no Doppler is needed. (However, a Doppler, which is non-invasive, generally would have been done prior to the arteriogram.) As pointed out in the article, such an arteriographic finding would almost always result in restorative surgery. Thus, if surgery has occurred and the individual still alleges claudication, then a Doppler should be obtained to assess the post-surgical status.

**WHEN ARE DOPPLERS CONTRAINDICATED?**

All the rules on exercise testing apply to exercise Doppler testing as well. Thus, risk factors must be assessed and the claimant's medical source(s) should be consulted if an exercise Doppler seems indicated, but has not been done.

**HOW DO YOU INTERPRET AN EXERCISE DOPPLER?**

Generally, the report would include pressure readings at 1 minute, 5 minutes, and 10 minutes post-exercise. Drawing a graph of these pressures is also helpful in determining how quickly the pre-exercise levels are reached.

**WHEN DO YOU ORDER A DOPPLER?**

- If the claimant does not report claudication after surgery, you do not need to order a Doppler, because the impairment has been corrected and is no longer of listing-level severity.
- As mentioned above, all exercise testing requirements apply to exercise Dopplers, including discussion of risk factors with the medical source(s).

**HOW TO INTERPRET AN EXERCISE DOPPLER**

We consider it best not to provide suggested residual functional capacity (RFC) assessment decisions, as done in this section. An RFC assessment is done based on all the evidence; it is not based on the results of just one test.

We are always available to review articles, especially where policy issues are of concern, prior to publication. We recommend that a correction of the above-cited issues be provided to all who may have read this article or the Texas DDS PPM 02-04.

If you or your staff have any questions, please contact Bonnie Davis, Office of Medical Policy, at (410) 965-4172.

Sue Roecker

cc: Terri Klubertanz

Attachments:

Tab A – NADE Advocate article

Tab B – 08/17/1994 note

---

**Cutting Costs vs. Raising Dues**

*by Chuck Schimmels, NADE Treasurer*

**THE NADE BOARD TREADS ON THIN ICE.** With the rising costs of travel, conferences, and publications, the board is looking into ways of saving the organization money. Among some of the ideas brought about by the board are to look into the rising costs of the mid-year board meeting space, NADE obtaining a credit card to use for gaining sky miles points for future travel of the NADE board, only publishing the Advocate quarterly and/or even going to an electronic newsletter.

As the board continues to work within the budget and strives hard to maintain the low membership dues, we must take a serious look at our growing costs and the importance of maintaining the professionalism we have become known for over the years. In order for the organization to strengthen its future we have to make some tough choices. The hope is that membership will continue to increase and that we don't have to raise dues in the future. But, we need your input as the membership on ways to strengthen the financial future of NADE. Please email your suggestions to me at Charles.Schimmels @SSA.GOV for consideration by the board.

Gold Corporate Member

**BECKER LAW OFFICE**

**Donald W. Becker**  
Attorney

---

1334 Applegate Rd, Suite 202 ♦ Madison WI 53713  
♦ Voice: 608.270.9979; 800.254.7766 ♦ Fax 608.270.9975  
♦ Email: donbecker@beckerlawoffice.com

Gold Corporate Member



**MDSI**  
PHYSICIAN SERVICES

Delivering Quality Disability Evaluations on a Timely Basis

1701 W 2450 S Call: 1.800.548.9092  
Ogden, Utah 84401 Contact: Mike Powell

www.mdsiphysicians.com

# General Membership Meeting

## NADE National Training Conference

Albany, New York

October 15-16, 2003

by Shari Bratt, 2002-03 NADE Secretary

REPORTS OF THE EXECUTIVE Officers, Chair of the Council of Chapter Presidents, Appointed Directors and Committee Chairs were read and approved, as were the Ad Hoc NADE Storage and Files and Leadership Training Committee reports.

### OLD BUSINESS

1. NADE Website - The website is more user-friendly with current items of interest such as late-breaking news.

2. 2003 Regional Conferences - All Regional conferences were postponed this year due to SSA funding restrictions.

3. Disability Hearing Officer Proposal - The proposal has been on the website and went out to all Regional Directors. It has been submitted to SSA, but no response has been given to date.

4. Update on 2004 National Conference-Kansas City, Missouri - A video presentation was given on the 2004 National Conference by members from MADE, the host chapter. The dates of the conference are September 18-24, 2004. The conference hotel is the Fairmont in the Country Club Plaza area of Kansas City.

5. Intake Workgroup - Marty Marshall was on the workgroup. Other members included people from AALJ and NSSCMA. The group looked at improving the intake process. It decided DDSs need enough information to begin medical development. Comments were requested and incorporated into a report.

6. Quality Workgroup and Booz Allen Hamilton Survey - NADE requested a position on the quality workgroup. This request was could not be honored since the workgroup was just for management staff. NADE did submit feedback to the workgroup.

7. GAO Human Capital Survey - NADE was contacted for input on the Administrator's survey on human capital. The survey was sent to Administrators and there was a conference call at which time GAO went over the survey results. There was 100% return rate of the survey.

### NEW BUSINESS

1. SSIPER Review - This will result in an increase in the review of SSI allowances. NADE feels the PER review of Title II allowances is not cost effective and therefore should not be expanded to SSI.

2. NADE Testimony and Legislative Issues - NADE has written statements on Social Security Service Delivery, Waste, Fraud and Abuse, and SSI PER Review.

3. Bids for the 2005 NADE National Conference - The Board has accepted the bid from the Idaho Chapter in Boise for the 2005 National Conference. More details will be available later.

4. NADE Certification Issue - There has been some confusion about the 3 year issue for certification. The Board clarified that this means three years from the hire date.

5. DDS Budget Outlook for FY 2004 - How It Impacts Workloads - We are still under a continuing resolution. An 8.5% budget increase has been recommended by the Senate, but the House Appropriations Committee reduced it to 6.5%. One thousand SSA positions were requested in the budget with 300 of those for DDSs.

6. Constitution and Bylaws Changes

A) Resignation of Officer - There is no language in the Constitution to cover this event. The Chair has been charged with developing a recommendation.

B) Regional Elections - We should be looking at local Chapter constitutions to see if this is covered in the bylaws. It is acceptable to conduct Regional elections via e-mail ballots when no Regional Conference is held.

C) CCP - There was a proposal submitted requesting that the CCP Chair not be a funded Board member. The Board took no action on this recommendation.

7. Nurse Practitioners as Acceptable Medical Sources - NADE will write a position paper in support of this proposal.

8. AeDib and DMA - Bill Gray gave a lot of information in his session at the Conference. NADE will continue to monitor the situation and get feedback.

9. 2004 Regional Conferences - All Regional Conferences that are planned will be posted on the NADE website.

10. Medicare Waiting Period - NADE shared the position paper on the current 5 month waiting period a Florida TV station And The Commonwealth Fund. both had expressed concern about the 24 month Medicare waiting period.

11. NADE 2004 Mid-Year Board Meeting - This is open to all members and will be taking place at the Loew's L'Enfant Plaza in Washington, DC February 27-28, 2004.

12. Member Names on Website - The Board is concerned about having names out there and getting solicitations. Other than Officers and Committee chairs, the Board recommends not having member names on the website.

13. Strategic Plan - The General Membership voted to accept a recommendation.

tion to change the name of the Long Range Plan to Strategic Plan.

14. New Disability Claims Process - The Board will continue to discuss this as more information is presented. President Terri Klubertanz was invited to a briefing with the Commissioner. A summary of the briefing is on the website. Terri and Marty Marshall are to meet with the Commissioner next week to discuss NADE's reactions. They will also attend the Forum in Chicago in mid

November. The Executive Board is still gathering information before preparing a position on the Commissioner's proposals. Members are encouraged to provide any feedback to their Regional Directors.

15. Elections - The General Membership elected the following in an uncontested race for all positions:  
President-Elect - Marty Marshall  
Secretary - Juanita Boston  
Treasurer - Chuck Schimmels

**OTHER BUSINESS**

Bill Dunn moved to commend NADE President Terri Klubertanz on her service to NADE. Frank Giordano moved to express appreciation to the ESADE Chapter for all their hard work on the conference.



