

Richard A. Courtney, CELA
Certified Elder Law Attorney
4400 Old Canton Road, Suite 220
Jackson, Mississippi 39211
601-987-3000 or 1-866-ELDERLAW
For more Articles, go to: www.elderlawms.com



Social Security Expands Fast-Track Disability System

On February 11, the Social Security Administration announced an expansion of its list of “Compassionate Allowances” which will enable people with early-onset Alzheimer’s disease and 37 other medical conditions to qualify for social security disability more quickly. Those with a confirmed diagnosis for one of the covered diseases will be approved automatically for disability payments. Between 40,000 and 50,000 Americans could benefit from the expanded list, which will take effect on March 1. The following Wall Street Journal article by Shirley S. Wang provides more information.

People with early-onset Alzheimer's disease and 37 other medical conditions should get federal disability checks more quickly under an expansion of the Social Security Administration's fast-track system, the agency said Thursday.

Those with a confirmed diagnosis for one of the covered diseases will be approved automatically for disability payments, sidestepping a lengthy process of denials and appeals that such patients often go through. A full five-step application and appeals process currently averages 440 days.

"If you have a devastating disease, that's an awfully long wait," said Social Security Administrator Michael Astrue. "We're focusing on making a decision for people who are clearly entitled to benefits."

The program, called Compassionate Allowances, is aimed at speeding benefits to individuals who can't work due to a medical condition that is expected to last at least one year or result in death. Benefits requirements aren't changed under Compassionate Allowances, but people can start to receive payments more quickly.

When Mr. Astrue took office three years ago, he found that 20% to 40% of cases involving people with rare diseases were "mishandled" and many resulted in appeals before administrative law judges. In the end, judges almost always approved disability payments, he found.

The Compassionate Allowances initiative was launched in 2008 and focused initially on 50 conditions involving traumatic brain injury, cancer and genetic diseases. Diseases that affect more people and have high mortality rates within short periods of time were added first.

The 38 added conditions announced Thursday also were selected because they are degenerative conditions that people don't usually recover from and typically receive benefits when the cases go in front of a judge. Input was received from medical and disability experts in the Social

Security Administration, the National Institutes of Health and other organizations, as well as from testimony at public hearings from patients, doctors and advocates, according to the Social Security Administration. It said lobbying didn't play a role in the selection of fast-track conditions.

Some 40,000 to 50,000 Americans could benefit from the expansion in 2010, which will begin on March 1, Mr. Astrue said. The administration hopes to eventually fast-track 6% to 9% of all disability applicants, up from 3.9% last year. In 2009, it received 3.3 million claims.

People on disability are typically encouraged by the agency to return to work, if possible. There is an incentives program under which people can try working again. Training organizations also are paid incentives to help people on disability make the transition back to the workplace.

For people with medical conditions on the Compassionate Allowances list whose diseases are typically progressive, a return to work isn't expected.

Patients with early-onset Alzheimer's disease—in which they develop the memory-robbing brain disease before the age of 65—are among the potential beneficiaries. Such people may be too impaired to work but too young to collect Social Security retirement benefits, and thus are candidates for Social Security disability payments. About 200,000 people in the U.S. are thought to have early-onset Alzheimer's, according to the Alzheimer's Association.

Harry Johns, president and chief executive of the Alzheimer's Association, applauded the expansion of Compassionate Allowances. "Because of the time it's historically taken to get any of these benefits, these folks are facing Alzheimer's and facing all these other [financial and insurance] issues," Mr. Johns said.

Mr. Astrue hopes to further expand the number of conditions in Compassionate Allowances this year, with a focus on autoimmune diseases and cardiac conditions, among others.

In 2008, the Social Security Administration also rolled out another fast-track system that uses statistical analysis to expedite claims that past experience showed had a 95% chance of being granted.

http://online.wsj.com/article/SB10001424052748703382904575059102889796326.html?mod=WSJ_WSJ_US_PoliticsNCampaign_4

For help initiating the process of filing for disability claims, call us at 866-ELDERLAW(353-3752).