
the NADE ADVOCATE



A Publication of the National Association of Disability Examiners

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NADE Highlights for 2002-2003

- NADE, working closely with the National Council for Social Security Managers Association, submitted a detailed proposal to SSA for improving the “front-end” of the disability process. NADE is committed to working with other interested partners in the disability process to explore innovative ideas that will lead to real improvements in service delivery in disability case processing.
- NADE submitted a proposal to SSA to streamline and increase efficiencies in Disability Hearing Officer decision making process. This proposal was developed in conjunction with NADE’s Hearing Officer committee.
- NADE met with GAO to discuss SSA’s plans and strategies for implementation of the electronic folder (AeDIB). The electronic folder will have a significant impact on all of our lives and change drastically the way business is conducted in the DDSs.
- NADE participated in a GAO survey on the use of human capital in DDSs. GAO was interested in NADE’s opinion as to whether the information it is planning on collecting was appropriate and would get at the real issues facing the DDSs.
- NADE participated in a GAO survey on the management of the CDR process.
- NADE submitted feedback to SSA on the NPRM’s on claimant identification pilots, multiple body system dysfunction listings and the mental impairment listings. We emphatically stated that adequate resources must be provided to implement any changes to the listings.
- NADE submitted feedback to SSA on the adult disability starter packet being developed to use when someone contacts SSA to apply for disability, the adult function report being proposed for national use and the proposed SSA-454-BK form for continuing disability reviews.
- NADE was requested to serve on SSA’s Intake Workgroup. This workgroup is looking at what information is collected during the intake process, who collects it and when it is collected to make recommendations for the most efficient and cost effective method and manner to obtain information from disability applicants.
- NADE requested SSA support the CDR Cost Savings proposal submitted by the Dallas Region for more efficient CDR case processing. We shared a copy of the proposal with the Office of Management and Budget.
- NADE provided feedback on SSA’s Quality Management workgroup initiatives.
- NADE continues to maintain a strong and visible presence in Washington and at SSA’s headquarters in Baltimore. NADE is frequently requested to participate in conference calls with SSA, GAO and OMB on issues pertinent to disability case processing.
- Congress recognizes NADE as an expert on disability issues. NADE made a concerted effort to inform Congressional members of the impact of implementing a SSI PER case review process on claimants who by the very nature of their claims are in dire circumstances.
- NADE has a web site. It is at www.nade.org. We have been working hard to update our website and revise it to make it more user friendly. The site contains information about NADE training conferences, position papers, late breaking news, and much more.
- NADE’s executive leadership met with SSA Commissioner Jo Anne Barnhart in February. NADE’s leadership also has frequent communication with other SSA executives. This contact is important in communicating the con-

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The next issue will be published in **September, 2003.**

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

For all articles in text
format, please email to donna.hilton@sofnet.com
Please forward a hard copy.

President's Message

THE "DOG DAYS" OF SUMMER are upon us but this has not slowed down NADE. NADE has "doggedly" pursued our long tradition of providing a positive influence on the disability program. NADE has taken many opportunities to provide feedback to SSA on several important policy and procedural areas that will impact the way we go about our daily business. NADE has also provided comments on proposed listing changes and stressed the need for adequate resources to implement any proposed changes. In addition, NADE made a concerted effort to inform Members of Congress of the impact of implementing a SSI PER review process on claimants who by the very nature of their claims are in dire circumstances. All NADE communications are available for your review through your Regional Director, the *Advocate* or NADE's web site so I won't reiterate them here. However, I do encourage you to take the time to read and comment on any requests for feedback as that is the only way that NADE leaders can be sure that they are representing your viewpoint in NADE communications.



As spring has ended, so have NADE's National Disability Professional Week (NDPW) celebrations. I want to publicly acknowledge and commend all of the local NADE chapters for their efforts during NDPW. It is often difficult during periods of high workloads and stress of changes in business processes to remember the very important and vital role each and every one of you play in the lives of the disabled American public. The local NADE chapters did an excellent job in planning and executing many varied activities throughout NDPW to recognize and promote the quality claimant service that NADE members provide and to honor and award achievements of its members. Thank you all for your dedication and professionalism. NADE cannot continue its course of being a highly credible and extremely knowledgeable professional organization without the support and efforts of each and every one of you. I truly am impressed with all you do.

And if you ever wonder about the impact of your work on the American public, did you know that state

continued on next page

2002-2003 CALENDAR OF EVENTS:

Missouri State Conference	Drury Inn	St. Louis, MO	August 6-8, 2003
Ohio State Conference	Villa Milano	Columbus OH	August 15, 2003
Michigan State Conference	Holiday Inn	Traverse City MI	September 12, 2003
Illinois State Conference	Northfield Inn	Springfield IL	September 24, 2003
National Training Conference	Holiday InnTurf Inn	Albany, NY	October 11-17, 2003

Due to budget constraints and travel limitations for this fiscal year, other Regional conferences have been postponed. Plan to attend the National Training Conference in Albany, New York.

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
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Full page	\$200.00	\$175.00 per issue

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disability determination services around the country in fiscal year 2002 produced 4,000,000 disability decisions? The programs administered by SSA touch the lives of over 95 percent of all Americans and SSA makes federal benefit payments each month to more than 50 million people. With the aging of the "baby boomers", an increasing number of people are entering their most disability-prone years. The percentage of disability claims is expected to increase dramatically and by the end of 2012 will result in Social Security disability rolls that are 35 percent higher than today's levels. Over that same time period, SSI beneficiaries will increase by 12 percent. I'm sure many of you know one or more individuals who receive disability benefits from the Social Security or Supplemental Security Income program. NADE members play a critical part in improving the life of the disabled citizens of our country and there will continue to be pressure to accomplish our work more efficiently. NADE membership will become increasingly more critical in the years ahead as NADE is the only organization that offers a national voice and perspective for those of you who work on the "front lines" of the disability program.

This issue highlights NADE's national conference to be held October 11-17, 2003, in Albany NY at the Holiday Inn Turf. This year's theme, "The Future is Now" is certainly topical with the changing business processes soon to be upon us. I'm sure that you will agree with me that the agenda is "jam-packed" and has something for everyone. I look forward to meeting and talking with you at this year's conference. Also, please remember that this year is NADE's silver anniversary as an independent association and its 40th year as a professional Association. Our 2003 national conference will be the culmination of our celebration of NADE's history. If any of you have pictures or other information you would like to share about NADE's history, please bring them to the national conference with you. We will have a display available and we will make time during the general membership meetings to highlight our achievements and successes over the years. You will also have the opportunity to "network" throughout the week with many of those individuals who have been instrumental in NADE's history.

See you in New York!

Theresa B. Klubertanz

Terri Klubertanz
President

Ten Years Ago In The NADE Advocate

by Ione Klima, Minnesota DDS


NADE provides written testimony to the Subcommittee on Social Security of the Committee on Ways and Means on the subjects of workloads, funding, staffing, computer modernization, Social Security Court and disability duration.

Carroll Moore, former NADE president and current legislative chair, returns to work in the Tennessee DDS after a cancer illness. He reports that the 103rd Congress would be having hearings on possible taxation of Social Security benefits. "Mr. [Dan] Rostenkowski, Chairman of the House Ways and Means Committee," he wrote, urged the release of \$200K of contingency funds, "for handling the work loads" in DDSs.

Jonathan Stein, J.D., Lead Co-counsel for Zebly vs. Sullivan, gives the keynote presentation at the Great Plains/Southwest BiRegional Conference. Attorneys in the childhood cases worry about such things as 1) considering fatigue in the functional domain, 2) fair consideration for infants, 3) evidence that tries to paint a rosy picture of the child, 4) giving fair weight to pain on the IFA form.

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Highlights, from page 1

cerns, ideas and other issues of our members.

- NADE held a successful mid-year Board of Directors meeting in late February in Washington, D.C. Key executives from SSA, including Bill Gray, SSA's Deputy Commissioner for Systems, Sue Roecker, SSA's Associate Commissioner for Disability Programs and Tom Finigan from SSA's Office for Disability briefed the Board on what was happening at SSA. The NADE Board also received briefings by representatives of the General Accounting Office, the National Council of Social Security Managers Association, the Association of Administrative Law Judges and the National Council of Disability Determination Directors.
- The executive leadership of NADE has met with representatives from the Office of Management and Budget, the Congressional Budget Office and the Social Security Advisory Board. NADE's leaders have also had extended discussions with the congressional and senate committees that have oversight responsibilities of the Social Security Administration.
- NADE continues to sponsor National Disability Professionals Week and recognizes deserving NADE members with regional and national awards.

