

Advantage 2000 Consultants, Inc.

Announcing Social Security Ruling 06-03p

Purpose of Rule

This Ruling clarifies how Social Security considers opinions from sources that are not "acceptable medical sources" in evaluating a person's medical disability.

Introduction

When making a determination on a claimant's disability, SSA will take into consideration all available medical evidence. This includes, but is not limited to: objective medical evidence from acceptable medical sources and medical sources classified as not acceptable; statements by the claimant about their impairment and how it affects their functioning; information from other "non-medical sources"; and decisions by other governmental and nongovernmental agencies about whether an individual is disabled or blind. Before this ruling was enacted the medical opinion of an "acceptable medical source" carried more weight in the disability adjudication process than that of a "not

acceptable medical source".

Previous Regulation

The previous regulation identifies the term "medical sources" as both "acceptable medical sources" and other health care providers who are "not acceptable medical sources".

Acceptable medical sources are identified as:

- Licensed Physicians (medical or osteopathic)
- Licensed or Certified Psychologist
- Licensed or Certified School Psychologist for the purposes of establishing mental retardation or learning disability
- Licensed Optometrist for the purpose of establishing visual acuities
- Licensed Podiatrist for the purpose of establishing foot and ankle disease

Medical sources that are not considered ac-

Considering Opinions and Other Evidence from Sources Who Are Not "Acceptable Medical Sources"

ceptable medical sources include:

- Nurse Practitioners
- Physician Assistants
- Chiropractors
- Licensed Social Workers
- Audiologist
- Therapist
- Naturopaths

Information from these "not acceptable" medical sources cannot establish a medically determinable impairment, however, their information may provide insight into the severity of the otherwise established medically determinable impairment and how that impairment interferes with functioning.

The distinction of an "acceptable medical source" from other health care providers was important for three reasons. First, evidence from "acceptable medical sources" was required to establish the existence of a medically determinable impairment. Second, only an "acceptable medical source" could give a medical opinion. Finally, only an "acceptable medical source" could be considered a treating source.

SSR 96-6p and 20 CFR 404.152 provides direction on how to evaluate the opinions of state agency medical consultants and the opinions and evidence of acceptable medical sources, however, it does not provide much guidance on the

[Continued on next page](#)

Changes to Social Security Ruling 06-03p	1
Social Security Advisory Board Public Hearing	2
TECH TALK: Factors of Entitlement--SSDI Waiting Period	3
NADE Conference Updates	4
Naming Rulings	5
Employee Spotlight & Helping Hand	6

INSIDE

THIS

ISSUE:



Ruling Changes Continued:

evaluation of evidence from "other sources" listed in 20 CFR 404.1527

Current Regulation

With the growth of managed health care in recent years and the emphasis on containing medical costs, medical sources who are not "acceptable medical sources", such as nurse practitioners, physician assistants and licensed clinical social workers, have increasingly assumed a greater percentage of the treatment and evaluation functions previously handled primarily by physicians and psychologists. Opinions from these medical sources, who are not technically deemed "acceptable medical sources" under SSA rules, are important and should be evaluated on key issues such as impairment severity and functional effects, along with the other relevant evidence in the file.

Accordingly, this ruling clarifies how SSA considers opinions and other evidence from medical sources who are not "acceptable medical sources" and from "non-medical sources", such as teachers, school counselors, social workers, and others who have seen the individual in their professional capacity, as well as evidence from employers, spouses, relatives, and friends.

As a result of this ruling changes will be made to the following regulations: 20CFR404.1513, 404.157 and 404.1502.

If you want to learn more or have any questions, please contact Bonita Combs, Director of Claims Operations and Medical Development.

