



SOCIAL SECURITY

The Commissioner

November 25, 2020

The Honorable Richard Neal
Chair, Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Committee Chair Neal:

The purpose of this letter is to inform you that for fiscal year (FY) 2020, I have exercised my authority under sections 221(i)(2) and 1633 of the Social Security Act (Act) to waive the three-year time frame under section 221(i)(1) of the Act to complete certain continuing disability reviews (CDR). This action defers the completion of certain CDRs by our agency and all of the State Disability Determination Services (DDS) for the one-year period beginning October 1, 2019 and ending September 30, 2020.

Section 221(i)(1) of the Act requires the Social Security Administration (SSA) to conduct CDRs at least once every three years for all Title II beneficiaries with nonpermanent impairments. This section also requires that SSA review the eligibility of beneficiaries classified as having permanent impairments at such times as the Commissioner determines to be appropriate. In accordance with the Commissioner's authority under sections 1614(a)(4) and 1633 of the Act, SSA has extended these periodic reviews to recipients receiving Supplemental Security Income (SSI) payments under Title XVI. In addition, section 1614(a)(3)(H) of the Act requires SSA to conduct CDRs for children whose low birth weight is a contributing factor material to the finding of disability and for children who are eligible for SSI because of an impairment that is likely to improve (or, at the option of the Commissioner, which is unlikely to improve). Finally, in accordance with section 1614(a)(3)(H) of the Act, SSA also performs age-18 redeterminations using the disability criteria for adult initial claims for SSI childhood disability.

Section 221(i)(2) of the Act limits the periodic review requirements of section 221(i)(1) of the Act. Under this section, the requirement that SSA review cases at least every three years will not apply to the extent that the Commissioner determines, on a State-by-State basis, that the requirement should be waived to ensure that SSA reviews only the appropriate numbers of such cases. Section 221(i)(2) also applies to CDRs conducted under Title XVI of the Act by virtue of the authority in section 1633 of the Act. The Commissioner determines the appropriate number of cases to review in each State after consultation with the State DDS. In addition, the DDS

must make a good faith effort to meet proper staffing requirements and to process case reviews timely.

I find that in FY 2020, each State has made a good faith effort to meet staffing requirements and process case reviews timely; therefore, each State is eligible under section 221(i)(2) of the Act for a waiver of the three-year time period to perform certain CDRs.

My decision to grant the waiver was necessary due to the impact of COVID-19 on the CDR workload in FY 2020. From mid-March 2020 through the end of August 2020, we suspended adverse actions for beneficiaries already in payment status with the agency. This action prevented the DDSs from processing any CDRs that would result in a cessation of benefits during that period. Historically, around 20 percent of all CDRs result in a cessation.

In addition, we suspended Consultative Exam (CE) scheduling in the DDSs from the onset of the pandemic through the end of May. With 37 percent of CDRs requiring a CE, this further reduced the ability to process CDRs. With massive school closures in the spring, the DDSs could not obtain school records required for processing many child CDRs as well. All of these COVID-related factors led to my decision to defer a portion of the CDRs in FY 2020.

After carefully reviewing budgeted resources, the backlog of pending reviews, the projected number of new applications, the staffing levels in each State DDS, and the availability of medical and other resources, I determined that the DDSs could complete 463,264 CDRs nationally in FY 2020. As a result, we deferred 130,636 CDRs. While the Program Integrity funds that we were unable to use due to the COVID19 pandemic will remain available to us through March 31, 2021, we will need sustained Program Integrity resources to regain currency.

If you have any questions or if I can be of further assistance, please contact me, or your staff may contact Eric Skidmore, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

We are also sending this information to the Senate Committee on Finance.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Saul", written in a cursive style.

Andrew Saul
Commissioner

cc:

The Honorable Kevin Brady, Ranking Member



SOCIAL SECURITY

The Commissioner

November 25, 2020

The Honorable Charles E. Grassley
Chair, Committee on Finance
U.S. Senate
Washington, DC 20510

Dear Committee Chair Grassley:

The purpose of this letter is to inform you that for fiscal year (FY) 2020, I have exercised my authority under sections 221(i)(2) and 1633 of the Social Security Act (Act) to waive the three-year time frame under section 221(i)(1) of the Act to complete certain continuing disability reviews (CDR). This action defers the completion of certain CDRs by our agency and all of the State Disability Determination Services (DDS) for the one-year period beginning October 1, 2019 and ending September 30, 2020.

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I find that in FY 2020, each State has made a good faith effort to meet staffing requirements and process case reviews timely; therefore, each State is eligible under section 221(i)(2) of the Act for a waiver of the three-year time period to perform certain CDRs.

My decision to grant the waiver was necessary due to the impact of COVID-19 on the CDR workload in FY 2020. From mid-March 2020 through the end of August 2020, we suspended adverse actions for beneficiaries already in payment status with the agency. This action prevented the DDSs from processing any CDRs that would result in a cessation of benefits during that period. Historically, around 20 percent of all CDRs result in a cessation.

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Andrew Saul
Commissioner

cc:
The Honorable Ron Wyden, Ranking Member