- NADE has continued to publish the NADE Advocate. This bi-monthly professional journal contains up-to-date information about the disability program and what is happening in NADE at the national, regional and chapter levels. It is your window into the disability program. It helps give you some understanding of the forces that affect how you do your job. With this knowledge, you can help shape these forces and make a positive impact on your future.
- NADE was requested to nominate a speaker for a forum and was invited to attend a public briefing by the National Research Council (a branch of the National Academy of Science) to examine the SSA process and criteria for determining disability for people who are deaf or hard of hearing.
- NADE is in the process of reviewing and revising the Chapter Services Handbook to make it more viable and appropriate for local chapter use.
- NADE is in the process of reviewing and revising its Long Range Plan so that it will reflect our Association's current strategies and provide a workable plan for NADE's future.
- NADE has been in contact with the National Association of Disability Representatives (NADR) to pursue areas of mutual interest.

Columbus Chosen as Site for 2004 Ohio Training Conference

by Susan Smith, Ohio Chapter President

OADE IS PLEASED TO announce the Great Lakes Regional Training Conference to be held May 12, 13 and 14, 2004 at the Adam's Mark Hotel in Columbus, Ohio (adamsmark.com/columbus). This hotel is located in the heart of downtown Columbus, within blocks of the Columbus Art Museum, Ohio Theatre, Columbus City Center Mall, the State Capitol, Nationwide Arena.

A few details: Room rates - \$75 single/double; \$95 triple/quad.

Parking - \$10 a day. Airport shuttle is not available, however, the airport is only 15 minutes from the hotel.

Guest services: Rooftop outdoor heated pool, whirlpool, sauna, health club, gift shop, room service.

Dining on Site: Capitol Grille and Players Sports Bar.

Please mark your calendars for this exciting event!



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Digest This?

by Sheryl Pfeil, MD, Gastroenterologist - Ohio State University Medical Center

The video capsule, in which a tiny camera is encased, creates a "movie of the small intestine," a series of images with a recording time of about eight hours after the pill is ingested by a patient. On computer screens, practitioners can then read and interpret the data transmitted by the capsule to a data recorder worn on the waist of the patient. Early studies have shown the capsule is significantly more effective in providing

a diagnosis for diseases and disorders of the small intestine, such as Crohn's disease, chronic diarrhea and occult bleeding, than previously available nonsurgical procedures. This capsule enables us to see firsthand any lesions or potential problems of the small intestine that would account for a patient's symptoms.

The process is pretty simple, and patients don't complain about any diffi-

culty swallowing the capsule, which is about the size of a large vitamin pill. They are allowed to start eating just a few hours after the capsule is ingested. Capsule endoscopy certainly has made patients' lives a little easier in that we can now offer them something that may give them an answer for previously unexplained symptoms. With a definitive diagnosis, we have greater opportunities to explore options for available and appropriate treatment.

NADE Welcomes The Shaw Group to Corporate Membership

by Donna Hilton, Publications Director

SHAW MANAGEMENT CORPORATION is located in the Midwest (Corporate Headquarters in Belleville, Illinois just across the river from St. Louis, Missouri.) This month they are celebrating their 15th year anniversary in Disability Representation, their ONLY business, and moved into new headquarters. Their local territory from their offices includes eastern Missouri, southern Illinois, northeastern Arkansas, western Kentucky and western Tennessee. The company also works with many Long-Term Disability Insurance recipients through various insurance companies throughout the United States. In addition to their public website, the company has also developed a second website that is updated each day and allows the Long-Term Disability Insurance companies to check the status of claims being handled by Shaw Management Corporation. Plans are to develop a semi-paperless system in the near future to keep up with 21st century technology.


The president of the Shaw Management Corporation, James Shaw, took a few minutes out of his busy schedule to discuss his company and his experience with the disability program. Mr. Shaw's background in the disability process began in November of 1973 with the Missouri DDS in Cape Girardeau. He came on board just as the state agencies began processing SSI cases. Upon arrival, he was handed a training book titled "Instrux" and had 350 cases stacked in his new office. As he worked in the DDS over the next 12 years, he became interested in working as a representative. He joined the representative group of Allsup Inc. in November 1985 and went out on his own in June of 1988. He now has 29 on staff!

Shaw Management Corporation has both Attorney and Non-Attorney Representatives who represent individuals applying for Social Security Disability Benefits, as well as Railroad Retirement

Disability Benefits. Shaw Management Corporation believes in a well-trained staff to handle disability claims and is in the process of certifying all Team members and Representatives who work directly with their clients. The employees at Shaw Management Corporation believe in the service they provide for clients and work diligently to help them get the benefits for which they qualify at the earliest possible time. They refer claimants to Vocational Rehabilitation and other agencies for assistance when SSDI or SSI is not a viable path for the claimant.

Mr. Shaw expressed his appreciation for the job that the DDS does and the heavy workloads that they often carry. He stated that his staff gets involved early in their claimants' cases to aggressively help the DDS obtain medical records and explain the process to the claimants. They even prepare a synopsis sheet for the DDS to provide an overview of the issues, the medical records, and the contents of any records they have obtained thus far. This company policy continues through the hearing process, which has resulted in one of the highest approval records for claims being approved "on the record" - 46%!

Their website address is www.theshawgroup.com for those individuals interested in learning more about the company.



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April 25, 2003

Susie Rudolph
Office of Disability Programs
6401 Security Blvd
Baltimore, MD 21235

Dear Ms. Rudolph:

While in Baltimore in February 2003 for our annual mid-year Board meeting, the NADE Executive Officers were invited to obtain a copy of and review the "disability starter package" and offer our comments and feedback. We understand that the "disability starter packet" is currently being piloted in several sites. We appreciate, and have taken, the opportunity to review the "disability starter packet" as invited. Overall, we think the "disability starter packet" will be a very effective tool in informing claimants as to the type of information that will be required when they have their disability interview. We do have some suggestions which we think will help clarify what is required and what we are asking for from the claimants.

Below is our feedback on the "disability starter packet"(items on the pink sheet).

- **Item #1: Your Social Security number:**
We believe that this item could be deleted. If the individual has called in to SSA or has an appointment scheduled, the claims representative (CR) should already have the claimant's SSN in the system. However, if the SSN is needed for another reason such as to verify identify, then there may be a very good reason for this being here.
- **Item #2. An original or certified copy of your birth certificate or other evidence of your date of birth:**
We believe that this item should have a period after "certificate". To have "or other evidence...." causes confusion and can delay the application process since CRs are required to obtain or at least attempt to obtain the original or certified copy of the birth certificate. If "or other evidence" remains in this item, individuals will come in with items that CRs cannot accept as proof of birth, such as passports or drivers license.
- **Item #3. If you were in the military service, an original or certified copy of your military papers:**
NADE would prefer that this read: "If you were in the military, an original or certified copy of all periods of your active duty service (DD 214's)". This provides a concrete example of what specifically is needed and will save the claimant time and avoid the claimant pulling the wrong military papers or non-relevant papers to bring in.
- **Item #4. Your W-2 Form....:**
This one is fine as is.
- **Item #5. Your checking or savings account information, so your benefits can be directly deposited if we find you disabled:**
We would prefer that this read "A voided check for direct deposit" because it is much easier to find the account information on a voided check and a voided check contains all of the account information needed to establish direct deposit.
- **Item #6. Names, addresses and phone numbers of doctors, hospitals, clinics, therapists and case workers that treated you for your medical condition:**
We would recommend combining Items #6 and 7 into one item by adding "complete" in front of names and "dates you were first and last seen". Complete information and dates of treatment are essential for disability case processing and can make the interview go much more efficiently and quickly if the claimant has them at the time of the interview. Thus, we would suggest this item read: "Complete names, addresses and phone numbers of doctors, hospitals, clinics, therapists and case workers that treated you along with the dates you were first and last seen."
- **Item #7. Dates you were seen by each of these doctors, hospitals, clinics, therapists and case workers:**
Delete, if combined with item #6.