**OADE Training Conference A Success**

*by Susan Smith, Ohio DDS*

On August 15, the Ohio Association of Disability Examiners (OADE) members met at Villa Milano in Columbus for their annual training conference and awards luncheon. OADE is the professional organization of disability claims personnel, from adjudicators to managers and support staff. Presentations were made on medical conditions and current therapies, such as therapeutic riding for children and adults with disabilities and a treatment update for patients with leukemia and lymphoma. This year's conference also featured a presentation by Ms. Wheelchair Ohio, Melissa Day.

At the awards luncheon, several OADE members were honored with the following awards:

- Linda Cooper – OADE Member of the Year
- Dean Soltesz – Support Staff of the Year
- Amy-Arnold Likens – Adjudicator of the Year
- Arthur Sagone, MD – Consultant of the Year
- Tim J. Kennedy – Supervisor of the Year, also Regional Administrator of the Year
- Tammy Leonard – Regional Support Staff of the Year

**Gold Corporate Member**



ATTN: RETIREES - Interested in a new career path that uses your DDS experience and knowledge?  
 Contact Tim Lacy @ 1.800.880.6274 ext 426.  
 Fax: 817.924.1681                      [www.mashinc.com](http://www.mashinc.com)


**Gold Corporate Member**

**HEALTH MANAGEMENT ASSOCIATES**

301 North Charles Street  
 Suite 100  
 Baltimore, MD 21201  
 410.332.0185

**Contact: Susan L. Marshall**

**Gold Corporate Member**



**INDUSTRIAL MEDICINE ASSOCIATES, P.C.**

280 Dobbs Ferry Road  
 White Plains, NY 10607  
 (800) 245-4245 EXT 396  
 (914) 323-0300

**Contact: Barbara J. Young**  
 Director of Government Services  
[www.industrialmed.com](http://www.industrialmed.com)

**STATEMENT  
OF THE  
NATIONAL ASSOCIATION OF DISABILITY EXAMINERS**

**Theresa Klubertanz, President**

**PRESENTED TO THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON WAYS AND MEANS**

**“Waste, Fraud and Abuse”**

**July 17, 2003**

The National Association of Disability Examiners (NADE) commends the Committee on Ways and Means for focusing public and congressional attention on “*Waste, Fraud and Abuse*” within the many programs under the Committee’s jurisdiction and appreciates the opportunity to present our perspective on this topic.

**WHO WE ARE**

NADE is a professional association whose mission is to advance the art and science of disability evaluation and to promote ongoing professional development for our members. The majority of our members are employed in the State Disability Determination Service (DDS) agencies and are responsible for the adjudication of claims for Social Security and Supplemental Security Income (SSI) disability benefits. However, our membership also includes personnel from Social Security’s Central Office, its Regional Offices and its Field Offices. Included among our members are claimant advocates, physicians, attorneys, and others. The diversity of our membership, combined with our immense program knowledge and our “hands on” experience, enables NADE to offer a perspective that is both unique and reflective of a pragmatic realism.

**THE PROBLEM**

While it is our firm belief that the vast majority of applicants are not out to defraud these programs, every disability examiner is aware of at least some level of questionable activity on the part of some applicants and/or their representatives. The disability programs are labor intensive and can be difficult to administer. Both medical eligibility and exact payment amounts are determined by complex rules and regulations which can foster an environment for waste from inside the programs and fraud and abuse from outside the programs. Our unique perspective and expertise provides insight into these problems and allows us to offer solutions.

**PROGRAM INTEGRITY AND THE DISABILITY CLAIMS PROCESS**

For the past decade, SSA has attempted to redesign the disability claims process in an effort to produce a new process that will result in more timely and more accurate decisions. The Agency’s success in this endeavor thus far has been minimal. NADE believes that the key to program integrity lies in the basic design of the claims process itself. One of the most important challenges facing the Commissioner of Social Security is the development and subsequent implementation of an effective and affordable disability claims process that will necessarily take into consideration the need for fair and timely decisions and the need for the American public to have confidence that only the truly disabled are awarded benefits. *The basic design of any new disability claims process should ensure that the decisions made by all components and all decision-makers accurately reflect a determination that a claimant is truly disabled as defined by the Social Security Act.* In previous correspondence with the Commissioner of Social Security and in previous testimony before Congress, NADE submitted a practical proposal for a new design of the disability claims process which we believe ensures that the decisions made by all components and all decision-makers accurately reflect a determination that the claimant is truly disabled as defined by the Social Security Act. We believe that this proposal is both cost effective and is fair to the claimant and taxpayer (NADE testimony presented before the Subcommittee on Social Security on May 2, 2002 and June 11, 2002). For the convenience of this Committee, we have included a copy of our proposal for a new disability claims process as an attachment to this testimony.

Securing the necessary medical, vocational and lay evidence to assess claimant credibility and fully document a claimant’s subjective complaints and then accurately determine the degree of functional restrictions is currently a complex, time-consuming process. It will be made even more so in the future with increased focus on functionality in the medical listings. SSA and the Congress must realize the tremendous impact that increasing the need to assess claimant function will have for decision-makers in terms of time and resources. NADE is not opposed to such inclusion but the necessary resources must be provided to adequately cover the additional time and personnel that

will be necessary to evaluate claims. The failure of SSA and/or the Congress to address the need for additional resources will lend itself to the development of waste, fraud and abuse in these programs.

Pain and fatigue are legitimate restrictions that can affect an individual's ability to work. As a result, their severity is often the deciding factor in the decision as to whether disability benefits should be awarded. Unfortunately, the lack of any objective method to measure the severity of these symptoms creates opportunities for fraud and abuse. Knowledgeable, well-trained and experienced staff is required to investigate and accurately assess the severity of symptoms such as pain and fatigue. There has been insufficient training of current staff to consider potential fraud and there has been too little attention devoted to the need to retain experienced staff, especially in the DDSs where turnover has been high, so as to not only provide the level of customer service that claimants have a right to expect, but also to provide for a front-line defense against fraudulent claims.

## **PROGRAM INTEGRITY AND QUALITY ASSURANCE**

*Program integrity requires accurate and consistent disability decisions from all components in the adjudication process.* An effective quality assurance process provides an effective deterrent to mismanagement and fraud in the disability programs. NADE believes that SSA must incorporate a more uniform quality assurance process into the basic disability claims process to ensure program integrity. Program integrity and public confidence is undermined by a quality assurance process that concludes that the disability decisions made by the DDSs to deny benefits are correct but then offers the same conclusion for ALJ decisions that reverses these decisions.

The decision regarding an individual's eligibility for disability benefits should be objective and unbiased. For that reason, NADE has long supported equal federal quality assurance review of both allowed and denied claims at all levels of the adjudicative process. We are concerned with recent SSA and congressional initiatives to require pre-effectuation reviews in 50 percent of State agency allowances of SSI adult cases, "in order to correct erroneous SSI disability determinations ..." *NADE does not believe that the increased review of DDS allowance decisions represents an appropriate use of scarce resources.* We question the rationale for increasing the federal quality review rate for DDSs, a component that allows approximately 40% of initial claims, while there is no such corresponding review of decisions made at the Administrative Law Judge (ALJ) level, a component that allows approximately 65% of claims. We are not aware of any study that evaluates the end result of claims appealed to the Administrative Law Judge level that were initially allowed by the DDS but later denied after the claim was returned by the federal quality review component. Anecdotal evidence suggests that many of these claims are eventually allowed during the appeals process. We recommend that such a study be authorized. We believe that data from such a study would support the argument that increased federal quality reviews of DDS allowance decisions are not cost effective and actually serve to undermine public confidence in the disability program.

Targeting DDS allowances sends a message to the DDSs to deny more claims, forcing claimants to "pursue their claims to the ALJ level." This "message" only serves to increase the appeal rate and the overall administrative costs of the program. In addition, if the review concludes the DDS allowance to be correct, the review process itself delays payment to disabled citizens who are frequently in dire financial straits.

