

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Molly Brostrom to WAVES re Clearance for June 7, 1996 (partial) (1 page)	06/06/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Molly Brostrom
OA/Box Number: 8397

FOLDER TITLE:

SSI [Supplemental Security Income] DA&A [Drug Addicts and Alcoholics]

2012-0326-S

kc778

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Process $\Rightarrow$ letter will be sent in June - 10 days to appeal

Letters * Are reg's being helped?

Recc: Unless he provides + consumers participate
in developing reg's

Congress be fully apprised of impact
\$50M treatment

result $\rightarrow$ $\uparrow$ in homelessness

assure that reliable representative payees are
available

* Can we send ltr w/ check?

What a/c't disab caused by d/a's?

"interesting question"

Impact on programs $\rightarrow$ e.g. Shelter-Plus-Care -
use disab ben to pay portion of rent

* Secondary

* homelessness $\rightarrow$ "good cause" name for deadline

- remind field offices that should be sensitive
that this pop. not always at same address, don't

- sample copy of letter ^{ben-notification} ^{check mailers}

= Plain English Q&As $\rightarrow$ for agencies + providers to use
for networks can distribute

* Who can regularity - what %?

Public/visib

- hardest to reach ^{unless} pops - MR, SA - will be Pd by this year;

pple living in SROs - have to spend

1 - Ppl have no income

Secondary -

Some providers say ben-inc to subsidize prog cost

Social Security Work Group

900 Second Street, N.E. Suite 211 Washington, D.C. 20002
(telephone)202-408-9514/(fax)202-408-9520/(TTY)202-408-9521
(e-mail)HN4924@HandsNet.Org.

July 26, 1996

Ms. Shirley Chater, Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Dear Commissioner Chater:

We the undersigned write this letter to express our tremendous concern about the disastrous effect recent legislation and the impending Welfare Reform legislation will have on thousands of adults and children with disabilities. Recent legislation has eliminated Supplemental Security Income and Social Security Disability Insurance (SSI/SSDI) eligibility for nearly 200,000 individuals with alcoholism and drug dependence disabilities. Further, the Welfare Reform legislation will cause 315,000 children with severe disabilities to become ineligible for the SSI program. Hence, these two populations of Americans with disabilities face the potential of losing their primary, if not only, source of subsistence.

The Congressional Budget Office estimates that approximately 80% of the adults who become ineligible for SSI/SSDI assistance will be eligible for other disability related assistance. However, many of these adults could fall through the cracks without the provision of targeted services. Moreover, approximately 85% of the children dropped from the SSI program will still be eligible for the Medicaid program because they live at or below the poverty line. The remainder of the Social Security assistance recipients are going to require assistance to transition to other services if they lose their main source of subsistence.

We urge the Social Security Administration to create a mechanism where they make a range of services available to recipients of SSI/SSDI, who become ineligible, but who may be eligible for benefits due to another qualified disability or may be eligible if appropriate medical evidence is presented. These services should include, but not be limited to, information and referral, eligibility counseling and other services that may be available, negotiating issues with service providers, outreach, and due process protections.

We look forward to working with you to develop a system of to deliver these critical services.

Sincerely,

American Academy of Child and Adolescent Psychiatry
American Association for Children's Residential Centers
American Association for Marriage and Family Therapy
American Association of University Affiliated Programs
American Network of Community Options and Resources
American Psychological Association
Association for Ambulatory Behavioral Health care
Bazelon Center for Mental Health Law
Child Welfare League of America
Gramercy Park Medical Group
International Association of Jewish Vocational Services
International Association of Psycho-Social Rehabilitation Services
Justice for All
Legal Action Center
National Association for Medical Equipment Services
National Association of Counties
National Association of State Alcohol and Drug Abuse Directors
National Association of Developmental Disabilities Councils
National Association of the Mentally Ill
National Association of People with AIDS
National Association of Protection and Advocacy Systems
National Association of Psychiatric Treatment Centers
National Association of School Psychologists
National Association of Social Workers
National Association of State Directors of Developmental Disabilities Services
National Brain Injury Association
National Council on Alcoholism and Drug Dependence
National Easter Seal Society
National Organization on Disability
National Therapeutic Recreation Society
Spina Bifida of Association America
The Arc
World Association for Psychosocial Rehabilitation

