

Medical Continuing Disability Reviews

At-A-Glance



When to Expect a Continuing Disability Review (CDR): Depends in part on the classification of the impairment for which benefits were granted.

- ◆ Medical Improvement Not Expected (MINE): Social Security Administration (SSA) will review once every 5 to 7 years.
- ◆ Medical Improvement Possible (MIP): SSA will review once every 3 years.
- ◆ Medical Improvement Expected (MIE): SSA will review 6 to 18 months following finding of disability.
- ◆ Vocational Re-examination cases: SSA will review recipients enrolled in vocational program, which may improve ability to work, at the end of the program.
- ◆ One of these factors is present: advance in technology, completion of trial work period, substantial earnings reported, recipient or other person reports to SSA that individual returned to work or has recovered.

NOTE: The work-triggered CDR, authorized for persons who have returned to work and/or completed the trial work period was eliminated effective January 1, 2002 for persons who have been entitled to Social Security Disability Insurance (SSDI) for at least 24 months (see below).

The Medical Improvement Standard: During a medical CDR, SSA must determine whether there is any decrease in the medical severity of the impairments which were present at the time of the most recent decision finding that the recipient was disabled or continued to be disabled. "Comparison point date" is the term SSA uses to describe this process.

- ◆ A decrease in medical severity must be shown by changes in medical signs, symptoms, and/or laboratory findings.
- ◆ Upon review, if there is no medical improvement, then the CDR ends and benefits are continued.
- ◆ SSA cannot terminate benefits unless it determines that medical improvement has occurred and that the recipient's condition has improved to the point where he or she can work or return to work.
- ◆ If SSA determines that medical improvement exists, it must then determine whether the recipient's current condition(s) is severe.
 - If the person's current condition is not severe, the process ends. The person will no longer be considered disabled and benefits will be terminated.
 - If the person's current condition is severe, SSA must then determine whether the recipient's current condition meets the regular eligibility standards for a finding of disability.
 - If yes, the recipient's benefits will be continued.
 - If no, the recipient's benefits will be terminated.
- ◆ If the CDR results in a decision to terminate the benefits, SSA must send a recipient a written notice of the termination that includes:
 - An explanation of the specific reason for termination;
 - Notice of appeal rights;

- Notice of the right to elect continuing benefits, at each stage, pending a hearing before an administrative law judge;
- The recipient must elect to continue receiving benefits within 10 days of receipt of the notice of termination unless he or she can show that they had good cause for failing to act timely.

Compare: CDR-Related Provisions in the Ticket to Work and Work Incentives Improvement Act of 1999

- ◆ Work-triggered CDRs were eliminated effective January 1, 2002 for persons who have received SSDI benefits for at least 24 months.
 - No CDR may be scheduled solely as a result of the individual's work activity
 - No work activity may be used as evidence that the individual is no longer disabled
 - No cessation of work activity may give rise to a presumption that the individual is unable to engage in work

NOTE: Persons affected by this section are still subject to a regularly scheduled medical CDR (except as limited by the Ticket provisions) that is not triggered by work and will be subject to termination of benefits if they perform substantial gainful activity (SGA).*

- ◆ Suspension of CDRs for Ticket holders
 - Under the Ticket to Work and Self Sufficiency program, a person who is using a Ticket and making "timely progress" (as defined in Ticket regulations) will not be subject to a medical CDR.
 - Updated Ticket regulations were published in 2008.

* In 2012, SSDI benefits may be terminated if a person performs SGA by earning more than \$1,010 per month (\$1,690 if statutorily blind) after a nine-month trial work period. SSI recipients do not face a termination of benefits when they work at the SGA level; instead, their benefits will be reduced under a benefit reduction formula.