## **PROGRAM INTEGRITY AND PROCESS UNIFICATION**

We believe that the decision as to whether a claimant is disabled and unable to perform any work for which their age, education, and past work experience may qualify them is a medical decision made within parameters that have been defined by law and SSA regulations. As such, these decisions should be made only by those especially trained to make such decisions. Claimants and/or their representatives could possibly present a convincing argument that the claimant is more disabled than is really the case when the individual making the disability decision is not properly trained. Administrative Law Judges receive little medical training but are expected to make decisions as to whether a medical condition is or is not disabling. We believe that the potential for misrepresentation of the severity of a claimant's medical condition is greater at this level and we believe that the high allowance rates by ALJs are partly a reflection of their lack of medical training. Consequently, NADE supports requiring similar medical training for all decision-makers at all components in the disability claims process.

Efforts launched by SSA in the past decade to bring DDS and ALJ decisions closer together have been largely unsuccessful. Process unification was the cornerstone of this effort. Decision-makers in the DDSs and OHA were brought together in 1996 for joint training. However, SSA's failure to follow up on this training initiative in the years since has eroded any potential benefits that may have been derived. NADE believes that such joint training is critical to the ultimate success of anti-fraud efforts and we concur with the opinion expressed by the Social Security Advisory Board that: "The most important step SSA can take to improve consistency and fairness in the disability determination process is to develop and implement an on-going joint training program for all... disability adjudicators, including employees of the State disability determination agencies (DDSs), Administrative Law Judges (ALJs) and others in the Office of Hearings and Appeals (OHA), and the quality assessment staff who judge the accuracy of decisions..." (Social Security Advisory Board report, August, 1998, p.19)

## **PROGRAM INTEGRITY AND THE DEFINITION OF DISABILITY**

The General Accounting Office (GAO) has testified that federal disability programs represent an example of a disconnect between program design and today's world. For that reason, it has placed modernizing federal disability programs on its high risk list "...in recognition of the transformation these programs must undergo to serve the needs of 21<sup>st</sup> century America."

In previous correspondence and in testimony presented before the Subcommittee on Social Security, NADE has stated:

NADE does not support changing the definition of disability at this time. Fundamentally, we believe that:

- All who are truly disabled and cannot work should receive benefits.
- Those who can work but need assistance to do so should receive that assistance, including comprehensive, afforded health care coverage and medical services.
- Vocational Rehabilitation and employment services should be made readily available and claimants and beneficiaries should be properly educated as to the availability of such services and receive needed assistance in their efforts to take advantage of them.

SSA's definition of disability has proven to be a solid foundation for a program that has become characterized by increasingly complex changes in its rules and administrative procedures. We believe that, with the expectation of a significant increase in the number of initial claim filings in the coming years while, at the same time, the level of institutional knowledge within the disability program will decrease significantly, this foundation is needed more than ever. *However, we also believe that it is critically important that disabled individuals who have the capacity to return to work, should be identified as early in the process as possible and given the assistance necessary that will make it possible for them to return to work. We acknowledge that this may require changing the definition of disability.* However, any change in the definition will have significant ramifications, not only for those applying for benefits, but also for those who are processing those applications. It is essential that the impact of any changes be fully researched and evaluated. Because of the diversity of our membership and our "hands on" experience, we believe that NADE is in the best position to recognize and assess the potential impact of any proposed changes in the definition. We offer our expertise to any governmental agency to which Congress would assign the task of researching and evaluating the impact of proposed changes in the definition of disability.

## **INITIATIVES TO COMBAT FRAUD AND ABUSE**

We believe that the resources required to provide for increased pre-effectuation reviews would be better spent at the beginning of the process to ensure that quality information is obtained from the claimant during the initial disability interview. These resources would then be better utilized in ensuring quality throughout the disability decision-making process.

We also believe that a more effective use of resources to ensure program integrity would be to increase the number of Cooperative Disability Investigation (CDI) units which, since the first CDI units became operational in 1998, have allowed SSA to avoid improper payments of nearly \$159 million. Rather than sending a message to the public that encourages appeals and increases administrative costs, the message sent to the public would be that it is not worth the risk to try to defraud the program.

CDI units effectively utilize the combined strengths and talents of OIG, disability examiners and local law enforcement, offer a visible and very effective front-line defense for program integrity, and serve as a visible and effective deterrent to fraud. Our members have a unique opportunity to observe and assist in the process of detecting fraud and abuse within the disability program. SSA's Inspector General, Mr. James Huse, Jr. has attributed the success of the CDI units to investigate fraud allegations to the efforts of, "...those most qualified to detect fraud – DDS adjudicators." NADE supports the continued expansion of the CDI units to combat fraud and abuse in the disability program.

An experienced disability examiner can be one of the most effective deterrents to fraud and abuse. NADE urges Congress and SSA to take the necessary action to ensure that the experience level in the DDSs can be maintained. Adequate resources should be allocated to the DDSs to reward experience and maintain a highly knowledgeable, well-trained, and fully equipped staff.

In addition to providing adequate staff and other resources for administration of the disability program, NADE supports the immediate suspension of benefits in CDR claims where the DDS proposes a cessation of benefits because the claimant has failed to cooperate or cannot be found. Currently, claimants can subsequently appeal these decisions and elect to continue receiving benefits under the benefit continuation provisions. By failing to initially cooperate with the DDS, claimants can continue receiving benefits for many years beyond the time period in which their medical condition made it impossible for them to continue working. Rewarding this type of behavior is hardly beneficial to ensuring program integrity and severely interferes with the proper conduct of the CDR process.

**CONCLUSION**

NADE supports the removal of SSA’s administrative budget from the domestic discretionary spending caps. Congress would continue to retain oversight authority of SSA’s administrative budget but it would not have to compete with other programs for limited funds. Removal of SSA’s administrative budget from the domestic discretionary spending caps would allow for the growth necessary to meet the increasing needs of the baby boomer generation for SSA’s services while allowing the Agency to expand its anti-fraud efforts to ensure program integrity.

NADE is opposed to increased federal quality reviews for DDS Title XVI (SSI) allowance decisions and encourages that these federal quality reviews include an equal percentage of allowance and denial decisions. We also strongly encourage that an equal percentage of allowance and denial decisions made by Administrative Law Judges should be subjected to a federal quality review. To reduce the possibility that claimants may misrepresent the severity of their medical condition at an ALJ hearing, NADE supports increased medical training for administrative law judges and we support having an official representative at these hearings to explain the DDS decision and to pose and address questions and other issues for consideration by the ALJ in making their determinations.

NADE believes that the efforts undertaken by SSA and supported by Congress to combat fraud and abuse are cost-effective and also provide valuable protection to the victims of those who purposely attempt to defraud the program. For this reason, we support the expansion of the CDI units and we support increasing the penalties for unintentional and intentional acts of fraud.

Maintaining program integrity is a vital part of effective public administration and a major factor in determining the public’s view of its government. The Social Security Administration must provide more direction in the development of anti-fraud policies and these policies should reflect pragmatic reality that will make them enforceable. SSA must recognize that more direct guidance is needed from its top levels of management if fraud and abuse are to be effectively curtailed. SSA should be given the congressional support necessary to make the appropriate changes that will recommit the Agency to its primary purposes of stewardship and service.



*NADE recognized conference attendees with over 25 years of membership. Photo at left: Rose Ann Knieling, NY; Group photo from left: Tony Inniss, NY; Marty Blum, NY; Timothy Kennedy, OH; Marty Marshall, MI; Gloria Emmons, MI; Frank Giordano, NY; Dan Wilcox, NY; Doug Willman, NE; Eric Knieling, NY; Anne Graham, GLADE; Liz Burrell, OH; Mark Frances, FL; Delores Navarrette, MS; Karen Gunter, FL; Martie Merado, NY; and George Golden, NY.*

Gold Corporate Member  
**FOREST PARK MEDICAL CLINIC**  
**100 North Euclid Avenue**  
**Suite 900**  
**St. Louis, MO 63108**  
**314.367.6600**  
**Contact: Camille Greenwald**

Gold Corporate Member  
**Envision**  
**envisionphoto.com**  
**envisionimports.com**  
  
 Envision 309 N Jefferson #156  
 Springfield MO 65806 417-831-0655

**STATEMENT  
Of The  
NATIONAL ASSOCIATION OF DISABILITY EXAMINERS**

**Theresa Klubertanz, President**

**Prepared for the  
House Committee on Ways and Means  
Subcommittee on Social Security**

**Hearing on  
Social Security Administration Service Delivery Budget Plan**

**July 24, 2003**

Chairman Shaw, Representative Matsui, and members of the Subcommittee, thank you for this opportunity to present the viewpoint of the National Association of Disability Examiners (NADE) on the Social Security Administration Service Delivery Budget Plan. We appreciate the Subcommittee's vigilant oversight of the Social Security program and your willingness to obtain input from our Association and others with expertise, experience, and understanding of the issues facing the Social Security and Supplemental Security Income (SSI) disability programs.