Social Security Work Group

July 24, 1996

Ms. Shirley Chater
Commissioner, Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

To Molly B
Jeff L
OMB { Richard Green
Jack Smalligan

Dear Commissioner Chater:

We the undersigned write this letter to express our tremendous concern about the disastrous effect recent legislation and the impending Welfare Reform legislation will have on thousands of adults and children with disabilities. Recent legislation has eliminated Supplemental Security Income and Social Security Disability Insurance (SSI/SSDI) eligibility for nearly 200,000 individuals with alcoholism and drug dependence disabilities. Further, the Welfare Reform legislation will cause 315,000 children with severe disabilities to become ineligible to qualify for the SSI program. Hence, these two populations of Americans with disabilities face the potential of losing their primary, if not only, source of subsistence.

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We look forward to working with you to develop a system of to deliver these critical services.

Sincerely,

National Association of Protection and Advocacy Systems
900 Second Street, N.E. Suite 211
Washington, D.C. 20002
Telephone (202) 408-9514\Fax (202)408-9520

fax

Note - no circulation

to: Diana Fortuna, Office of Domestic

fax #: 456-7431

from: Curt Decker

date: July 26, 1996

subject: Social Security Work Group's Plan 6 pages

message to
recipient:

Please see the materials we have put together regarding the Social Security Plan we discussed last evening. The memorandum regarding the Social Security Plan is for your eyes only. It will give you a sense of what we are planing to do. I have also included a sign-on letter from the Social Security Work Group and a letter we are asking Congressional members to forward to the Social Security Administration.

*Curt
Marty
Ethel
Gwen R*



National Association of Protection & Advocacy Systems

MEMORANDUM

Executive Committee

President
James Jackson
New Mexico
(505) 256-3100

Vice President
Jim Comstock-Galagan
Texas
(512) 454-4816

Secretary
Sarah Wiggins-Mitchell
New Jersey
(609) 292-9742

Treasurer
Lois Simpson
Louisiana
(504) 522-2337

To: The Social Security Work Group

From: Curt Decker and Marquita Moye

Re: SSA Advocacy Plan

Date: July 18, 1996

This is an updated version of the Social Security Plan. We have considered your comments, and tried to incorporate your ideas and concerns into the plan. Thank for taking the time to attend the meeting on July 17, 1996. We are looking forward to working with you further on this project.

Regional Officers

Region I
Jim Comstock-Galagan (TX)
James Jackson (NM)
Catherine Blakemore (CA)

Region II
Julie Bluhm (FL)
Ann Marshall (AL)
Lois Simpson (LA)

Region III
Judi Chamberlin (MA)
Donna Woodfin (NH)
Sarah Wiggins-Mitchell (NJ)

Region IV
Mary Reyer (KS)
Carolyn Knight (OH)
Kristin Kutz (CO)

Region V
Duncan Wyeth (MI)
Cathy Meadows (IL)
Linda Potter (MI)

At-Large

Stoney Polman (MI)
Hikmah Gardiner (PA)

Executive Director

Curtis L. Decker, J.D.

Social Security Plan

Purpose:

To provide a range of advocacy and protective services to recipients of SSI/SSDI who are removed from the rolls but who may be eligible for benefits due to a qualified disability. Advocacy services would include but not be limited to information and referral, counseling on eligibility and other services that may be available, negotiating issues with service providers, and full representation in the administrative process if the case is determined to have merit.

Need:

Recently passed legislation and the pending Welfare Reform legislation will cause more 500,000 adults and children, to be automatically dropped from the SSI/SSDI benefit rolls. It is estimated that 80% of the 500,000 people dropped from the disability rolls would qualify for benefits under other disability criteria. These should have the right to pursue such benefits. Other recipients who will be dropped from the rolls should have some means of transiting to other services if they lose their main source of subsistence.