- Item #8. Names of all the medicine you are taking—prescription and over-the-counter drugs:
We would recommend simplifying this by changing it to read: “Names of all medications you are taking.”
- Item #9. Dosages of all the medicine you are taking and how often you take each kind:
We believe that this should be deleted. If the DDS needs it, it would be in the medical records. There is no place for this information on EDCS and CRs in the Field offices do not usually obtain this detailed information.
- Item #10. Medical records that you have from your doctors, therapists, hospitals, clinics and caseworkers:
We would suggest changing this to: “Copies of all medical records IN YOUR POSSESSION, including lab and test results, that you have from your doctors, therapists, hospitals, clinics and caseworkers.”. We believe that the item as written may imply to the claimant that they need to go out and get copies of their records. This could be quite expensive for the claimant if the claimant has to pay for it and if the DDS is required to pay for it, it will prove to be an administrative nightmare for many of the state accounting systems.
- Item #11. Laboratory test results:
We believe that this can be combined with item #10.
- Item #12. A summary of where you worked in the past 15 years and what kind of work you did:
Since the DDS requires specific details regarding job activities, positions held and requirements that were necessary to perform the job, we believe this item should be more specific. We would suggest: “List of job positions held in the past 15 years including a description of the job duties performed.”
- Item #13. Name, address and phone number of a person who can get in touch with you if necessary:
Since the CRs are required to obtain two third party contacts in mental impairment claims, we would prefer that this item be expanded to state: “Names, addresses and phone numbers of two people who know about your condition and can get in touch with you.”

Thank you for the opportunity to provide feedback.

Sincerely,

Theresa B. Klubertanz

Theresa B. Klubertanz
President
cc: NADE Board

Small Pox - Bioterrorism?

by Joseph Cataldo, MD - DDS Medical Consultant and NADE in NH Training Committee Co-Chair

IN 1972, ACCORDING TO THE Merck Manual written in that year, vaccinia virus (Smallpox) was recommended for everyone between the first and second birthdays and revaccination thereafter at ten-year intervals. A small pink-red papule would appear at the vaccination site (usually the deltoid area). A white and pitted scar would remain. Once vaccination is done, the fatality rate from infection with the disease is **dramatically** lowered.

Small pox was eradicated in 1977 and three years later the World Health Organization stopped all vaccinations. This is why the world relaxed — and supposedly destroyed all samples that they had at that time.

All remaining smallpox was to be stored in Atlanta, GA (CDC) and in Moscow, Russia. But was it? The virus is resilient. Personnel, handling laundry from

infected patients, have become infected. Bio-terrorism existed back in the 18th century! During a war in 1750, the British gave smallpox- infected blankets to the Indians, and over 50% of the Indian population exposed died.

In 1796, Dr. Edward Jenner took a drop of pus from an infected cow (cowpox) and scratched the arm of a boy—thus ‘vaccine’ (Latin for cow) was done and the boy was immune in a challenge, a few months later.

Could this be a weapon of the 21st century? A top scientist in Iraq had been trained as a pox virologist in England. Was there a connection?

Even today, the new drive to have a vaccine ready in this country is meeting with resistance. The costly planning is debatable. Smallpox mandates have im-

posed a burden on public health officials. We are having trouble recruiting volunteers. Less than 1/10th of the number of health care workers needed to be vaccinated in our country have volunteered. Risky? Some think so.

Were you born before 1970? If so, look for a scar on either arm, or on the upper thigh. Recent studies have shown that immunity can last for decades.

Could this pox virus be engineered to form a newer and more dangerous virus? Is someone playing with the genes of smallpox? All they need is smallpox and, using cookbook virology, a “super-pox” could be made. Some intelligence -type people think smallpox in samples are missing from Moscow — and maybe from Atlanta?!!

We’ll never know, OR WILL WE?

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May 22, 2003

Honorable Charles E. Grassley
United States Senate
135 Hart Senate Office Building
Washington, DC 20510-1501

Dear Senator Grassley:

On February 13, 2003, the U.S. House of Representatives passed H.R. 2/ S. 1054, the "Jobs and Growth Tax Relief Reconciliation Act of 2003." On May 15, 2003, the Senate amended and passed H.R. 2/ S. 1054 but deleted the language of the House bill and inserted instead the text of S.1054, to which it then made additional amendments. As passed by the Senate, H.R. 2/ S. 1054 includes a provision that would significantly affect the disabled citizens of our country because it will increase significantly the amount of time for them to receive a final disability decision.

The National Association of Disability Examiners (NADE) is concerned about the following provision in this bill:

"Require pre-effectuation review (PER) of SSI Disability and Blindness Allowances for Individuals Aged 18 and over."

The provision will require 25 percent of cases in FY2004 and increase to 50% for FY 2005 and thereafter, the federal quality review rate for allowance decisions of SSI adult blindness and disability claims made by State Disability Determination Services (DDS). This increased review will occur prior to effectuation of any benefit payments.

The National Association of Disability Examiners (NADE) does not support this provision and urges removal of this provision from the proposed legislation.

NADE is a professional organization whose mission is to advance the art and science of disability evaluation. Our membership includes personnel in Social Security Administration's Central office and its Field Offices, claimant advocates, physicians, attorneys and others. However, the majority of our members work in the state Disability Determination Service (DDS) offices and are directly involved in the adjudication of claims for Social Security and Supplemental Security Income (SSI) disability benefits. It is the diversity of our membership, combined with our "hands on" experience, that enables our Association to offer a perspective that is both unique and reflective of a pragmatic realism.

NADE does not believe that increased review of DDS allowance decisions represents an appropriate use of scarce resources. 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 done prior to implementation of such a major change in the program. We realize that 50% of DDS allowances of Social Security Title II disability claims are currently reviewed for quality and that the review provision contained in H.R. 2 simply extends this mandated review to SSI claims. However, we are not convinced that the scarce resources required to perform this review is a cost-saving measure.

We question the rationale for increasing the federal quality review rate for DDSs, a program 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 program component that allows approximately 65% of claims. Such an allowance rate for claims that have been denied twice at the DDS level should be reason for concern if the goal of increased federal quality reviews is to ensure program integrity.

NADE has long been an advocate for equal review of allowed and denied claims at all levels of the adjudicative process. Targeting DDS allowances sends a message to the DDSs to deny more claims and 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, by the very nature of their claims, are financially stressed.

We are also concerned about making a change in the SSI disability quality review process at this time when the SSA Commissioner has yet to announce her plan for reform of the disability process. Without knowing what part quality reviews may play in the new process, it is difficult to justify such a major change to the process at this time. We would envision that quality review and control would very much be a part of the new process and making a change at this point, especially when the cost-effectiveness of it is questionable and the impact on disabled citizens is so high, does not appear to be justified.

We believe that the resources required to provide for increased pre-effectuation reviews would be better spent at the beginning of the disability claims process by ensuring quality information from the public is obtained from the public during the initial interview and throughout the course of the claims 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 approximately \$159 million. Rather than sending a message to the public that encourages appeals and increases administrative costs, the message would be that it is not profitable to try to defraud the program.

Thank you. If you have any questions or would like to discuss this further, please feel free to contact me.

Sincerely,

Theresa B. Klubertanz

Theresa B. Klubertanz
President

cc: All Conference Committee members
Congressional Budget Office
NADE Board of Directors

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HEALTH MANAGEMENT ASSOCIATES
301 North Charles Street Suite 100 Baltimore, MD 21201 410.332.0185
Contact: Susan L. Marshall

NADE Correspondence

Theresa B. Klubertanz
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Madison, WI 53707
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May 29, 2003

Commissioner of Social Security
P.O. Box 17703
Baltimore, MD 21235-7703

Dear Commissioner:

RE: Advance Notice of Proposed Rulemaking on Revised Medical Criteria for Evaluating Mental Disorders

NADE has reviewed the Advance NPRM on the revised medical criteria for evaluating mental disorders. We have also reviewed the report prepared by the National Research Council on mental retardation and the two documents - Usage of the term "Mental Retardation"; Language, Image and Public Education and Mental Retardation: Definition, Classification, and Systems of Supports.

The documentation and assessment of mental impairments presents one of the most difficult challenges for disability examiners. We do not believe that this is due to the "A" criteria of the listings but rather because of the emphasis on the "B" criteria in the listings and on adaptive functioning. It is particularly difficult to obtain objective, unbiased information about an individual's functioning not only in mental retardation cases, as the National Research Council stated in their report, but in virtually ALL mental impairment cases. The different types and quality of information about functioning that we are able to obtain can lead to inconsistent decisions because such information is usually not supported by any standardized measures for assessing functioning.

Therefore, NADE is in agreement with the recommendations presented by the National Research Council that information on adaptive functioning for mental retardation cases should be obtained and corroborated by standardized assessment measures. We envision that this will lead to some increased program costs due to the need to purchase such assessment measures. Currently, most medical providers do not perform such assessments as part of their examinations.