NADE is a professional association whose purpose is to promote the art and science of disability evaluation. Our members, whether they work in the state Disability Determination Service (DDS) agencies, the Social Security Field Offices, SSA Headquarters, OHA offices or in the private sector, are deeply concerned about the integrity and efficiency of the Social Security and SSI disability programs. Simply stated, we believe that those who are entitled to disability benefits under the law should receive them; those who are not, should not. We also believe decisions should be reached in a timely, efficient and equitable manner. The Commissioners' Strategic Plan, with its emphasis on service, stewardship, solvency and staff, provides an excellent blueprint for achieving those goals.

**SERVICE**

NADE's Proposal for a New Disability Process (a copy of which has been shared with the Subcommittee previously and is included again with this testimony) supports SSA's Strategic Goal to "make the right decision as early in the disability process as possible". The DDSs, through their initial and reconsideration decisions, constitute the first two levels in the disability claims process. SSA's statistics show that the allowance and denial accuracy rates for the DDSs far exceed 90%. It is clear, then, that in the vast majority of cases, the DDSs are making the "right" decision and are making that decision very early in the process. Sometimes, however, the "right" decision is "No." Many witnesses who have appeared before this Subcommittee have attempted to mislead the public into believing that, unless a claim is allowed, it is not the "right" decision. This is not true and it is not fair to the thousands of DDS employees throughout the country who struggle daily to ensure that the decisions they make on each claim is the "right" decision. It must be acknowledged that some claims are filed for disability benefits that have no merit and many others are filed by individuals who do have significant physical and/or mental impairments but nevertheless do not meet Social Security's strict definition of disability. For these cases, the "right" decision is to deny the claim. For those individuals who do have severe physical and/or mental impairments that meet Social Security's strict definition of disability, it is important that these claims be allowed as early in the process as possible. The statistical data show that the DDSs make the "right" decision in the vast majority of claims and they make these decisions very early in the process.

Because there are several appeal levels, however, and because the record remains open throughout the appeals process, each subsequent disability adjudicative component is presented with a different case and the "right" decision for that case may be different than for the original case or even the case at the previous appeal level. Thus, the decision made by each adjudicative component can still be "accurate" even though it may reverse a previous component's decision. NADE's plan for a new disability claims process proposes to close the record after the DDS reconsideration decision and limit subsequent appeals to matters of law. This would not adversely affect claimants or restrict their appeal rights but would instead significantly shorten the appeals process while ensuring that the DDS decision was made in compliance with the law and regulations set forth in the statutes. The NADE proposal also reduces the amount of time claimants must wait for a "final" decision and significantly reduces the administrative costs connected with the tremendously long appeals process.

In order to make the right decision as early in the process as possible SSA must ensure that the DDSs have sufficient resources, including staffing and funding. We agree with the General Accounting Office that "SSA's goal of achieving an electronic disability claims process represents an important, positive direction toward more efficient delivery of disability payments...." However, while technology can be expected to reduce hand-offs, eliminate mail time and provide other efficiencies, technology cannot stem the dramatic growth in workloads. Neither can technology replace the highly skilled and trained adjudicator who evaluates the claim and determines an individual's medical eligibility for disability benefits in accordance with federal rules and regulations. We agree with the Commissioner that, "The attributes of service that define quality include accuracy, productivity, cost, timeliness and service satisfaction." However, accuracy must never be sacrificed to productivity, cost or timeliness. It is not fair to the claimant who is erroneously denied benefits and it is not fair to the taxpayer who must pay the costs associated with an erroneous decision to allow benefits.

There is continued concern that the disability program is not fair because disability applicants allowed under Title II are required to complete a five month waiting period before being eligible for benefit payments while disability applicants allowed under Title XVI are not. Underpinning the entire disability program is the need for public confidence in the process. A program that was designed to offer compassionate support to American citizens at the time when it is most needed has come to be perceived as offering only frustration and emotional distress to people and families who are already hurting. Claimants who file for benefits under Title II, and whose claims are allowed, are not eligible for monthly payments for five full months after the onset of the disabling impairment. During this interval, many claimants and their families are seriously affected economically and emotionally. NADE continues to believe that Congress should act to eliminate, or at least reduce, this five-month waiting period.

Hand-in-hand with the elimination of the five month waiting period, consideration needs to be given to elimination of the twenty-four (24) month Medicare waiting period. Two disability groups currently do not have to serve this waiting period—those with chronic renal diseases and those with amyotrophic lateral sclerosis (ALS), commonly known as Lou Gehrig's Disease. This is inherently unfair. Most SSDI beneficiaries have serious health problems, low incomes and limited access to health insurance. Eliminating the Medicare waiting period would address the insurance needs of a high-risk, high-need population and provide financial relief and access to health care services at a time when health care needs are especially pressing and few alternatives exist. Technological improvements in health care and early intervention of needed medical services could provide increased rehabilitation successes and greater employment opportunities for people with disabilities. NADE believes that the twenty-four (24) month Medicare waiting period should be eliminated for all Title II disability beneficiaries.

Another area undermining public confidence in the program and causing inherent unfairness is SSA's continued reliance on a grossly outdated Dictionary of Occupational Titles (DOT) and the requirement to develop a claimant's vocational history for the 15 year period preceding the onset of their disability. These two factors are increasingly unfair as they do not acknowledge the rapidly changing technology present in most occupational fields today and this reduces the ability of the DDSs to render decisions that accurately reflect current vocational practices.

## **STEWARDSHIP**

Continuing Disability Reviews (CDRs) are not only cost effective, saving approximately \$9 for each \$1 invested, they play an important role in any return to work incentive. An individual who knows his or her claim will be reviewed at the appropriate time is more likely to explore vocational options. Unfortunately, with the increase in initial claims and the loss of targeted funds specifically designated to handle this workload, CDRs are likely to be delayed. For that reason, NADE strongly supports SSA's FY '04 budget request for earmarked funds to be used for CDRs, SSI nondisability redeterminations and overpayment workloads.

NADE believes that the role of federal quality assurance reviews is to provide clear, consistent and nationally uniform feedback on interpreting federal disability law. For that reason we have long advocated equal reviews of allowed and denied claims at all levels in the adjudication process. We are concerned that SSA's FY 2004 Budget Request proposes to extend the pre-effectuation review provisions to SSI adult disability and blindness cases. We do not feel that increased review of DDS allowances, without a corresponding increased review of appealed claims, represents an effective use of scarce resources. We question the statement that, "Pre-effectuation review yields significant ongoing program savings, well in excess of the resources required to conduct the reviews." We are not aware of any recent study that evaluated the end result of claims appealed to the Administrative Law Judge level that were initially allowed by the DDS but later denied after the claim was returned by the federal quality review component. Anecdotal evidence suggests that many of these claims are eventually allowed during the appeals process. We believe that the resources required to provide for increased pre-effectuation reviews would be better spent at the beginning of the process by ensuring that quality information, necessary to make the correct decision, is obtained from the initial interview and throughout the disability decision-making process.

There is an enormous backlog of cases that involve SSI beneficiaries who have sufficient work credits to qualify for benefits under the SSDI program. To ensure fair and equitable treatment for these individuals and to ensure that they receive all benefits due to them, special funding should be earmarked for both the SSA Field Offices and the State DDSs in order to complete the processing of this special disability workload. Failure to do so will delay the decisions to these individuals even more than currently is the case.

## **SOLVENCY**

Many of the ideas and issues we have presented in this testimony would strengthen the solvency of the trust funds managed by the Social Security Administration. Ensuring an ongoing CDR process and implementing the proposal NADE submitted for a new disability claims process would, we believe, aid tremendously in the effort to strengthen the solvency of the trust fund managed by SSA, safeguard those funds and ensure their distribution only to those who actually qualify to receive them under federal law.

