

National Council of Disability Determination Directors (NCDDD)

Position Paper: Disability Determination Services Processing Time

Situation

Each state has Disability Examiners who review disability benefit applications received from the Social Security Administration (SSA) field offices. These Disability Examiners collect relevant evidence, both medical and vocational, and follow a sequential evaluation process to determine medical eligibility for Title 2 (SSDI) and Title 16 (SSI) benefits. Each state Disability Determination Service agency is funded 100% by the Social Security Administration for this federal workload. These state employees are led by Disability Determination Directors, whose membership makes up the core of the National Council of Disability Determination Directors (NCDDD).

In the current environment, there has been increased national attention on the state Disability Determination Service agency processing time by various entities including Congress, individual attorneys and their respective organizations, state legislators, claimant advocates and numerous media inquiries. Nationwide, state Disability Determination Service agencies are struggling with a historic backlog of more than 1.2 million initial-level pending disability benefit applications, soaring case processing times and the highest attrition rate in 20 years. SSA has acknowledged the challenges of these unprecedented barriers we face in serving the public.

There are multiple constraints that impede state Disability Determination Service agencies' ability to return to, and maintain, previous processing times. Constraints include operating expenses, the Social Security Administration/Office of Management and Budget fear of change with budgetary practices, decreased applicants for posted positions, lead times for hires in alignment with hiring authority which allow 3-4 months from posting date to start date, and bottlenecks created with staffing experience levels have combined to impede state Disability Determination Service agencies ability to maintain processing time at previous, lower levels. This position paper will outline the most prominent and solvable constraints and present solutions that will allow the state Disability Determination Service agencies to provide improved customer service.

State Disability Determination Service agency staff identify many drivers for change to decrease processing time for disability benefit applications. These drivers include strengthening customer service, retention, standard process controls, employee training, and organization culture.

State Disability Determination Service agencies can not operate efficiently or with strong customer service without change to the budget development process and procedures from our federal partner, the Social Security Administration. The current structure for budget development creates inefficiencies and a significant burden for people waiting for a decision on their application for disability benefits.

Background

The National Council for Disability Determination Directors regularly obtains input from State Disability Determination Service Directors across the nation through in person meetings, surveys, and quarterly board meetings. This position paper represents a well-considered position with the stated constraints and drivers to decrease processing time.

Unlike many other federal-state partnerships, state Disability Determination Service agencies do not have control over how their personnel budget is utilized. A standard practice of federal-state partnerships is for a budget to be provided to the state agency to manage for personnel needs. At the state Disability Determination Service agencies there is a personnel budget, however, it can only be used for existing personnel. Unless the federal partner, the Social Security Administration, provides hiring authority, zero hiring

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can occur at the State Disability Determination Service agencies to replace staff who retire or separate throughout the year. The practice of the Social Security Administration balancing operating expenses by freezing hires at the state Disability Determination Service agencies has created a bottleneck of resources. For example, from 2017 – 2019 there were very little hires, if any, authorized to state Disability Determination Service agencies. In 2021-2023 state Disability Determination Service agencies received hiring authority to backfill losses which was welcomed and strong hiring in some states occurred. When this hiring authority was provided, many states did not have a sufficient applicant pool to utilize all hires. This hiring authority, after a period of low/zero hiring authority, has resulted in a large bottleneck of Disability Examiners with less than three years training, which means there are less Disability Examiners able to adjudicate more complex cases at the Reconsideration or Continuing Disability Review level. Stable hiring practices would reduce the bottleneck and allow a consistent flow of training and consistent numbers of experienced staff to adjudicate all case types.

The state Disability Determination Service agencies have struggled with staffing due to this inconsistent funding since 2017. Without the ability to backfill positions such as Disability Examiner, Medical Consultant, Psychological Consultant, and Clerical staff, there are less people to do the work. As a result, state Disability Determination Service agencies are unable to assign all cases when received. Therefore, many cases are months old before being assigned to Disability Examiners. Fewer people to do the same or increased volume of work has resulted in employee burnout and high attrition. Additional factors contributing to attrition include noncompetitive salaries and complexities of the job. The Disability Examiner job requires a long period of training to reach proficiency. It's not as simple as hiring someone and assigning them cases. It takes significant resources and investment to train even one examiner.

State Disability Determination Service agencies are also impacted by decreased staffing at the SSA Field Offices. When SSA Field Offices are understaffed State Disability Determination Service agencies see the negative impact such as lack of timely responses from the SSA Field Office on needed claim information, challenges with case transfers and increased calls from claimants and attorneys who can't reach the SSA Field Offices.

SSA rolled out a new case processing system/software during the pandemic. NCDDD recognizes that state Disability Determination Service agencies are now using one case processing system and there are inherent benefits to this. It makes sense for the state Disability Determination Service agencies to all be in one case processing system. While it is possible to process cases in the new case processing system, it takes longer due to workarounds required. Additionally, the increased workarounds require more clerical staff. There have been significant delays and shortages to funding for IT improvements. This results in inefficient service to the public and we have to do better. To provide strong customer service, SSA must commit to increased funding of this software tool across the next three years. We must address the need for these enhancements to roll out faster and with a focus on time saving actions for case processing. These time saving actions must include development to address challenges with medical records (the volume and number of pages) that are received by the DDS.