SOCIAL SECURITY ADVISORY BOARD

Public Hearing – July 19, 2006

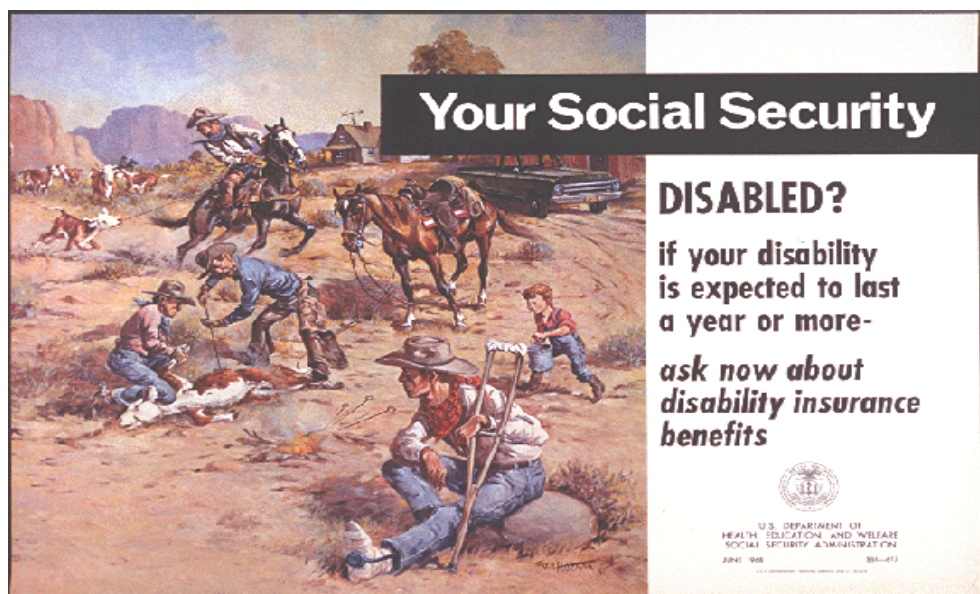
On Wednesday, July 19, 2006, Mary Garrett, Director of Program Management at Advantage 2000 Consultants attended the Social Security Advisory Board (SSAB) Public Hearing in Washington, DC. The SSAB is an independent, bipartisan board created by Congress to advise the President, Congress and the Social Security Commissioner on matters related to Social Security programs.

The focus of the Hearing was to discuss working toward a new disability system that would be more consistent with the Americans with Disabilities Act (ADA). This would include emphasizing an individual's abilities rather than disabilities.

The purpose of the open discussion was to allow the SSAB to gather thoughts and perspectives from the public on how to design a new disability system with four specific goals in mind. First, to develop a model for disability that provides assistance and support to individuals and reflects the Nation's goals as described in the ADA laws. Second, to facilitate a culture shift within society to establish the expectation that individuals with disabilities can work. Third, to recognize and accommodate the dynamic nature of disability and its sometimes cyclical impact on work capacity. Fourth, to facilitate rehabilitation and employment by coordinating and integrating the various sources of assistance and support.

Participants included individuals representing various disability organizations such as the American Council of the Blind, Easter Seals, National Council on Disability, Gallaudet University and the National Multiple Sclerosis Society. Political and governmental organizations such as members of the House Ways and Means Committee, Senate Finance Committee and Office of Management and Budget also attended.

A transcript of the meeting will be published on the Board's website (www.ssab.gov).



This 1968 poster calls attention to the passage of disability benefits in 1956.

TECH TALK.....

With: Jeff Fields
Customer Relations
Manager

This is the last in a series of Tech Talk articles dealing with the Social Security Disability Factors of Entitlement.

The Social Security Act requires that Social Security Disability Insurance (SSDI) beneficiaries serve a waiting period of 5 full calendar months before receiving benefits. The Waiting Period is intended to serve as an "elimination period". Many individuals with non-severe or short term illnesses would not become entitled to SSDI since they would most likely improve medically and return to work before the Waiting Period expires. It should be noted that if an individual passes away before the Waiting Period expires, no disability benefits will be paid. However, any eligible dependents would qualify for benefits beginning with the month of death.

The Waiting Period is measured as full calendar months that elapse after the established onset date. For example, if the onset date is established as of 01/01/06, benefit entitlement date will be 06/06. If the onset is established as a day other than the first day of the month, then that

month cannot be counted toward the Waiting Period. It would not be a "full calendar month". For example, if the onset is established as 01/03/06 January cannot be counted as a full calendar month. The waiting period would be February through June of 2006. Benefit entitlement will commence 07/06.

The Waiting Period is waived for anyone who is re-entitled to Social Security disability benefits within 60 months of the termination of the prior period of disability benefits. It is also waived for a Disabled Widow or Childhood Disability Benefit recipient should they become re-entitled within 84 months of a cessation of benefits.

As LTD Benefit Administrators it is essential for you to understand the Waiting Period rules and SSA's 12 month retroactive benefit limitation, since both affect the date for imposing offset against the LTD payment.

SSA will only pay retroactive benefits up to 12 months prior to the date an SSDI application is filed. Therefore, considering the 5 month Waiting Period and the 12 month limitation there is a 17 month window of opportunity following the date of disability onset for an individual to file an SSDI application in order to receive the maximum retroactive benefits available. Each month that elapses after the 17th month from the disability onset date without an established SSDI filing

Social Security**Disability****Factors of Entitlement, Part IV****The SSDI Waiting Period**

date represents a lost month of retroactive benefit. That's less money for the claimant and less offset available to the LTD carrier. Early filing is one of the keys to maximizing the SSDI benefits available to your insured individuals.