However, even if these recommendations are adopted for mental retardation cases, it still leaves the difficult issue of documenting function of individuals with other mental impairments. Many individuals with serious mental impairments have limited or no treatment and, consequently, many have few or no professional third party sources of information to contact. POMS requires obtaining information on function from the individual his/her self; however, it is difficult to obtain information from individuals with mental impairments due to the very nature of their conditions. There is often lack of trust as well as apathy and other symptoms that impact on their ability to provide us with the detailed information on day-to-day functioning that is required. Therefore, disability examiners often have to rely on "one-shot" consultative examinations and limited information on functioning to assess severity and make disability decisions for these types of claims. If the standardized measurement tests for adaptive functioning for mental retardation would be appropriate for evaluation of function in other mental impairment claims, we highly recommend considering replacing the current "B" criteria on function with such an instrument.

Another area of difficulty in evaluation and determining disability is for individuals with mental retardation, ages 18-21. These individuals are typically still in the school system, living at home and have not yet had an opportunity to function as adults. It would appear that the functional assessment used in Childhood Disability Evaluation would be more appropriate in assessing disability for these individuals. Therefore, we agree with the National Research Council's recommendations for evaluation

of functional domains for individuals with mental retardation. If applicable, we would also recommend that this be considered for all mental impairment cases.

NADE is concerned that, although we support the National Research Council's recommendations, their adoption will lead to significantly more documentation requirements, and thus increase the cost and efficiency with which these types of cases can be adjudicated. Adopting evaluation of a broad variety of information on adaptive functioning in different settings and from different sources poses significant documentation costs which will need to be funded in order to be effectively administered. Therefore, any such changes to the listing must include acknowledgement to this effect and proper resources to implement such changes must be appropriated.

Listings 12.05C and 112.05D pose other listings which are difficult to adjudicate. NADE recommends eliminating these listings or if these listings remain, SSA must provide more specific clarification and guidance of the definition of "...a physical or other mental impairment imposing an additional and significant work-related limitation of function".

NADE is in concurrence with the National Research Council's recommendation to use composite IQ scores for individuals with IQ scores of 70 or below to meet a listing and that the use of partial scores be eliminated unless there is a significant and meaningful variation between partial scores and the composite score that threatens the validity of the composite score. Using IQ scores of 70 or below to meet a listing would eliminate the difficulties above regarding listings 12.05C and 112.05D as those listings could be effectively eliminated. However, it may pose somewhat of an increased program cost as there may be more individuals entering the disability program since it would no longer require an additional "...physical or mental impairment posing an additional and significant work-related limitation of function" to meet a listing with IQ scores from 60 to 70.

NADE is also in concurrence with the National Research Council's recommendation that any standardized intelligence testing instrument be acceptable for documentation as long as it is based on a mean of 100 and one standard deviation of 15.

NADE supports the continued use of listing 12.09 as a reference listing.

We appreciate your attention to our comments. Please feel free to contact me if you have questions.

Sincerely,

Theresa B. Klubertanz

Theresa B. Klubertanz
President

cc: Sue Roecker, Associate Commissioner for Disability Programs
Lenore Carlson, Associate Commissioner for Disability Determinations
Martin Gerry, Deputy Commissioner for Disability and Income Security Programs
NADE Board of Directors

Gold Corporate Member

BECKER LAW OFFICE

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SOCIAL SECURITY

We are considering updates and revisions to the rules we use to evaluate immune system disorders in both adults and children who apply for, or receive, Social Security disability benefits or Supplemental Security Income payments based on disability. Before we start to revise the rules, we are asking interested people and organizations to send us their comments and suggestions. We're contacting the National Association of Disability Examiners (NADE) to make you aware of this opportunity and to encourage you to send us comments and suggestions.

How can you find out more about this invitation to send us comments?

On May 9, 2003, we published in the Federal Register an Advance Notice of Proposed Rulemaking (ANPRM) that invites all interested people and organizations to send us comments and suggestions for updating and revising the rules we use to evaluate immune system disorders in both adults and children. (See 68 FR 24869.) The rules are in our Listing of Impairments and in certain other regulations we describe in the ANPRM.

The electronic version of this ANPRM is available in the Federal Register at http://www.access.gpo.gov/su_docs/aces/aces140.html. It is also available on our Internet site, Social Security Online: <http://www.ssa.gov/regulations/>. We have also attached a summary of the ANPRM for NADE's review.

What should you comment about?

As we explain in the ANPRM, we're interested in any comments and suggestions you have for revising sections 14.00 and 114.00 of our listings. For example, we are interested in knowing if:

- You have concerns about any of the current listings for adults or children; such as whether you think we should change any of our criteria or whether you think a listing is difficult to use or understand.
- You would like to see our listings include something that they do not include now.

In addition to your comments about our regulations, we are also interested in any ideas you have about how we may be able to improve our programs for people who have immune system disorders, especially those who would like to work full-time or part-time with supports.

What is the deadline for sending in your comments?

We need your comments no later than July 8, 2003.

We are attaching a list of the other people and organizations we are notifying about this ANPRM. We invite you to share this information with any other interested people and organizations that are not on the attached list.

We look forward to receiving your comments, and as we begin drafting the rules, we may contact you about issues relevant to your comments. If you have any questions, our staff contacts are: Paul Scott (410-966-1192) or Peggy Talley (410-966-2560).

Sincerely,

Bill Anderson
Director, Office of Medical Policy
Office of Disability Programs
Social Security Administration

THE FUTURE IS NOW

NADE NATIONAL TRAINING CONFERENCE

October 11-17TH, 2003

HOTEL

Holiday Inn Turf on Wolf Road. 1-800-HOLIDAY holiday-inn.com/Albany-wolfny, 518-458-7250

The hotel is on the strip. 5 minutes from the airport. Free shuttle to the airport, and free parking. All rooms have coffee/tea, computer hookups etc. There are 8 handicapped rooms. Hotel has a wonderful restaurant with many specials they will be having during our week's stay. They have oldies night on Saturday when a band or DJ is usually present at Fender's. Playfield is the sports/lounge bar. The hotel has breakfast and lunch buffet everyday and on Sunday there is a brunch buffet. There is "happy hour" at Fender's during weekdays. Hotel will provide shuttle service to the local mall or any of the eateries on the wolf road strip. There is an indoor pool, Jacuzzi, exercise room etc. Several restaurants are within walking distance from the hotel including a diner.

Rates \$109 per room per night. Up to 4 per room. Rates available from Friday October 10th to October 19th. If anyone is coming earlier please let me know if you are unable to get rate and I will be happy to intervene.

AIRLINE

SouthWest Airlines 1-800-433-5368

Code# J9084 Listed under NADE/ National Association of Disability Examiners.

Travel Dates: October 6, 2003 – October 23, 2003

10% discount on already low fares.

TRIPS

New York City: Bus trip to the city and back. On your own to pick and choose whether you sightsee, shop, take in a play, check out the eateries, or just hang out for the day. There is enough time to do a few things and enjoy your day. 1-800-NYC-VISIT or www.nycvisit.com or www.NewYorkSightseeing.com

Cooperstown: Bus trip to and back. "Home of the famous Baseball Hall of Fame" www.baseballhalloffame.org, 1-888-425-5633 but it is so much more. It is also the home of the famous Fenimore Art Museum www.nysha.org, 1-888-547-1450 The Farmer's Museum, www.farmersmuseum.org, 1-888-547-1450 Brewery Ommegang, www.ommegang.com, 1-800-656-1212 Hyde Hall, www.hydehall.org. This is a day to explore at your leisure. VisitCooperstown.com ; 1-800-930-FAME

Turning Stone Casino: Bus trip includes food and game voucher. There is Bingo available. There are six restaurants and shows every evening. Even if you don't gamble there's always shopping and it's on a reservation. www.turning-stone.com

Saratoga: www.capital-saratoga.com Home of the famous Saratoga thoroughbred and harness Race Track (Nation's oldest racetrack), National Museum of Dance and Racing, Saratoga Performing Arts Center. www.saratoga.com This is a quaint Victorian town with lots of big city flavor without the fuss and lots of shops, eateries, and nightclubs.

CONFERENCE ACTIVITIES

President's Reception: To honor all NADE current and Past Presidents Celebrating NADE's Silver Anniversary.