NADE firmly believes that an enhanced, ongoing and joint training program for all components could ensure consistency of decisions between adjudicative components and also ensure the decisional accuracy of those decisions. SSA's Inspector General declared in previous testimony before this Subcommittee that the well trained disability examiner is SSA's most effective tool in combating fraud and abuse, thereby strengthening the solvency of the trust funds.

NADE supports the need for a Social Security Court to bring consistency and uniformity to the disability program. Current disability policy is fragmented and applied differently across the country due to differing Court decisions in different court jurisdictions throughout the country. To maintain solvency, a Social Security Court is needed to ensure national uniformity in the application and administration of the complex rules and regulations required in disability decision making.

NADE supports greater efforts and stronger initiatives that are designed to return beneficiaries to the workforce when their disabling condition has improved. Vocational rehabilitation and employment services should be readily available to claimants and comprehensive, affordable health care coverage is needed to allow disability beneficiaries to receive needed medical services to enhance their vocational profile to return to work.

NADE supports strengthening SSA's efforts to combat fraud and we support expansion of the Cooperative Disability Investigation (CDI) units that have proven to have a positive and very significant financial impact on the disability program.

## **STAFF**

NADE strongly supports the Commissioner's goal "To strategically manage and align staff to support SSA's mission." The state DDSs must have the necessary resources to hire and retain highly skilled, highly performing, and highly motivated staff. This will be a major challenge. Disability examiners must have a thorough understanding of the medical, vocational and administrative/technical issues involved in disability evaluation and be flexible in adapting to ever changing rules and regulations and changes in business processes. It is widely acknowledged that it takes at least two years for a disability examiner to become proficient in the performance of their job duties. However, the learning and training cannot stop there. On-going job training and job enrichment opportunities are needed to ensure that disability examiners maintain the highly skilled work set needed for this increasingly complex disability evaluation process. Unfortunately, a vast number of the disability examiners in the DDSs now have less than two years of experience. This lack of experience and insufficient, ongoing professional training can severely erode the ability of many examiners to stay abreast of changing technology and development practices. This can have a tremendous impact on the public's confidence in the ability of SSA to render fair and timely decisions.

NADE has long supported the "One SSA" concept and we welcome the President's Management Agenda Human Capital initiative to "Promote a knowledge-sharing culture, openness, and continuous learning and improvement." Working together to strengthen the federal-state partnership, SSA's Field Offices, Central Office, Regional Offices and the DDSs can manage the growing disability workload and meet the goals of the President's Management Agenda and the Government Performance and Results Act.

## **SUMMARY**

Maintaining program integrity and ensuring public confidence is a vital part of effective public administration and a major factor in determining the public's view of its government. Ensuring that the right decision is made as early in the process as possible is a noble goal but one that can only be attained if we recognize that the "right" decision can be either "yes" or "no" and will also require adequate staffing at all levels of the adjudicative process and an examination of the complex rules and regulations under which the adjudicative components operate. The incidence and prevalence of disability is currently projected to grow significantly and the Social Security Administration must provide more direction in the development of pragmatic policies that improve public service, enhance its stewardship role, strengthen the solvency of its public trust and provide for staffing that can make such policies enforceable. SSA must recognize that more direct guidance is needed from its top levels of management and SSA should be given the congressional support necessary to make the appropriate changes that will recommit the Agency to its primary purposes of stewardship and service. To truly improve service and stewardship, NADE supports the removal of SSA's administrative budget from the domestic discretionary spending caps. Congress would continue to retain oversight authority but SSA would not have to compete with other programs for limited funds that restrict SSA's ability to meet the increasing needs for its services. SSA touches the lives of over 95 percent of the American public in some fashion and it is critically important that the American public can rely on the quality of service and the accuracy of decisions provided by the Social Security Administration.

## Commissioner Announces Sweeping Program Changes But “Don’t Make Any Career/Life Changes”

by Paula Sawyer, New Hampshire DDS

SUE ROECKER, ASSOCIATE COMMISSIONER FOR Disability Programs, addressed the 2003 NADE National Conference audience in Albany, NY on Thursday, October 16th.

Ms. Roecker started her discussion by advising us that she was not there to discuss the proposed new disability claims process. Ms. Roecker stated that in the coming weeks and months ahead, there will be many opportunities for NADE to obtain more detailed information regarding the proposal and offer feedback. Ms. Roecker reminded us that the process changes are not yet finalized and many steps will be necessary before implementation. First and foremost, the regulations need to be written, and the preparation of regulatory changes takes time. She also reminded us that the new proposal is subject to input from many interested parties. When implemented, these changes will occur AT LEAST two years from now and these changes will be implemented region by region. These changes are all predicated on the timeliness of a nationwide roll-out of the Accelerated Electronic Disability folder (AeDib). “Accelerated eDib is the enabler to do this (new) disability process. AeDib is the environment and AeDib provides the foundation...”

We did learn the following about the new proposal:

\*SDM is not featured in the new proposal.

\*We will never see Recon again.

\*Prototype will be extended another six (6) months.

\*In the months ahead, the role of the DDS MC will be more clearly articulated.

\*The design for the new proposal was inspired by those models which have been provided by private insurance companies and by foreign countries.

Ms. Roecker praised the DDS com-

munity for having performed wonderfully in 2003 and keeping up with initial receipts - processing 2.3 million initial cases as of 9/30/03! In addition in 2003, initial pendings have sharply declined.

One of the main projects for this year has been working on the new Listings and the incorporation of function in the Listings. Two main Listings in the process of being revised and updated are the 1.) Mental Listings, and 2.) the Immune System Listings.

Eighty-two comments from various organizations, such as DDS agencies, OHA and mental health professionals, were received on the Advanced Notice of Proposed Rulemaking (ANPRM) on the mental listings. A two-day meeting took place in Washington D.C. to go over the comments and formulate revised Mental Listings. The Mental Retardation Listing was identified as one which needed a great deal of attention. Sixty-four different parties commented on the ANPRM on the Immune system Listings. Experts in immunology throughout the United States have been invited to share their knowledge and their ideas and a one-day conference will be held in December in Philadelphia, PA. HIV and Post-Polio Syndrome have been targeted as specific Immunological Listings in need of revision. This year a brand-new ALS Listing was created as a result of Congressional interest and “grass-roots” involvement. The agency is being asked to consider more and more rare impairments as viable Listings.

Ms. Roecker reported that the agency is well aware of the need to seriously address the quality of the product from the Field Office. The Field Office is responsible for the quality, accuracy and the completeness of the information that is transcribed into the Electronic Disability Collect System (EDCS). Very soon, the paper 3368 will be obsolete. The official record will be data recorded in EDCS. As the paperless 3368 comes into the DDS agencies, each and every Disability employee needs to

be an active player and give constructive input on improving the disability product. Feedback can be provided through SSA Area Directors, DDS Administrators, and/or Regional Offices. SSA has several EDCS IVT training sessions planned and will continue to emphasize quality data entry in EDCS as the start of the electronic folder.

A new package being piloted and soon to be released is the “Adult Disability Starter Kit.” The Child Disability Starter kit has been in use successfully for quite some time. The claimants will no longer be sent a SSA-3368 to complete. Instead, they will be sent a Starter Kit which provides them with the basic information they will need for their disability interview. There also will be a supplemental form provided for the claimants to complete if they so desire, which will allow them to “tell their story” in a free-form narrative. The supplemental form will be FAXed to the DDS, thus providing it in an electronic format for the electronic disability folder.

Sue Roecker announced that a NADE past president, Debi Gardiner, has just recently been promoted to work for SSA in the Office of Vocational Policy. Debi has had a great deal of experience in the disability program and they are looking forward to utilizing her expertise in the development of vocational policy.

Sue Roecker stated that the Social Security Advisory Board continues to provide advice and counsel regarding innovative changes necessary in improving the Social Security Disability Program. Ms. Roecker emphasized to the NADE audience that our jobs as disability professionals will not be transformed overnight. Any future changes which have been proposed will take a great deal of time...in fact years... to implement. Regulations need to be written and input from major interest groups needs to be heard. New training programs need to be created. Ms. Roecker encourages NADE to continue “to provide constructive input as the process moves forward...”