So, one last time, let's look at the SSDI Factors of Entitlement... 1) Less than Full Retirement Age, 2) Be Disabled according to SSA rules, 3) Be Fully Insured, 4) Be Disability Insured – Meet 20/40, 5) Serve a 5 Month Waiting Period, 6) File an Application.

If you have any further questions regarding the Factors of Entitlement, please contact Jeff fields, Customer relations Manager.

FUN QUIZ

In what year was a disability program added to Social Security?

- A. 1939**
- B. 1954**
- C. 1956**
- D. 1965**

Answer on page 5

SOCIAL SECURITY UPDATES FROM THE NADE CONFERENCE

Bonita Combs and Mary Garrett recently attended the National Association of Disability Examiners (NADE) National Training Conference in San Diego, California.

The conference, hosted by the Los Angeles Chapter of NADE, featured presentations from Glen Sklar, Social Security Administration's (SSA) Associate Commissioner for Disability Programs; Ruby Burrell, Associate Commissioner for Disability Determinations; Hal Daub, Chairman of the Social Security Advisory Board; Patrick O'Carroll, SSA's Inspector General; Shirleen Roth and Bill Randall, both with SSA's Office of Disability Programs (ODP).

SSA addressed many important topics in the conference. Discussions were concentrated on the many new programs SSA currently has in the implementation stage. Some of these new initiatives are the following:

Disability Service Improvement (DSI)

Please see the Spring 2006 issue of The Vantage Point for the detailed article regarding DSI. According to Glen Sklar, Associate Commissioner, DSI is still on track. The Quick Disability Decision (QDD) program appears to be working quite well. SSA ran 3 million cases approved over the years to develop the model for QDD. According to Mr. Sklar, the

correlation between the predictive software cases and the awards has shown to be very high. He further stated the Railroad Board and the Veteran's Administration have shown interest in the QDD model. SSA will be taking a closer look at the quality of the QDD decisions over the next 60 – 90 days.

In continued support of DSI the review of all SSA Listings and all associated updates should be completed and published by the end of 2007. The changes to the Vision Listing will be coming out within the next few weeks and the Digestive System by the end of this year. The Neoplastic Listings (Cancer) are currently under review.

Electronic Claims Analysis Tool (E-CAT)

The E-CAT is a decision software tool SSA is piloting in the Boston Region DDS offices. The E-CAT is designed for the Claims Examiner to document their thoughts and decisions into a software model at the initial claim level. The development of E-CAT came about from the DSI mandate requiring a written rationale providing a full-case explanation of the decision. This tool is used to capture the thoughts and background data used to reach the determination or guide the Claims Examiner to the next logical step in the evaluation process. The tool is also designed to prevent the examiner from making decisional or processing errors. For

Discussions were concentrated on the many new programs SSA currently has in the implementation stage.

example, if the Date Last Insured is in the past and the Claims Examiner request a Consultative Exam, the program is designed to alert the Claims Examiner. The Examiner always has the option to override the alert and order the CE. SSA is using E-CAT to process initial denials on adult claims only at this time. SSA has trained 10% of the Boston region examiners on E-CAT.

The expectation is the Federal Reviewing Officer (FedRO) will use a similar tool to the E-CAT.

Program Policy Online (PPO)

The PPO was designed to replace the Program Operations Manual System (POMS). The POMS is a publication of general rules and guidelines used in claims processing and adjudication. The expectation is the PPO will be more user friendly for the Claims Examiners than the POMS. The PPO is available for use in some regions, but has not been completely rolled out across the country. Eventually, the PPO will be available for



Mary L. Garrett
Director of Program Management

public view.

Request for Program Consultation (RPC)

This program is a pilot in the Denver and Boston regions. Instead of Disability Determinations Services (DDS) issuing a rebuttal on a Disability Quality Board (DQB) return, the DDS can complete an RPC citing the issue or policy in dispute. The Office of Disability Programs (ODP) will review the claim and provide a response within 7 days. According to ODP they have reviewed 5 cases so far since the pilot began. In one case they agreed with DDS and the case was not noted as a DQB "return". In another case, they found the language in the POMS was not clear, but rather open to interpretation. They are now working to clarify that portion of the POMS. There is no set date for nation-wide roll out of RPC.

Electronic Records Express (ERE)

Is a system of electronic submission of medical records or pertinent lay evidence to DDS. SSA continues to move forward in their goal of 100% electronic file processing by the end of this calendar year. DDS will request medical records or

Continued on next page

NADE Conference Continued...

other documents from treatment sources or representatives such as Advantage 2000 Consultants. These requests will contain a bar code at the top middle section of the first page. The bar code must be used to submit all medical records or other documents to DDS. Once the DDS Claims Examiner receives the requested document, the system will automatically send them a "tickler item" to indicate the information has been received. The Claims Examiner has the ability to make annotations on the documents to bring certain relevant pieces of information to the attention of physicians or other professionals reviewing the file. The annotations do not stay on the electronic version of the documents. All correspondence received without a bar code will go to the Validation Department to be manually sorted. As expected, this was noted by DDS Claims Examiners at the conference to create a substantial delay in the receipt of the information. Also, documents going through the Validation Department do not create the system-generated "tickler item" to indicate the information was received. Based on the discussions in the ERE break-out session, they are still working to perfect the system.