Attire: Dress

Island Night: A special island delight waits everyone including the menu. Attire: very casual, beach wear

NADE FUN RUN: On hotel premises Thursday 6-7am.

Any questions regarding conference please don't hesitate to call or email me
at debichowdhury@yahoo.com or 518-473-3531

2003 NADE NATIONAL CONFERENCE

Turf Holiday Inn - Albany New York - October 11-18, 2003

Celebrating NADE's Silver Anniversary as an Independent Association

'The Future Is Now'

Saturday October 11, 2003

3:30pm - 7:00pm
4:00pm - 10:00pm
5:30pm - 6:30pm

Registration
NADE Board of Directors Meeting ("Old Board") – open to all NADE members
"May I Ask A Question?" - Orientation session for first time NADE conference attendees: Presenters - Ms. Debi Gardiner, Past NADE President 1997-98; Ms. Sue Heflin, Past NADE President 2000-2001; and Ms. Celeste Lilly, North Dakota Chapter President
Hospitality Suite

7:00pm - 12:00midnight

Sunday October 12, 2003

6:30am - 7:30pm
7:00am - 9:00pm
6:30pm -12:00midnight

Registration – Front Lobby
"New York, New York!" – New York City Tour
Hospitality Suite

Monday October 13, 2003 (Columbus Day)

8:00am - 5:30pm

"The Babe, the Mick and the Catfish – When it was a game!"
Tour of Cooperstown (Baseball Hall of Fame)

8:30am -12:00noon

Continuation of NADE Board of Directors Meeting (open to all NADE members)

5:00pm - 7:00pm

Registration

7:00pm - 9:00pm

NADE Presidents' Reception - Main Ballroom
(in honor of NADE's current and past Presidents – appropriate attire recommended)
Hospitality Suite

9:30pm -12:00 midnight

Tuesday October 14, 2003

7:00am - 8:00am

Continental breakfast

7:30am - 4:30pm

Registration

8:00am - 9:00am

"Hi!" - Opening ceremonies (military color guard, special musical presentation, welcoming remarks)

9:00am - 9:30am

"I Gave My Regards to Broadway, What Do I Do in Albany?" - Orientation session for 2003 National Training Conference: Presenters - Debi Chowdhury, Conference Chairperson, NADE NE Regional President, Jeff Price, Past NADE President 1998-99 & 2001-02, and Brenda Crosby, NADE Northeast Regional Director

9:30am -10:00am

Networking

10:00am -11:00am

"Here and Now, Tomorrow and Then – Is the Future Really Now for NADE?"
- Theresa Klubertanz, NADE President

11:00am -11:45am

"Don't take your organs to heaven... Heaven knows we need them here!" Dr. Charles Canver, Director The Heart Institute; Albany Medical Center Hospital; Professor Albany Medical College

11:45am -12:00noon

"Who's on first?" - Introduction of Candidates: Presenter - LeVonne Mercure, NADE Nominations Chairperson - Candidates for NADE President-elect, Treasurer, Secretary.

12noon - 1:30pm

NADE Board of Directors/DDS Administrators Luncheon
(Current NADE Board Members, DDS Administrators & Past NADE Presidents only)
BREAKOUT SESSIONS:

1:30pm - 2:30pm

1) "HIV updates – Is the Future Now?" – Presenter: Douglas Fish, MD
2) "NADE Through The Decades – Who Would've Thought History Could Be So Much Fun!" - Presenters: Martin Blum, NADE President 1978-79, Susan LaMorte, NADE President 1996-97, Jeff Price, NADE President 1998-99 & 2001-02, and Frank Giordano, the Grandfather of NADE
Networking

2:30pm - 3:00pm

"My Back Hurts Really Bad! Evaluation of Spinal Stenosis" - Allen Carl, MD

3:00pm - 4:00pm

"Can DDS Administrators Really Serve Two Masters?"- Sheila Everett, President of the National Council of Disability Determination Directors

4:00pm - 4:30pm

5:00pm -10:00pm

"I hope you heard that! She called me a noble steed!" - Trip to Turning Stone Casino

8:00pm -12:00midnight

Hospitality Suite

Wednesday October 15, 2003

7:00am - 8:00am	Continental breakfast
7:30am - 4:30pm	Registration
8:00am - 9:00am	<i>"Gazing Into the Crystal Ball - SSA's Future Is Now! – A Real Examination of the How, What, When, Where and Why of SSA Policy Development"</i> – The Honorable Hal Daub, Esq., Chairman of the Social Security Advisory Board
9:00am - 10:00am	<i>"The Good, The Bad, & The Ugly – The Evaluation of Bipolar Disorders"</i> – Robin Tassinari, MD
10:00am - 10:30am	Networking
10:30am - 11:30am	<i>"The Shootout at OK Corral – Wyatt Earp, Doc Holliday and the Clanton Gang Come to SSA"</i> – The Honorable D. Kevin Dugan, Esq., Vice President of the Association of Administrative Law Judges
11:30am - 1:00pm	Council of Chapter Presidents Luncheon Meeting (Luncheon costs must be paid in advance – anyone not eating should plan to enter the business portion of this meeting at 12:00 noon)
1:00pm - 2:00pm	BREAKOUT SESSIONS 1) <i>"Pain! Is It Real Or Imagined?"</i> – Edward Apicella, MD, Director of Pain Management at Albany Memorial Hospital 2) <i>"What's on Second?"</i> - Disability Hearings Officers Session – Moderator TBA
2:00pm - 3:00pm	BREAKOUT SESSIONS 1) <i>"The Future Is Now In Pediatric Hematology/Oncology"</i> – Jennifer Pearce, MD, Assistant Director and Professor of Pediatric Hematology/Oncology at Albany Medical Center 2) <i>"I Don't Know's on Third"</i> – DDS Professional/Medical Relations Officers Session – Moderator TBA
3:00pm - 3:30pm	Networking
3:30pm - 5:00pm	<i>"Take Me Out to the Ballgame!"</i> NADE General Membership Meeting (1 st session)
6:00pm - 11:30pm	<i>"Because it's there!"</i> Saratoga Trip
8:30pm - 12:00midnight	Hospitality Suite

Thursday October 16, 2003

7:00am - 8:00am	Continental breakfast
7:30am - 4:30pm	Registration
8:00am - 9:00am	<i>"Well, So Much for Noble Steed! The Future Is Now For the Disability Program"</i> – Sue Roecker, Associate Commissioner for Disability Programs, Social Security Administration
9:00am - 10:00am	<i>"HAL, Open the Pod Bay Doors Please?"</i> – Bill Gray, Deputy Commissioner for Systems, Social Security Administration
10:00am - 10:30am	Networking
10:30am - 11:30am	<i>"Obsessive Compulsive Disorders in Children – Are they Just Weirdo's?"</i> – Dr. William Van Ornum, PhD. Professor Vassar College
11:30am - 1:30pm	NADE Awards Luncheon - Garden Courtyard (All conference attendees are welcome – luncheon fee must be paid in advance)
1:30pm - 2:30pm	<i>"The Future Is Now! There Is Hope in Adult Oncology"</i> Presenter: TBA
2:30pm - 3:00pm	Networking
3:00pm - 3:15pm	<i>"Kansas City, Here I Come!"</i> – 2004 National Conference Update - Presenter: Missouri NADE Chapter
3:15pm - 5:00pm	<i>"The Seventh Inning Stretch!"</i> - NADE General Membership Meeting (2 nd session)
6:30pm - 10:00pm	<i>"I'm a donkey on edge!"</i> - Island Night (band)
9:30pm - 12:00 midnight	Hospitality Suite

Friday October 17, 2003

7:00am - 8:30am	Continental breakfast
8:30am - 9:30am	<i>"Slaying the Two-Headed Dragon - The Future of Quality Assurance in Disability"</i> – Myrtle Habersham, Director of Strategic Management, Social Security Administration
9:30am - 10:30am	<i>"Gotcha! Report on DDS Audit and What Does the Future Hold For SSA Fraud Investigations?"</i> – James Huse, Inspector General for Social Security Administration
10:30am - 10:45am	Networking
10:30am - 11:30am	<i>"A Knight's Tale – the New York Systems Experience"</i> – Presenters: John DiPalermo and David Avenius, New York DDS Administrator
11:30am - 12:00noon	Closing ceremonies/adjournment
2:00pm - 8:00pm	NADE Board of Directors Meeting (<i>"New Board"</i>) - open to all NADE members)

Saturday October 18, 2003

9:00am - 12:00noon	Continuation of NADE Board of Directors meeting
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Overcoming the Pain of Plantar Fasciitis

By Amy Swain, Missouri DDS (Cape Girardeau)

WHAT DO GOLF BALLS AND sand have in common? I'll give you a hint....the answer isn't vacation or a bad Tiger Woods shot. Actually, you might be surprised to find out that golf balls and sand are both items that can be used to keep your feet flexible. You are probably asking yourself, "Why do my feet need to be flexible?" Well, have you ever thought about how much stress we put on our feet? According to one source, every mile you walk puts 60 tons of stress on each foot. So with all our feet do, it's important that we take proper care of our feet to try to prevent foot problems from developing.