## **“The Future of Quality Assurance in Disability”**

**Presented by Myrtle Habersham**

*by Susan Heckendorn, Michigan DDS*

MYRTLE HABERSHAM, CHIEF STRATEGIC OFFICER for SSA, gave an interesting and dynamic power point presentation on the Quality Management workgroup that was formed by the Commissioner in April 2002. She discussed the reasons behind this workgroup and their outcomes and ongoing challenges. The members of this workgroup came from various backgrounds such as Operations, Office of Hearings and Appeals, Office of Quality Assurance, and Office of Disability policy.

She indicated that the agency has always been committed to quality, and that an extensive amount of work has been done in the past to identify issues regarding quality. However, many times the recommendations did not get implemented due to changing of the guard and lack of a permanent infrastructure to see these recommendations through. The Office of Quality Management (OQM) was established in 1/1/03 as part of the Office of the Chief Strategic Officer (OCSO) to address these concerns. A permanent staff and director were chosen in 6/03, and it continues to use detailees to maintain staff experience.

Ms. Habersham stated that the Office of Quality Management was charged with developing a proposal for what quality should look like in SSA, and their first task was to define quality for the agency. They reviewed the recommendations of the past 10 years from various workgroups, and met with many stakeholders, advocacy groups and other interested parties to develop this proposal. The five elements of an agency level definition for quality that applied to all processes is known to us as the Commissioner's quality initiatives, defined as:

***“Quality is providing service that meets the needs of the people we serve, balancing the five elements of accuracy, timeliness, productivity, cost and service.”***

The Office of Quality Management next established a multi-faceted approach to quality improvement such as:

- Keeping the Quality Initiatives visible. This is done in part by publishing the “Quality Matters Report”, and “Newsbytes”.
- Defining quality for business processes by identifying quality measures for each quality element
- Working with components to implement process changes by participating in inter-component workgroups such as Systems Design, AeDIB, Disability Intake, etc.
- Building quality into the business processes by identifying areas for improvement and making recommendations for change.

With that in mind, they identified 83 recommendations for improvements in the disability process. Of these recommendations: 21 were implemented or were agreed upon to implement; 8 were considered for action and possible implementation; one was modified and considered for action; and 53 are under further evaluation. Some of the examples of the recommendations that were either implemented or agreed upon to implement were:

- Propagate common information from SSA-3368 to SSA-3369.
- Implement an automatic systems interface between prior filings and pending cases to make information available at different levels.
- Generate an alert to all affected components when a death input is made.
- Propagate employee initials or unit designation to the case control system for pre-post development.
- Generate an alert to the DDS when the FO inputs a technical denial.
- Generate an alert to the jurisdiction office when trailer material is scanned or receipted into the electronic folder.
- Generate an alert to the DDS or the FO when DQB returns” no decisions” cases for additional development or a corrective action.
- Develop the capability for OHA to electronically track the status of CEs.
- Generate an alert to all affected components when a change of address is input in MCS or MSSICs in real time and propagate the information into the electronic folder.

She then listed example of recommendations that are being considered for action such as:

- Program the system to propagate employment information from the DEQY into a pop-up box when completing the 3368/3369.
- Utilize software in the FO that provides information about specific medical conditions to ensure all needed information is obtained.
- Establish formal FO, DDSs, OHA area quality committees to discuss processing/quality issues and resolve problems.
- Ensure that all DDSs have toll free numbers.
- Create a flag on the electronic file when a CE is needed because the claimant does not have any medical sources.

***Habersham, continued***

- Program the system to block transfer of cases to the DDS when insured status is not met or resource/income exceeds the limits.

There were also policy recommendations under consideration that need further development that were submitted to components. The feedback indicated that the recommendations were being considered or that no decisions could be made until the announcement of a new disability process. Follows ups are now being initiated on these recommendations.

Some examples of these were:

- Change documentation requirement for work history from 15 to 10 years.
- Allow alternate process for step 5 denials without resolving step 4 issues.
- Allow FOs to suspend benefits if claimant fails to cooperate with the CDR process.



*Myrtle Habersham  
Chief Strategic Officer*

She also mentioned that a permanent vocational policy team has been established in OD. She discussed that they will be doing research to determine if there is any private agency working on updating the DOT, and if not, it is quite likely that SSA will have to pay to have this done since ONET does not meet the needs of the agency.

The Office of Quality Management is also working with components to implement process change and are participating in an AeDib evaluation. There are currently 34 FOs involved in an AeDib pilot.

Their activities include evaluation of specific segments of AeDIB:

- A "before" and "after" evaluation of EDCS by the FO
- Electronic File
- OHA baseline Study
- Videoconferencing for OHA hearings.


Ms. Habersham also indicated that contractor assistance was needed to lend support for building quality into the business process. A contract was awarded to Booz Allen Hamilton to review the quality process in SSA starting with disability. This report is due by 10/31/03.

Other support includes assignment of the project management to Mike Brennan and Karen Reiter. They will be compiling research materials such as reports from OIG/GAO, the SSA Advisory Board, and the Lewin Group etc. They also will be doing a survey of SSA and DDS employees to document the current quality process and develop long and short term recommendations.

In addition, they will continue to monitor the elements of the quality definition. Ms Habersham stated that currently there has been steady improvement in the Net Accuracy rates, but that the denial accuracy rate continues to be problematic. She indicated that in the 4th quarter, six states remain below the threshold for accuracy. Some noted error trends involved cases where:

- A mental impairment was involved.
- The secondary impairment was not developed.
- Cases of claimants age 55 or older.
- Incomplete vocational documentation.
- Process Unification issues and factors were not applied correctly or at all.

She ended the presentation by stating that the Office of the Chief Strategic Officer was a dedicated team committed to: Continue collaborations, identify issues, recommend solutions, and accelerate outcomes.



***The Shaw Group***  
**A Division of Shaw Management Corporation**  
"SOCIAL SECURITY & RAILROAD DISABILITY SPECIALISTS"  
**Gold Corporate Member**

(618) 235-9822  
(800) 755-1979  
(618) 235-8022 FAX
521 WEST MAIN STREET, SUITE 200  
P.O. BOX 8468  
BELLEVILLE, IL 62220

## Traverse City Hosts Michigan Chapter for Training on “Children and Disabilities”

by Michael O'Connor, Michigan DDS

THE TRAVERSE CITY MICHIGAN Sub-Chapter of NADE recently hosted the Michigan Association of Disability Examiners State Training Conference in Traverse City Michigan on 09/12/03. Our chapter was first chartered in 2002 and this conference was the first state training conference hosted by the Traverse City sub-chapter. The theme of the conference was “Children and Disabilities” with speakers presenting information on various topics associated with childhood disability themes.

Approximately 110 disability professionals attended this informative conference that turned out to be an excellent training opportunity. Northern Service Area administrator John Despelder offered opening remarks. From that point Mr. Despelder turned it over to the DDS agency director, Chuck Jones. Mr. Jones offered insight into the current agency push to offer enhanced customer service, and he also shared on a personal level his own experience regarding his family's brush with a possibility of fac-



Members of the Lansing sub-chapter were recognized for their contributions. From left: Stacey Turk, Paula Pendergast, Theresa Furget, and Kathy Pursel.

ing the hurdles our own clients confront, when a child faces a disabling condition.

The conference attendees were also given insight as to the importance of NADE from Michigan's association president, Tom Ward. Additionally, Mimi Wirtanen, Great Lakes Regional Director, was present to provide information of the region's association activities and built upon Tom's message

that NADE is an organization that is important to the members it serves and the disability process as a whole.

Attendees were treated to an entertaining speaker from the Michigan Commission on Disability Concerns. Duncan Wyeth, the Commission's Executive Director, provided an insight into his own personal experiences living with a special enhancement of his own: cerebral palsy. Mr Wyeth delighted the attendees with his candid experiences living with cerebral palsy all his life and the many wonderful opportunities it has brought him. This is all in regards to how the public at large views disabling conditions and how he advocates that the overall public should view disabilities. The message he provided was touching and insightful in its delivery and attendees were both moved and entertained by his presentation.