Advantage 2000 Consultants management and IT staff received training from the St. Louis DDS ERE expert in early August of this year. We were ready to go on line with the program and roll it out to our claims operations staff except shortly after our training we were told SSA was holding off on rolling out the program for DDS until they could also get ODAR (Office of Disability Adjudication and Review), formerly known as the OHA (Office of Hearings and Appeals),

on board with the system. Currently the roll out is on hold until ODAR gets their ERE system worked out.

Proposed Changes to Age Categories

Last November SSA issued a Notice of Proposed Rulemaking to revise the definitions of the age categories used as one of the criteria in disability determinations. Please refer back to the Winter 2005 Vantage Point for the full article on this topic. ODP announced this proposal is still under consideration. Apparently, there were many comments in response to the proposal and the ODP is still reviewing them before making a determination. We will continue to monitor this proposal and publish the outcome for our readers.

If you have any questions regarding the topics discussed at the conference, please contact Bonita Combs, Director of Claims Operations or Mary Garrett, Director of Program Management.

QUIZ ANSWER: B 1954

On September 1, 1954 the law was amended to extend Social Security to more self-employed workers and to protect the benefit rights of the disabled persons through a "disability freeze" provision. The disability freeze was a precursor to cash disability benefits, which were added to the program in 1956. Below is President Eisenhower signing the 1954 Amendments into law while on vacation at Byers Peak Ranch near Fraser, Colorado.



How Rulings get their Names

Social Security Rulings are named according to the year in which they are published, based on the order of publication.

Suffix "c" indicates a ruling based on a court decision

Suffix "p" indicates a ruling on policy interpretation

Suffix "a" indicates a ruling based on either the Appeals Council or Office of Disability Adjudication and Review

For example, SSR 06-03p was the third ruling published in 2006 and was based on policy interpretation.

An Acquiescence Ruling (AR) explains how the SSA will apply a particular decision of a U.S. Circuit Court of Appeals. AR's are identified by the prefix "AR", the last two digits of the year of ruling, and apply only in the federal judicial circuit in which the circuit court decision was published. There are 13 federal judicial circuits and the circuit number appears in parentheses following the number of the AR. For example, AR 92-7(9) refers to the seventh AR issued in 1992. It was issued in response to a decision in the U.S. Court of Appeals for the Ninth Circuit.

EMPLOYEE SPOTLIGHT

Melissa began her career with Social Security in 1994 as a Hearing Office Clerk for the Office of Disability Adjudication & Review (ODAR). Her history, combining medical as a nurse's assistant and legal as an intern at a local law firm, provided her with the background to clerk for an Administrative Law Judge at the St. Louis ODAR. In this capacity she transcribed hearings, scheduled cases, developed exhibit files and nurtured relationships with claimants, attorneys, medical and vocational experts.

Melissa's career at Advantage 2000 Consultants began in January, 2002 as a Claims Analyst at the Swansea, IL office. In addition to working full-time for

Melissa Smith
Claims Analyst



Advantage 2000 she also attends evening classes at Columbia College as a senior working towards her degree in Psychology. Melissa is very proud of her current 3.8 GPA and plans on continuing her education after she completes her degree.

In her spare time Melissa volunteers for Family Hospice providing patient care and companionship to the terminally ill and assisting with a children's grief counseling group. Melissa has been married to Peter Smith, Director of Administration for Advantage 2000, for 3 years and they are the proud parents of 3 rescued cats. Melissa enjoys reading, writing, taking cooking classes and Sudoku puzzles.

A HELPING HAND...

Advantage 2000 Participates in the Books and Backpacks Drive

There are hundreds of St. Louis children whose families cannot afford the supplies needed for a successful year in school. That is why Advantage 2000 Consultants teamed up with KidSmart in their annual **Push for Pencils— Books and Backpacks Drive**. Through the generosity of our employees we were able to purchase and fill a baker's dozen backpacks with various school materials for donation to local children. We were able to fill a few for each grade level, kindergarten with crayons through high school with scientific calculators.

KidSmart strives to ensure that the children and their classrooms in the St. Louis community have the basic tools for learning. Advantage 2000 Consultants is honored to be able to participate in this worthwhile effort.