One common foot ailment that you might have heard about is plantar fasciitis. Plantar fasciitis is a common cause of

pain in the heel of your foot. Often the heel may hurt, feel hot, swell, or turn red due to inflammation. The inflammation occurs in the plantar fascia, a thin layer of tough tissue that covers the bones on the bottom of the foot that supports the arch. When the fascia is inflamed, it can be painful to walk. Usually the cause of plantar fasciitis is due to some combination of tightness of the foot and the calf, weakness of the foot, improper athletic training, stress on the arch of the foot, over use, having flat or high arches, obesity, running, a tight Achilles tendon, or improper shoe fit. Typically plantar fasciitis hurts in the bottom of the heel, tends to be worse in the morning when you first get out of bed, and improves during the day. Treatment ranges from conservative measures, such as heel

stretching exercises and shoe inserts to more substantial procedures, like steroid injections and surgery.

There are several different foot exercises described on the internet, so make a few "foot notes" and look them up at http://www.aofas.org/ffl_flexibility.asp and <http://www.aaos.org>. Some of these exercises require the use of items such as a marble, coins, a rubber band, a golf ball, sand, or just simply your feet! There are many easy to do exercises and additional foot facts on the web that could be very beneficial, because plantar fasciitis can be quite painful and if not treated early could become chronic. Remember, happy feet are healthy feet so try not to torture those tootsies!

Silent Auction To Be Held In Albany!!

by Susan Smith, Non-Dues Revenue Chair

THE NON-DUES REVENUE SILENT Auction is coming soon! This popular event has become an annual fundraiser at the National Training Conference. We're anticipating more fantastic items and a lot of friendly competition in the quest to outbid one another.

In addition to the baskets submitted, this year we will be having a contest for the best 'state themed' basket. Put your heads together with your Chapter members and come up with the most creative basket representing your state. The committee will be voting and the winning Chapter will receive \$25!!

Anyone having an item (or items) to donate should bring them to the conference and the procedures for the auction will be available at the registration desk. The person donating should be prepared


to set a minimum bid. Please bring a typed list of what your basket contains.

The bidding will be open for two days. We encourage individuals, chapters, regions, board members, or anyone else to donate items. Be creative, be lavish, be simple, and be silly!! All donations are gratefully accepted.

If you have any questions or suggestions, please contact Susan Smith, Non-Dues Revenue Chair, at 614-438-1879, or at susan.x.smith@ssa.gov. With your help, we are looking forward to yet another very successful silent auction!

a NADE Gold Corporate Member

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NADE Correspondence

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June 12, 2003

Tessa S. Albright, Disability Policy Analyst
Office of Disability Programs, Office of Disability Evaluation Policy
Social Security Administration
6401 Security Blvd
Baltimore, MD 21235

Dear Ms. Albright:

Although the National Association of Disability Examiners (NADE) has not been asked to provide input on the revised continuing disability review report – adult form, SSA-454-BK, we feel it is imperative to offer our perspective. The information collected on this form strikes at the very heart of disability adjudication and how this form is revised will impact significantly on our members, the majority who work in state Disability Determination Services (DDSs) and are involved directly in disability case processing.

NADE is a professional organization composed of dedicated disability professionals who are committed to assisting SSA in exploring innovative ideas that will lead to real improvements in service delivery. We believe that the disability case process can be much more efficient by obtaining the necessary claimant information up-front at the time of the continuing disability review interview process.

NADE believes that the revised form is an improvement over the existing SSA-454-BK form and commend those involved in its development for restructuring it to be more logical in the way it asks for information and is laid out. In addition, we have received favorable comments from our members about having the claimant's address on the first page as well as the third party contact information. If this form is fully completed, the information provided will be very useful for disability adjudication.

We have a few specific comments to offer for your consideration.

Our understanding is that the SSA-3373 form will be mandatory in all adult cases and completed by all adult disability claimants regardless of their impairment. If that is correct, then we agree with the removal of Part III, Information About Your Activities, but we want to emphasize that the SSA-3373 form should be collected up-front by the FO at the time of the continuing disability review interview. NADE would appreciate the opportunity to review the draft POMS instructions regarding this process.

Section 1 – INFORMATION ABOUT THE DISABLED PERSON:

We believe that the last statement in section 1 requesting the claimant to provide the date they last completed a disability report will be difficult for claimants to complete. If a claimant is allowed for a disability, sometimes it can take quite a while for a final decision and if they have a 7 year diary (or even shorter), they most likely will not remember the exact date they completed the initial, reconsideration or hearing request form (depending upon which level they were allowed disability benefits). For adjudication purposes, we are interested in the change in the claimant's condition since their last disability decision (their comparison point decision). Thus, we recommend that the date be removed for claimant completion and that information about the date of the last decision be provided for the claimant to update their condition since that point in time.

Section 2 – INFORMATION ABOUT YOUR ILLNESSES, INJURIES OR CONDITIONS:

The question on the previous SSA-454-BK (Part 1 – 1a) asking the claimants “What is the disabling condition(s) for which you are receiving disability benefits?” has been deleted. NADE recommends that this question remain in the revised SSA-454-BK. It has been our experience that claimants often do not know why they are receiving disability benefits and it is extremely helpful for the disability adjudication process for us to know why the claimant believes they are receiving disability.

All of the questions in this section reference “the above date” from Section 1. See our comments above regarding this date.

Section 3 – INFORMATION ABOUT YOUR MEDICAL RECORDS:

NADE recommends that Section 3D also include a space for the claimant to include the Clinic Name. Many medical providers are listed in SSA’s medical source reference file and DDSs’ medical vendor search files by clinic name and a claimant may see several doctors but they are all at the same clinic. It would expedite the process for case development if the clinic name is provided.

NADE recommends that Section 3E be formatted differently so it is set apart from Section 3D. As the form is currently formatted, the two parts run together and we are concerned that Section 3E will get overlooked inadvertently by the claimant.

Section 5 – TESTS:

NADE appreciates the expansion of this section to include more specific testing that the claimant may have received. We would suggest that the claimant be requested to specify and name the test in the “other” block and provide a line for the claimant to include that information.

NADE recommends that some clarification be provided for IQ testing in this section, similar to the clarification provided for other acronyms listed. Many claimants may not know what IQ stands for.

Section 6 – UPDATED WORK INFORMATION:

The current SSA-454-BK asks claimants to explain why they stopped working. This is a critical piece of information in disability adjudication, especially in Expedited Reinstatement Cases, where the DDS needs to establish whether the claimant has a “same or related impairment” to determine eligibility for provisional benefits. NADE recommends that another column be provided in this table that asks claimant why they stopped working.

Please feel free to contact me if you have any questions.

Sincerely,

Theresa B. Klubertanz

Theresa B. Klubertanz
President

cc: NADE Board of Directors

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Gold Corporate Member



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EXECUTIVE MEMO #6
May 27, 2003

National Disability Professionals Week is fast approaching so please take time from your busy schedules to recognize and honor all disability professionals and the on-going work you do for the disabled citizens of this nation. You should have received communications from Paula Sawyer, NDPW Chair, outlining the NADE awards criteria and she has lots of suggestions for activities for the week. It is the third full week in June from **June 16-20, 2003**. If you have any questions, please contact Paula. She will be glad to help you.

We continue to await the Commissioner's announcement regarding the future of the disability program. We will be requesting input and feedback from you once we know the specific details of the reform plan.

SSI PER Reviews:

The "**Jobs Growth and Tax Relief Reconciliation Act of 2003**" was passed by Congress last week and is expected to be signed soon. Unfortunately from NADE's perspective, the provision on PER review for SSI allowances was incorporated into this legislation. NADE made a concerted effort to get the language removed but was unsuccessful. Letters were sent to all members of the Senate Finance committee, to the Chair and ranking minority member of the House Ways & Means committee, as well as to all the members of the House subcommittee on Select Revenue Measures expressing NADE's concerns. Attached is a copy of the letter NADE sent to Senator Grassley, the chairman of the Senate Finance committee. Other letters were similar.