One of the interesting presentations arranged for the conference came from The Executive Director of *The Autism Society of Michigan*. Sally Burton-Hoyle provided the conference attendees with a presentation on the broad spectrum of the Autistic disorder. Ms. Burton-Hoyle had such an abundance of information that she was unable to present all of the material in the short time provided for her. Additionally, she was able to weave into her presentation her experiences with her brother, who is autistic, which added an extra level of understanding. The information that she provided gave examiner staff who attended, knowledge of the Autistic disorder that they could take back to their desks and utilize in case adjudication regarding these case types.

Our keynote speaker, Nannette Bowler, who is currently the State of Michigan's Director for the Family Independence Agency (FIA) was also on hand to provide a talk on how the agency is progressing in regards to childhood agency services and the state of the overall agency at this time. The FIA is the State of Michigan's overseeing umbrella



Claudette Benser (l) receives the Extra Mile award from Marcia Shantz, Detroit sub-chapter President.

agency for the DDS. Director Bowler outlined plans and initiatives that she is undertaking and overseeing that she hopes will enhance customer service not only for childhood related programs but programs related to the general public as well.

An additional conference informational presentation was provided by one of the Traverse City's own FIA Program Managers: Gary Aschim. Mr. Aschim works within the FIA as a Social Services Program Manager. His overall responsibility is to oversee workers that are involved in Child Protective Services for the FIA. Gary provided information on how Child Protective Services investigates cases that come to their attention in regards to complaints in childhood cases surrounding abuse and neglect. Mr. Aschim's presentation was informative and gave the attendees information about their process that would assist disability adjudicators in what to look for in childhood cases that may be relevant to bring to their agency's attention.

Finally, a presentation was provided by Lynn Ross who works as a benefits counselor for United Cerebral Palsy of Michigan. UCP is a non-profit advocacy organization that works for the productivity, independence and full citizenship of people with CP and other disabilities.

## Career Opportunities

### Washington Disability Determination Services

Is currently accepting applications for Adjudicators with knowledge and experience adjudicating all types of claims

We offer:

Competitive salaries and safe, attractive work environments

*Come explore the scenic Pacific Northwest*



Locations in Seattle, Olympia and Spokane

For information and online applications, please contact Department of Personnel at <http://hr.dop.wa.gov/> or call Kristen Shultz, Human Resource Consultant at

(360) 664-7415 or email at [kristen.shultz@ssa.gov](mailto:kristen.shultz@ssa.gov)

<http://hr.dop.wa.gov/statejobs/bulletins/jobcat2.htm#Adjudications>



#### Pioneering Technologies with DDS to Enable Secure, Electronic Exchange of Medical Information:

- Encrypted Electronic Transmission of Digitally Signed CE Reports
- Secure Internet-based CE Scheduling
- Dynamic Internet Access to Claimant Appointment/Report Status

#### Extensive Physician Training and Quality Assurance

#### Full Transcription Service with each CE Performed

#### NADE Corporate Member Since 1992

Contact: Mike Powell at 1-800-548-9092

*Delivering Quality Disability Evaluations on a Timely Basis*



*Paid advertisement*

### Continued from previous page

During the lunch break at the conference, extra mile awards were presented to individuals for their fine contributions to the Michigan Association of Disability Examiners in the past year. These awards were presented to the following recipients: Connye Zeller from the Kalamazoo DDS, Mimi Wirtanen our Great Lakes Regional Director, Paula

Pendergast and Stacey Turk from the Lansing office, and finally Claudette Benser and Rya Lawrence from the Detroit office. Also, elections for state officers were held during the conference. Results of the elections were as follows: MADE President-Tom Ward, Vice-President-Claudette Benser, Treasurer-Kathy Pursell, and Secretary-Theresa Furget.

The MADE training conference in Traverse City was a resounding success with positive feedback from all attendees who partook in this event. Plans for next years State MADE conference are in the preliminary stages and will be hosted by the Detroit DDS subchapter and MADE looks forward to this upcoming event.

## NADE Board Members 2002-2003

### OFFICERS

#### PRESIDENT

**Terri Klubertanz**  
PO Box 7886  
Madison, WI 53707  
608.266.7604  
Fax 608.266.8297  
theresa.klubertanz@ssa.gov  
QA and Special Projects Supervisor

#### PRESIDENT-ELECT

**Martha Marshall**  
2704 Frank Street  
Lansing, MI 48911  
517.882.8073  
mammarshall2704@aol.com

#### PAST PRESIDENT

**Jeff Price**  
PO Box 243  
Raleigh, NC 27602-0243  
919.212.3222 ext. 4056  
800.443.9359 ext. 4056  
Fax 919.212.3155  
Jeff.Price@ssa.gov  
QA Case Consultant

#### SECRETARY

**Juanita Boston**  
PO Box 243  
Raleigh, NC 27602-0243  
888.422.4394 ext. 4630  
Fax 800.887.7596  
juanita.boston@ssa.gov

#### TREASURER

**Chuck Schimmels**  
P O Box 24400  
Oklahoma City, OK 73124-0040  
405.840.7138  
Fax 405.840.7523  
Charles.Schimmels@ssa.gov  
Unit Case Consultant

### REGIONAL DIRECTORS

#### GREAT LAKES

**Mimi Wirtanen**  
1512 Lamont St  
Lansing, MI 48915  
517.373.44398  
Fax 517.373.4347  
Mimi.Wirtanen@ssa.gov

#### GREAT PLAINS

**Sharon Belt**  
3024 Dupont Circle  
Jefferson City, MO 65109  
573.526.7021  
Fax 573.526.2950  
Sharon.Belt@ssa.gov  
Director of Program Development

#### MID-ATLANTIC

**L. Kay Welch**  
170 W Ridgely Road  
Suite 310  
Timonium, MD 21093  
410.308.4366  
Fax 410.308.4300  
Linda.K.Welch@ssa.gov  
Vocational Technical Specialist

#### NORTHEAST

**Brenda Crosby**  
268 Wiscasset Road  
Whitefield, ME 04353  
207.287.7961  
Fax 207.287.7964  
Brenda.Crosby@ssa.gov  
Hearings Officer

#### PACIFIC

**Micaela Jones**  
12041 Deer Flat  
Nampa, ID 83686  
208.327.7333 ext 321  
Fax 208.327.7331  
MJones@dds.state.id.us  
QA Specialist

#### SOUTHEAST

**Ruth Trent**  
P O Box 1000  
Frankfort, KY 40602  
502.564.8050 ext. 4176  
Fax 502.252.7025  
Ruth.Trent@ssa.gov  
Professional Relations Officer

#### SOUTHWEST

**Christa Royer**  
445 N 12th  
Baton Rouge, LA 70782  
225.342.2243  
Fax 225.342.2160  
Christa.Royer@ssa.gov  
Disability Examiner II

#### CHAIRPERSON-COUNCIL OF CHAPTER PRESIDENTS

**Shari Bratt**  
PO Box 82530  
Lincoln, NE 68501-2530  
402.471.2663  
Fax 402.471.2969  
shari.bratt@ssa.gov  
Hearings Officer

#### APPOINTED DIRECTORS

##### LEGISLATIVE

**Karen Gunter**  
812 Voncile Ave  
Tallahassee, FL 32303  
850.487.0625  
Fax 850.488.4974  
Karen.gunter@ssa.gov

##### MEMBERSHIP

**Susan R. LaMorte**  
675 Joralemon Street  
Belleville, NJ 07109  
973.648.3572  
Fax 973.648.2802  
Susan.Lamorte@ssa.gov  
Regional Manager

##### PUBLICATIONS

**Donna Hilton**  
1117 Sunshine Drive  
Aurora, MO 65605  
417.888.4152  
Fax 417.888.4069  
Donna.Hilton@ssa.gov  
drhilton@sofnet.com  
Professional Relations Specialist

#### SOURCECORP

30 Wall Street  
Binghamton NY 13901  
607.724.0845  
Fax: 607.724.3141



*Resources. Solutions. Results.*

**Jim Coseo**

[jcoseo@ix.netcom.com](mailto:jcoseo@ix.netcom.com)

a NADE Gold Corporate Member

*Established in 1981*



NATIONWIDE PROVIDER OF  
DISABILITY EVALUATIONS

**1350 S. Valley Vista Drive  
Suite 101  
Diamond Bar, CA 91765  
800.260.1515**

# NADE Committee Chairpersons

**AWARDS**

**Leola Meyer**  
 PO Box 1271  
 Jackson, MS 39215  
 601.853.5487  
 Fax  
 leola.meyer@ssa.gov

**CONSTITUTION & BYLAWS**

**Gayle Hull**  
 P O Box 5030  
 Buffalo, NY 14205  
 716.847.3663  
 Fax 716.847.3666  
 gayle.hull@dfa.state.ny.us  
 Regional Training Coordinator

