



## **CAMI**

Washington, DC

January 31, 2020

Office of Regulations Reports Clearance  
Social Security Administration  
3100 West High Rise Building  
6401 Security Boulevard  
Baltimore, MD 21235-6401

Re: RIN 0960-A127

Dear SSA Office of Retirement and Disability Policy,

The Center for Accountability, Modernization, and Innovation (CAMI) is a nonprofit organization that promotes innovation solutions to public policy challenges. The Center is pleased to submit comments on the proposed “Rules Regarding the Frequency and Notice of Continuing Disability Reviews.” CAMI supports eliminating barriers to public assistance programs while achieving the highest levels of program integrity.

After several years of Continuing Disability Reviews (CDR) case backlogs, the Social Security Administration (SSA) ended fiscal year 2018 with no backlog<sup>[1]</sup>. However, given the increase in the number of CDRs expected because of the proposed Medical Improvement Likely diary category, CAMI suggests three ways the SSA can ensure that the policy leads to no new delays and backlogs, and maintains program integrity.

### **OPM Provides New Flexibilities to States**

In notices released on April 19, 2019<sup>[2]</sup> and November 27, 2019<sup>[3]</sup>, the Office of Personnel Management (OPM) clarified that state and local government can use either state staff or contractors that comply with Merit System Principles to administer federally funded programs. CDR consultative or medical exams have long been contracted out to doctors or companies that manage physician Consultative Exams (CE) services. However, prior to the OPM notice and clarification, States were required to use 100% federally funded, state government employees or Examiners to make the eligibility determination for SSDI, SSI and sometimes SSI state supplemental payments. A state may administer its supplementary program or enter into an agreement under which SSA will make eligibility determinations and payments on behalf of the State. It is reported that more states are conducting their own eligibility determinations/redeterminations for SSI state supplemental payments. States are now able to contract this service.

### **Add the CDR to the Ticket to Work Program**

The proposed rule does not change the policy that SSA will not initiate a medical CDR during any periods in which a person is using a ticket under the Ticket to Work program. CAMI supports retaining this policy as it protects the beneficiary as long as they make progress with the Ticket work and education requirements. However, if SSA determines the beneficiary is not making progress in the Ticket to Work program or has completed training and/or work experience without finding employment, the SSA will not postpone future medical reviews.

CAMI encourages SSA to allow the Ticket to Work contractor to redetermine eligibility for SSI and SSDI for those recipients that fail to attain employment. This streamlines the redetermination process and moves the recipient out of cash assistance, if warranted, when they are fresh from job training and work experience, and reduces per CDR costs. The data in this proposed rule suggests that there is a \$1,613 cost per CDR including mail-only CDRs. Studies have shown that private sector companies can perform the CE and the eligibility determination for half that amount.

### **Demonstration of Contracting CDRs**

Under Sections 234 [42 U.S.C. 434] Demonstration Project Authority and Section 1110 [42 U.S.C. 1310] Cooperative Research Or Demonstration Projects, SSA has the authority to conduct demonstration projects which will help improve the administration and effectiveness of programs carried on or assisted under the Social Security Act and related programs with mandatory funding from the Social Security Trust Funds.

In the Senate Labor-HHS-Education Fiscal Year 2019 Appropriation Committee Report<sup>[4]</sup>, the Committee encouraged SSA to evaluate the feasibility and potential administrative savings and program improvements from using competitively awarded multistate contracts for CEs. The House companion bill included similar language. The committee said such contracts “could standardize policies, and reduce overhead by requiring a vendor to manage scheduling, credentialing, recruitment and training of CEs, and provide certain quality assurances.”

Along those same lines, CAMI encourages SSA to undertake a demonstration to determine whether contracting CDRs are less costly to the program and less burdensome to recipients. SSA could contract the CDRs for the new MIL diary category allowing for cost comparisons and with the other three categories. The outsourced process would be streamlined as the same entity could undertake the CE and the CDR and do so more quickly. Moreover, the demonstration would not affect funds to the states as this is a new category and the number of CDRs changes only slightly in the other categories under the proposed rule.

To achieve the levels of program quality that we all seek, programs must be able to take advantage of a range of technology interventions that achieve these three objectives: improved service to beneficiaries, including reducing barriers to enrollment; sharp reductions in payment error rates, and; significant increases in program efficiency.

Sincerely,



Stan Soloway  
Director  
CAMI

<sup>[1]</sup> Social Security Administration (SSA) Annual Data for Periodic Continuing Disability Reviews (CDR) Processed & Backlog. Accessed 1/21/2020.

<https://www.ssa.gov/open/data/Periodic-Continuing-Disability-Reviews.html>

<sup>[2]</sup> OPM. "Certifying the Use of a Merit Personnel System as Required by the Intergovernmental Personnel Act of 1970". *Federal Register* Vol. 84, No. 76. Page 16381. April 19, 2019

<sup>[3]</sup> OPM. Memorandum For Heads of Executive Departments and Agencies "Certifying the Use of a Merit Personnel System as Required by the Intergovernmental Personnel Act (IPA) of 1970. November 27, 2019.

[https://www.chcoc.gov/sites/default/files/IPA%20Memo%20to%20States\\_0.pdf](https://www.chcoc.gov/sites/default/files/IPA%20Memo%20to%20States_0.pdf)

<sup>[4]</sup> S. Rept. 115-289 - Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2019. June 28, 2018,