In addition, NADE, through the efforts of our Legislative Director, Marty Marshall and our Legislative committee, sent letters to various members of Congress which have been shared with you previously. A letter has also been sent to the Congressional Budget Office expressing NADE's concerns regarding the cost and effectiveness of such a review process, especially since no such review exists for OHA or other components of the disability program.

NADE sent correspondence to Robert Wilson, SSA's Deputy Commissioner for Legislation and Congressional Affairs, expressing our concerns about SSI PER reviews. We received a response from Mr. Wilson that SSA supports this legislation because SSA believes "the budget proposal would reduce erroneous SSI payments, would apply consistency to Social Security and SSI disability programs, and would result in more accurate payments of SSI benefits as well as improving the integrity of the Medicaid program. Our experience after many years of preeffectuation reviews of Social Security disability decisions has been that they are quite cost-effective, with significant savings after all appellate actions. We are committed to ensuring the highest possible quality in our disability decisions and we see this proposal as a good step in that direction."

NADE of course is concerned about program integrity and quality of disability decisions. However, we do not agree that preeffectuation review is the most cost-effective measure to achieve these goals. We feel that more effort and resources should be spent in the front end of the process and in-line quality reviews rather than more end-of-line reviews. We will continue to stress this in our Congressional testimony and on-going communications with SSA, GAO, the Congressional Budget office (CBO) and the Office of Management and Budget (OMB) as well as in our communications with individual members of the Senate and House of Representatives.

AeDIB:

As you know, EDCS has been rolled out to all of the Field Offices and many DDS's have started to receive the SSA-3368 and SSA-3367 application materials electronically. This is the beginning of the electronic folder which will have a significant impact on all of our lives and change drastically the way business is conducted in the DDS's. GAO is auditing SSA's implementation strategies for the electronic folder. As NADE's representative, I met with GAO staff to discuss SSA's plans for implementation and had a follow up telephone conversation with Tonia Brown, one of GAO's policy analysts, to clarify some of NADE's concerns and to expand upon some others.

Dale Foot and Jeff Price also participated in a conference call with NCDDD to discuss the impact of AeDIB on state agency operations.

Adult Disability Starter Packet:

In NADE's meeting with SSA Commissioner Barnhart in February, she suggested that NADE provide feedback on the Adult Disability Starter Packet that is being developed to use when someone contacts SSA to apply for disability. (*See page 6-7 for NADE's correspondence on this.*) I have since been contacted by Linda Dorn, previous MI DDS administrator who is now working for SSA and is currently in Baltimore on a six month detail for SSA's Service Delivery Budget team. Linda stated that SSA was giving serious consideration to NADE's comments "which were excellent" and she requested clarification of a couple of our points.

Intake Workgroup:

As you know, Marty Marshall has been serving as NADE's representative on SSA's disability intake workgroup. This work group is looking at what information is collected, who collects it and when it is collected to make recommendations for the most efficient and cost effective method and manner to obtain information from disability applicants. The workgroup is in its final stages of research and are in the process of finalizing their recommendations.

Chapter Services Handbook:

You may have noticed that the Chapter Services Handbook has been removed from the NADE website. We are in the process of reviewing and revising this handbook to make it more viable and appropriate for local chapter use. The current handbook is hopelessly outdated. We will be looking at both the content of the information included in the handbook as well as the format to provide information to chapters. The chapters on certification and NADE presidents have now been made links on the website instead of being chapters in the handbook. If you have any feedback or concerns regarding the chapter services handbook, please let Jeff or me know.

NADE's Website:

We are continuing to work with David Smelser, NADE's webmaster, on reviewing and revising our website to make it more user friendly, more up to date and have a more visually appealing look. We have incorporated some suggestions from the Board and developed other suggestions as we have moved forward on this. Please visit the site and let me know what you think.

National Conference:

Plans are being finalized for the national conference which will be held at the *Turf Holiday Inn* in Albany, NY, October 14-17, 2003. The agenda and registration information will be published on the website soon, as well as in the Advocate. Attached is an advance draft. Jeff has been working closely with the ESADE Chapter to develop an agenda that will unquestionably showcase NADE's continued emphasis on providing our members with the very best in ongoing training that truly reflects the skills and knowledge they need to perform their jobs. We are hopeful that the agenda will also enhance the support NADE receives from SSA and DDS administrators in terms of the number of NADE members who are funded and/or receive administrative leave to attend this conference.

The national conference will serve to highlight and to conclude the festivities surrounding the celebration of NADE's silver anniversary as an independent organization and forty years as a highly credible voice speaking out to address the many issues and challenges of the disability program. We hope that everyone will plan to attend the conference to participate not only in the excellent training opportunity, but to participate in the activities planned to honor and celebrate our organization's existence.

Old Board Meeting:

Just a reminder, the OLD Board meeting will start at 4 p.m. on Saturday, October 11, 2003. No one will be authorized to arrive before Saturday, October 11th, or stay after Friday night, October 17th. If you do so, you must pay the hotel expense from your own pocket.

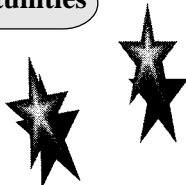
FYI:

Mike Brennan, formerly with the staff of the Social Security Advisory Board and a former administrator of the Washington, D.C. DDS, has accepted a new position at SSA in the Division of Medical Policy. Mike is a member of NADE and we wish him well in his new position.

Theresa B. Klubertanz

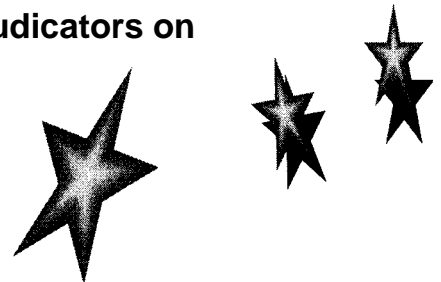
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The Delaware DDS is proximally located and is within driving distance to the New York, Philadelphia, Baltimore & D.C. metropolitan areas.

For additional information regarding employment opportunities, Contact:

Andrew Marioni, DDS Director; @ 302.761.8293 or email: andrew.marioni@ssa.gov

Non-Dues Revenue Expands NADE Items for Sale

by Susan Smith, Non-Dues Revenue Chair

NADE has stocked up on sale items. Check out our website (www.nade.org) for new items, such as nylon briefcases, T-shirts, and luggage tags. These items make great speaker gifts, door prizes, etc!

If you have any questions, or cannot access the website, please contact me at 614-438-1879 or at susan.x.smith@ssa.gov and I will fax you a list of our items for sale.

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NOW IS THE TIME TO RENEW

By Susan R. LaMorte, Membership Director

NOW IS THE RIGHT TIME to renew your NADE membership! Just take a few minutes out our your busy schedule and renew **Today!** Here are a few reminders about renewals. Use the renewal form at the bottom of your notice, assuring that your name and address are correct so that your membership benefits continue without interruption. Also include your email address. If there are any corrections and/or changes, be sure to send those changes directly to me at **675 Joralemon St. A-10, Belleville, NJ 07109** or **FAX to (973) 648-2802**. Remember, you can now renew and join on line with your credit card at www.nade.org Respond to the first notice if possible, that will save our Association money, which can then be used for, training activities and to represent you before Congress and the Social Security Administration.

NADE is once again sponsoring a membership contest. This is to let you know "**the race is on**". I'm happy to report that currently we have **1992** members as of our 6/03 printout. Thanks to each of you who have joined us in striving to reach our goal of each member recruiting one **NEW MEMBER**. We're on our way! Just as important in recruiting new members, we need to work just as hard to retain the current members. Sharing NADE's accomplishments with co-workers is one sure way of letting them know that NADE is not only addressing the issues, but also proposing realistic solutions.

For contest purposes, Chapters will be divided into three (3) size categories: Small (15 or fewer), Medium (16 - 39) and Large (40 or more). The winners will be determined using the 10/02 printout and the 9/03 printout. Cash awards of \$50 and \$25 will be given to the two Chapters in each category showing the largest numerical increase over the life of the contest. An award will also be presented to the largest chapter. All chapters meeting the annual membership growth of 10% will also be recognized.

Each chapter has the opportunity to lead the race! A strong effective organization thrives from active grass root involvement, which has always been displayed across the nation. Keep up the good work!