During the COVID pandemic, policies introduced specific to COVID required additional work. Examples include: moratorium on Failure to Cooperate processes; significant delays in obtaining medical records; the option for claimants to delay Consultative Examinations resulting in many cases being held indefinitely;

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significantly increased scheduling time for in person appointments. State Disability Determination Service agencies as a whole are still working to overcome the challenges caused by the policy changes.

Assessment

In addition to having little to no hiring as the standard operating procedure, state Disability Determination agencies often struggle with recruitment and retention of Medical and Psychological Consultants sufficient to support case adjudication. There is a solution that will help with this constraint, a Decisional Authority to allow trained Disability Examiners to make decisions on a limited set of case types without a Medical Consultant or Psychological Consultant. This approach has been piloted in the past with strong outcomes. For a limited set of case types, trained Disability Examiners were able to work independently resulting in faster processing times and decisions with high quality without medical or psychological consultation. These trained Disability Examiners would have the authority to choose to involve Medical Consultants in cases of more complex nature. Examples of these case types include claims for terminal and catastrophic illnesses which provided decisions much faster to the person applying for the needed disability benefits.

The integrity of this process and quality were studied by the Office of the Inspector General and the Social Security Advisory Board. Findings of these studies included consistent high accuracy of decisions at a rate of 97% or higher, an average decrease in processing time by at least 11 days, and high morale of staff (stronger retention). These studies also noted that the pilot sites reported improved service to the public through faster processing time and decreased administrative costs to process disability cases since Medical Consultants and Psychological Consultants were not involved in all claims. This pilot was phased out in 2018 through language included in the Bipartisan Budget Act of 2015. The Bipartisan Budget Act of 2015 included language that does not allow any Decisional Authority outside of a Medical or Psychological Consultant's review and ceased Decisional Authority for terminal and catastrophic illness claims. We know good decisions can be made for some case types with Decisional Authority and we need your support in working with SSA to establish a Decisional Authority. The Decisional Authority model has been used in various ways in the past by SSA and every time has proven to be a high quality cost savings to our country. Given the record breaking number of cases in our backlog across the nation and the negative impact on our most vulnerable citizens waiting more than 6 months for a decision on their application for disability benefits, implementing the Decisional Authority model for trained Disability Examiners at this time would highly benefit the public and decrease the backlog. Processing time across the nation would decline and employee morale within the state Disability Determination Services community would increase.

Historically, the SSA has waited until a budget is finalized to authorize hires for state Disability Determination Service agencies and this results in no or very little hires for the year or close to the end of the year. It is understandable that the SSA wants to have a firm understanding of their operating expenses and finalized budget prior to granting hiring authority. This fear based practice of no or very little hires until the budget is finalized has created a bottle neck in hiring practices and retention.

Over the years, a group of National Council of Disability Determination Directors have worked with Social Security Administration – Office of Disability Determination key leadership and Social Security Administration Regional Office Representatives on a Strike Team to develop recommendations to move away from the fear based practice of freezing hires for the year(s). There were recommendations from the bold leadership of the Strike Team, one example is a recommendation to authorize state Disability Determination Service agencies

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to hire within a certain threshold of their current staffing. This would support a balanced budget for state Disability Determination Service agencies and stability with hiring and customer service support for people applying for disability benefits.

Recommendation

The National Council for Disability Determination Directors recommends:

1. establishing procedures that allows more consistency in hiring, at least by replacing a portion of staffing losses.
2. authorizing a Decisional Authority to allow trained Disability Examiners to make decisions on a limited set of
 - a. of case types without a Medical Consultant or Psychological Consultant. State Disability Determination Service agencies have engaged in extensive efforts to recruit Medical and Psychological Consultants and are not able to hire the volume needed to support case adjudication. This has led to State Disability Determination Service agencies with a high volume of cases in a pending queue, and contributes to increased processing times. The data around use of a Decisional Authority reflects these decisions can be made with high quality and meaningfully decrease processing time.
3. providing increased funding for system case processing enhancements specifically requested by the state Disability Determination Service agencies community and create stronger mechanisms for attorney representatives to obtain claim status.
4. providing funding for technology that supports and promotes telework such as Voice Over Internet Protocol (VOIP) expansion.
5. establishing policy that allows SSA to define salary ranges for state Disability Determination Service agencies employees, in line with federal pay scales.
6. collaborate with state Disability Determination Service agencies on determining Processing Time Public Service Indicators.
7. coordinate with National Council for Disability Determination Directors for all public relations inquiries involving DDS action workloads so that there is input from those closest to the work.

The National Council for Disability Determination Directors asks for support from SSA to provide us with the tools we need to serve the public. We need to be able to maintain consistent and reasonable staffing levels through stable hiring authority each year and take action to make the employee experience better. Benefits such as increased salaries and telework options will help. Making policy more feasible and the case processing system more efficient will contribute to improved employee experience as well. Promoting the state Disability Determination Service community's voice will not only provide the most accurate possible representation of state Disability Determination Service agencies issues to the public/vested parties but improve relations between state Disability Determination Service agencies and those who are currently speaking on our behalf.

The National Council for Disability Determination Directors asks for the opportunity to work with the Social Security Administration to establish a Decisional Authority for a limited set of case types and the Social Security Administration and Office of Management and Budget to identify one recommendation from the NCDDD/SSA Strike Team proposal to develop and deploy action on by September 30, 2024.