**DDS ADMINISTRATORS/  
 SSA LIAISON**

**Debi Gardiner**  
 521 Parish Boulevard  
 Mary Esther, FL 32569-3425  
 850.244.2763 ext 216  
 Fax  
 Debi.Gardiner@ssa.gov  
 Claims Representative

**ELECTIONS & CREDENTIALS**

**Debi Chowdhury**  
 4 Derby Ct.  
 Loudonville, NY 12211  
 518.473.3533  
 Fax 866.667.3743  
 debichowdhury@yahoo.com

**HEARINGS OFFICER**

**Wendy Geels**  
 8500 E Bannister Rd  
 Kansas City, MO 64134  
 816.325.1269  
 Fax 816.325.1287  
 wendy.geels@ssa.gov

**HISTORIAN**

**Melissa Bell**  
 15 Nightingale Way, Apt C2  
 Lutherville MD 21093  
 410.308.4475  
 Fax 410.308.4545  
 melissa.bell@ssa.gov

**LITIGATION MONITORING**

**Georgina Huskey**  
 3435 Wilshire Blvd  
 Ste 1600  
 Los Angeles, CA 90010  
 213.736.7088  
 Fax 213.736.7117  
 georgina.b.huskey@ssa.gov

**STRATEGIC PLAN**

**Lisa Elliott**  
 4550 Carriage Hill Lane  
 Columbus, OH 43220  
 614.442.8707  
 Fax 614.442.1749  
 c.elliott@att.net

**SYSTEMS REPRESENTATIVES**

**Dale Foot**  
 2295 North Fairview Lane  
 Rochester Hills, MI 48306-3931  
 517.241.3688  
 Fax 517.335.1933  
 Dale.Foot@ssa.gov  
 District Manager

**Kayle Lawrence**

3640 SW Topeka Blvd.  
 Topeka, KS 66611-2367  
 785.267.4440 ext. 209  
 Fax  
 kayle.lawrence@ssa.gov

**NATIONAL DISABILITY  
 PROFESSIONALS WEEK**

**Paula Sawyer**  
 607 Alton Woods Drive  
 Concord, NH 033017814  
 603.271.3341 ext 332  
 Fax 603.271.1114  
 Paula.Christofoletti@ssa.gov  
 Claims Examiner

**NOMINATIONS**

**LaVonne Mercure**  
 2530 South Parker Road, Suite 500  
 Aurora, CO 80014-1641  
 303.752.5562  
 Fax 303.752.5755  
 LaVonne.Mercure@ssa.gov  
 Disability Examiner

**NON-DUES REVENUE**

**Susan Smith**  
 5781 Coldcreek Dr  
 Hilliard OH 43026  
 614.438.1879  
 Fax 614.438.1305  
 Susan.X.Smith@ssa.gov  
 Disability Adjudicator II

**ORGAN DONATION/  
 TRANSPLANT**

**Celeste Lilly**  
 ND DDS  
 600 S Second St. Ste 4  
 Bismark, ND 58504  
 800.543.2048  
 Fax 800.854.4985  
 celeste.lilly@ssa.gov

**PROFESSIONAL DEVELOPMENT  
 COMMITTEE**

**Melissa Robertz**  
 1427 Bright Court, NE  
 Keizer, OR 97303  
 800.452.2147 ext. 56369  
 Fax 503.373.7202  
 Melissa.L.Robertz@ssa.gov  
 Disability Analyst

**RESOLUTIONS**

**Chrisa Schimmels**  
 PO Box 24400  
 Oklahoma City, OK 73124  
 405.840.7107  
 Fax 405.840.7523  
 chrisa.schimmels@ssa.gov

Check the appropriate box in each section.

<input type="checkbox"/> New Member
<input type="checkbox"/> Renewal
<input type="checkbox"/> Full \$50.00
<input type="checkbox"/> Associate \$50.00
<input type="checkbox"/> Full Support \$25.00
<input type="checkbox"/> Retiree \$25.00
<input type="checkbox"/> Corporate \$200.00
<input type="checkbox"/> Silver Corp. \$350.00
<input type="checkbox"/> Gold Corp. \$500.00

## NADE Membership Application

(Please print name, title & designation as desired on your Membership Certificate)

Name \_\_\_\_\_  
 Prefix First Middle Last Suffix

Professional Designation \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Local Chap # \_\_\_\_\_ Wk Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_  @ssa.gov

NADE's membership year runs from July 1st through June 30th each year. Your membership will expire on the June 30th following your join date.

Exception: All new memberships received between January through June will receive an expiration date of June 30th of the following year. NADE does not prorate dues.

**Mail to: National Association of Disability Examiners State National Bank NADE Account P.O. Box 599 Frankfort KY 40602 (Make check payable to NADE)**

### Change Of Information Form For: (Name) \_\_\_\_\_

CHANGES: (ONLY ENTER CHANGED DATA)

Name \_\_\_\_\_ Professional Designation \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\*Local Chapter # \_\_\_\_\_ Daytime Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Email Address \_\_\_\_\_  @ssa.gov

Other: \_\_\_\_\_

**Mail or Fax To: Susan R. LaMorte 675 Joralemon Street Belleville, NJ 07109 Susan.Lamorte@ssa.gov Fax 973.648.2802**

## An ALJ Perspective

by Micaela Jones, Idaho DDS and Pacific Regional Director

D. KEVIN DUGAN, ESQ. provided an excellent presentation at the 2003 NADE National Training Conference in Albany, NY. Judge Dugan stated that his comments were based on his own experience, as a current Administrative Law Judge (ALJ), as well as his experience with the Association of Administrative Law Judges (AALJ), of which he is currently Vice President.

Judge Dugan reported that the AALJ is attempting to increase contacts with other interested parties in Social Security disability evaluation. He stated that this year he has met with SSA, the Social Security Advisory Board (SSAB) and NADE to gather information and discuss upcoming changes in the disability process. He stated that in his opinion all entities tend to have a somewhat "myopic view" and fail to understand the strengths and weakness of each other. That is why efforts such as NADE and AALJ have undertaken to understand each other's process are vitally important. Judge Dugan pointed out that the SSA disability evaluation process is the largest adjudication system in the U.S.A. All decision-makers are making legal decisions using the laws, rules and regulations established by SSA. The difference between DDS and OHA is that the DDS is making a decision on the written record and OHA incorporates the written record with face-to-face contact in making decisions. In addition, ALJ decisions are subject to Appeals Council and other court judicial scrutiny.



*David Lee Pratt, New York Unit Supervisor (l), speaks with Judge Dugan on areas of mutual interest.*

Judge Dugan complimented SSA Commissioner Barnhart on her bold leadership in tackling the long-standing problems of the disability program. The proposed new disability claims process presents a coherent, unified way that is intended to produce quality decisions in a consistent and unified manner. He also praised SSA's attempts to obtain more resources for the disability program and the proposal's intent to increase the quality of the decision-making process using such methods as the early decision and the electronic folder. The new proposal attacks directly a long-standing problem at OHA that causes delays in case processing – that of locating folders and organizing files

Other positive features of the new proposed plan are that more resources are put at the beginning of the process to get a quality decision at the outset. The impact of that quality will follow the claimant through the system. Currently, each stage of the process is forced to repeat things that have been done before.

Judge Dugan stated that Commissioner Barnhart and Deputy Commissioner Gerry are doing a superb job in making decisions about the disability process; however, he pointed out that NADE and AALJ members are the ones who will be implementing the changes and will need to work together in this process improvement initiative.

NATIONAL ASSOCIATION OF DISABILITY EXAMINERS  
PO BOX 50006  
SPRINGFIELD MO 65805-0006

Address Service Requested

PRSR STD  
US POSTAGE  
PAID  
SPRINGFIELD MO  
PERMIT #616