Remember that **OUR STRENGTH IS OUR MEMBERS AND THEIR INVOLVEMENT!**
We value your continued participation. If there is anything we can do to better meet you needs, please share your suggestions with your Regional Membership Committee member or any Board member.

RENEW TODAY and RECRUITE ONE NEW MEMBER TODAY!
THE RACE – HAS JUST BEGUN.... TAKE THE LEAD!



NADE Thanks

**Dr. Ward Jankus
L & S Associates Inc.
Neuropsychological Associates of
Southwest Missouri**

for their continued corporate support.

CONTEST TIME - DON'T FORGET!

Newsletters and Photograph Competition

Photographs of the National Conference, State and Regional activities may be submitted for judging in the first annual NADE photo contest.

Please send photographs and eight copies of your Chapter or Regional Newsletter for entry in the Annual Newsletter Contest no later than September 1, 2003.

**Send materials to:
Donna Hilton
1117 Sunshine Drive
Aurora, MO 65605**

Exploring the Variety of Auras Preceding Migraines

By Donna Bradshaw, Missouri DDS (St. Louis-Florissant)

MANY TIMES IN OUR DDS applications we encounter allegations of Headaches. When we discover a claimant has migraines it helps to know more about their clinical features to assist us in adjudicating our claims. The migraine attack can be divided into four phases: 1) Premonitory, which occurs hours or days before the headache 2) Aura, which immediately precedes the headache 3) the Headache itself and 4) the Postdrome.

The migraine aura symptoms usually develop over 5 to 20 minutes and usually last less than 60 minutes. The aura can be characterized by visual, sensory or other motor phenomena and may also involve language or brain stem disturbances. If it occurs, the headache usually begins within 60 minutes of the end of the aura. Patients may experience more than one type of aura with progression from one symptom to another. Most patients who have a sensory aura also have a visual aura.

Visual aura is the most common and occurs in 99 per cent of patients who have an aura. The aura may consist of photopsia (the sensation of unformed

flashes of light before the eyes) or scotoma (partial loss of sight). Auras vary in their complexity. Elementary visual disturbances include scotomata, simple flashes (phosphenes), specks or geometric forms. They may move across the visual field, sometimes crossing the midline. Shimmering in the visual fields may also occur and may be described by claimants as "heat waves." More complicated auras include the fortification spectra which is the most characteristic visual aura of migraine. It consists of an arc of scintillating lights, usually, but not always beginning near the point of fixation, may form into a herringbone-like pattern that expands to encompass an increasing portion of the visual hemifield. It migrates across the visual field often with zigzag, flashing or occasionally colored phenomena.

Parathesias are the second most common aura. They usually start with numbness in the hand, migrating up the arm then jumping to involve the face, lips and tongue. The paresthesias may be followed by numbness and in a few cases, loss of position sense.

Motor symptoms occur in about 18 per cent of patients, however true weakness is rare.

When a claimant has a true migraine and it occurs more frequently than once a week in spite of three months of treatment, it should be evaluated under listing 11.03. There must be an alteration of awareness or loss of consciousness and manifestations of unconventional behavior or significant interference with daily activities. An alteration of awareness is generally described as a change in the level of awareness of self and environment and is typically manifested by such things as clouding of the senses, imprecise thinking, blunting of responses, inattentiveness and a lack of coherence of ideas. As always in adjudicating, we should have a good longitudinal history, including good lay evidence to determine both the severity of the condition and its expected duration.

Information for this article was from obtained from the "Migraine Disease Management Guide" published in 2002 by Abbott Laboratories.



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An Attorney's Advice On Combating Fraud

Read this and make a copy for your files in case you need to refer to it some day.

A corporate attorney sent the following out to the employees in his company:

The next time you order checks have only your initials (instead of first name) and last name put on them.

If someone takes your check book they will not know if you sign your checks with just your initials or your first name but your bank will know how you sign your checks.

When you are writing checks to pay on your credit card accounts, DO NOT put the complete account number on the "For" line. Instead, just put the last four numbers. The credit card company knows the rest of the number and anyone who might be handling your check as it passes through all the check processing channels won't have access to it.

Put your work phone number on your checks instead of your home phone. If you have a PO Box use that instead of your home address. If you do not have a PO Box use your work address.

Never have your Social Security number printed on your checks you can add it if it is necessary. But if you have it printed, anyone can get it.

Place the contents of your wallet on a photocopy machine, do both sides of each license, credit card, etc. You will know what you had in your wallet and all of the account numbers and phone numbers to call and cancel.

Keep the photocopy in a safe place. Also carry a photocopy of your passport when you travel either here or abroad.

We've all heard horror stories about fraud that's committed on us in stealing a name, address, Social Security number, credit cards, etc.

But here's some critical information to limit the damage in case this happens to you or someone you know:

We have been told we should cancel our credit cards immediately. But the key is having the toll free numbers and your card numbers handy so you know whom to call. Keep those where you can find them easily.

File a police report immediately in the jurisdiction where it was stolen, this proves to credit providers you were diligent, and is a first step toward an investigation (if there ever is one).

But here's what is perhaps most important:

Call the three national credit reporting organizations immediately to place a fraud alert on your name and Social Security number. The alert means any company that checks your credit knows your information was stolen and they have to contact you by phone to authorize new credit.

There are records of all the credit checks initiated by the thieves' purchases.

The numbers are:

Equifax: 1-800-525-6285
Experian (formerly TRW):
1-888-397-3742
Trans Union: 1-800-680-7289

Social Security Administration
(fraud line): 1-800-269-0271

Pass this information along. It could really help someone you care about.

Maybe we should all take some of his advice!

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**NATIONAL DISABILITY
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NADE Membership Application

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

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 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)

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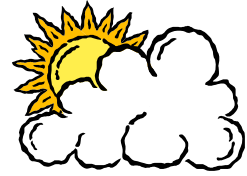
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Other: _____

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

HIPAA Weather Report: Still Partly Cloudy But Clearing in the Near Future

by Donna Hilton, Springfield, MO. Professional Relations Specialist



NEVER AGAIN WILL I FEAR April 15th! For myself, I have seen the enemy and it was April 14th! Most PROs across the country faced April 14th with optimistic uncertainty. Our instructions were simple: use the old 827s on those “pipeline” cases and the Field Offices will provide you with the new 827s beginning April 7th. (Ya sure, can I sell you some swamp land in North Dakota?)

The problems started slowly, a call here and there came in with questions.



Then it began to snowball. I tried disguising my voice, especially for in-office calls! Counselors were becoming frenzied,

requests started coming back in droves. To avoid HIPAA riptides and drowning, I began an Excel spreadsheet of all the hospitals in our area with a list of the contact person, phone number, fax number, and special requirements for that facility. When the spreadsheet grew to 5 pages, I knew this was a storm of the magnitude George Clooney faced in the movie “The Storm.”

HIPAA has touched all our lives from the pharmacy to the dentist, just as those helpful representatives in congress had intended. The intent of the law was to make transmission of records more flexible through electronic means, yet deliberate misuse of records was to be punished. It was up to each provider to determine if it was a “covered entity.” To ensure that a “covered entity” was complying with the law, steep fines and prison times were stipulated as punishment for deliberate abuse of records. Many facilities did not want to take any chance of legal repercussion. Legal advisers to many hospitals and clinics have recommended even stricter guidelines for release of records. Some sources got the jump out of the chute, and started requiring new release forms before the law had even gone into affect. Many continue to ask for an original release, a few refuse to abide by the “good for 12 months” clause, but there are still some who have gone on with business as usual.

Each facility has to follow the legal advice within its own facility. My favorite (?) HIPAA story so far was a discussion I had with a Medical Records Director at a VA Hospital in Arkansas just last week. As usual, the VAH was requiring their special release be signed. As we

discussed HIPAA and release requirements, I asked what the Arkansas DDS was being required to do, and were their release forms deemed acceptable. “Oh yes”, she replied, “their release form was reviewed and approved.” I then had to explain that we used the same release form and this is a national program. That news seemed to confuse her. I had to fax her a copy of the form so our 827 could be sent for review. We are still under review and I eagerly await approval!

Like everything involved with the Disability Program, this crisis will also pass into the DDS history books. When the next change comes along, we will think we’ve seen it all - yet again. As the years go by working for DDS, you learn to roll with the waves of the storms and watch for things to clear on the horizon. It always has and hopefully always will.

Just brace yourself the next time anyone comes up to you and says “I’m from the government and I’m here to help you!”



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