

PRESUMPTIVE DISABILITY INFORMATION

SOAR Dialogue Call

March 17, 2011 @ 10am

- **Eligibility:** Generally, only 1st time SSI applicants who have a medical condition that meets the SSA definition of a disability and they are in need of financial assistance.
- **Purpose:** The claimant can get immediate income for up to 6 months while they wait on an official decision from DDS. Temporary payments that are not owed back to SSA if the person is found not disabled. (However, if the person receives an overpayment from presumptive disability, they may have to repay those amounts back.)
- **Reinstatement of SSI:** In addition to presumptive disability, there is a way to expedite benefits for those who previously were receiving benefits as long as it is within 5 years from the month the benefits ended.
- **Tips to ask for Presumptive Disability:** acronym **DEALS** because you are trying to strike a deal!
 - **Documentation--**
 - Review the medical records as they come in instead of waiting.
 - Send in these records to DDS as soon as you get the barcode.
 - **Eligibility--**
 - Person must be eligible for SSI (I, personally, have not been able to get PD for claimants with full disability claims)
 - **Application--**
 - File both applications!
 - SSI application is very important so prepare for the person not wanting to go to the SSA office.
 - Be prepared to do the application in the field and have it to the office at least one week before the deadline so the application can be processed quickly.
 - When you go to the office to do the SSI application or turn it in, be prepared to hand in your medical summary at that time as medical evidence.
 - **Listing--**
 - The claimant must be a listing so you need to show that their condition will last at least 12 months.
 - Get their school records! They can show the longevity of the mental illness.
 - I have found lots of information to support that my clients have had a mental illness since childhood due to notes from school psychologist/psychiatrist, evidence of low IQ's, evidence of PTSD due to abuse, evidence of other types of trauma, and evidence of grooming issues all in school records.
 - On the other extreme, I have worked with clients who have had symptoms of mental illness for years, but they denied these symptoms, etc. and failed to get treatment. Use the claimant's own words to address these issues and show that they are currently getting treatment and even with treatment they still cannot function.
 - **Summary**
 - The medical summary is key!!!
 - Turn it in with the SSI application.
 - Preparing the summary:

*Presented by T. J. Reynolds-Emwanta of PATH/WFUBMC
For Training Purposes Only on March 17, 2011*

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- Build a relationship with their doctor as soon as possible.
- As soon as the records come in, start reviewing them and make notes.
- Write the summary from the notes.
- Send it the summary with the SSI application with or without a signature, but keep working on getting a signature.
- When you get the DDS examiner's information, contact him/her immediately and make sure they have your medical summary.

- **How do I strike DEALS?**

- Inform SSA Claims Representative my intentions for asking for presumptive disability whether it's at an in-person application or by letter for in field applications. This usually will entice them to read the summary and make up their mind whether or not the person needs a payee.
- Contact the DDS examiner immediately.
 - This is to inform the examiner about the claimant.
 - Bring the medical summary to life in a brief few minutes.
 - Discuss the claimant's current living situation.
 - I explain what stage I am at with the case.
 - I make sure the DDS examiner has the medical summary in the claimant's file and explain any of my concerns or the doctor's concerns.
 - Explain how much evidence I currently have and when I will start sending it in by electronic fax.
 - Then I ask the DDS examiner for the claimant's claim be considered for presumptive disability until an official decision is made.
 - Explain how presumptive disability will allow you to possibly house the claimant and receive medical treatment.
 - Also suggest they if they do allow the claimant to be presumptively approved that they need a representative payee.
- Most DDS examiners will work with you to give you the time you need as they continue themselves to gather evidence.

- **Presumptive Disability Advantages:**

- Temporary income for SOAR claimants!
- SOAR claimants will have Medicaid to help with medical treatment!
 - Including enhanced services providers such as Community Support Team or ACTT Team.
- More than likely, the claimant will be approved at the initial stage!
- If the case is pulled for quality review, the person will have income during that period of time!
 - This has been a huge advantage for my clients!!!