The private bar who usually represents SSI/SSDI recipients for fees garnered from back payments will not be able to handle this onslaught of cases.

The cases will involve complicated medical evidence primarily around serious mental illness and organ deterioration which will require professional advocacy support.

900 Second Street, NE, Suite 211 Washington, DC 20002 (202) 408-9514

FAX: (202) 408-9520 TDD: (202) 408-9521

Electronic Mail: HN4537@handsnet.org

The people involved are some of the most vulnerable in our society and are often unable to speak for themselves due to their mental condition.

Program:

There are funds available in the Social Security Administration which could be made available by the end of FY'96. These funds would be a one time only expenditure but could be utilized for 18 to 24 months. The monies would be targeted for a range of advocacy services to provide transition from benefits and advocacy to retain benefits for those who are truly eligible.

Cost: \$5 million to be distributed nationwide on a formula basis with each jurisdiction receiving a minimum of \$60,000 to \$75,000. A percentage set aside (2%) should be available to provide training and technical assistance to the providers.

The money would be transferred through an interagency agreement from SSA to DOE/OSERS for distribution. The funds would be a supplemental grant award to already existing grant wards under the Protection and Advocacy for Individual Rights (PAIR) Program of RSA, a division of OSERS. The formula grant program could be utilized to distribute the money efficiently on a population/income base.

Rationale: The PAIR program is the best vehicle for this project because:

1. It is governor designated and funded through a formula in every state and territory.
2. All members of the targeted group would qualify for services under the PAIR program, and all activities are within the scope of PAIR services.
3. The population being removed from the SSI/SSDI rolls will be seeking these services from the PAIR programs in their states, and the PAIR program needs to have sufficient funding to meet this demand.
4. The PAIR program receives bi-partisan support from the Congress based on its track record of resolving complaints short of litigation in an efficient and non-adversarial relations.
5. It is part of the larger P&A network which is expert in mental health issues, developmental disability issues, and vocational rehabilitation issues.
6. Each PAIR program is responsive to the disability community through its Boards of Directors, Advisory Committees, Priority Setting Process, and Grievance Procedures.
7. PAIR provides for a 2% set-aside of funds for training and technical assistance. The T/TA is currently operated through the ATTAC division of NAPAS which coordinates T/TA through both internal staffing and external subcontracts with relevant agencies expert in the relevant fields. T/TA could quickly be available through a modification of the NAPAS Contract.

July 26, 1996

Ms. Shirley Chater, Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Dear Commissioner Chater:

I have grave concerns about the nearly 200,000 people with alcoholism and drug dependence disabilities, who will become ineligible for Social Security assistance as a result of recently enacted legislation (P.L. 104-121). Further, I am deeply disturbed about the effect the impending Welfare Reform bill will have on the 315,000 children with severe disabilities, who will become ineligible to for the SSI program.

The Congressional Budget Office estimates that approximately 80% of the adults who become ineligible for SSI/SSDI assistance will be eligible for other disability related assistance. However, many of these adults could fall through the cracks without the provision of targeted services. Moreover, approximately 85% of the children dropped from the SSI program will still be eligible for the Medicaid program because they live at or below the poverty line. The remainder of the Social Security assistance recipients are going to require assistance to transition to other services if they lose their main source of subsistence.

I urge you to create a mechanism where a range of services are available to people who lose their Supplemental Security Income and Social Security Disability Insurance but may be eligible for other benefits due to another qualified disability. These services include information and referral, counseling on eligibility and other applicable services, negotiating issues with service providers and due process protections.

It is urgent that we move quickly considering that many people will start losing their assistance in January, 1997. I look forward to hearing from you about your plans to ensure that people do not fall through the safety net and end up without any means to take care of themselves and their families.

Sincerely,

Congressman/Senator X

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-Jul-1996 12:35pm

TO: Diana M. Fortuna

FROM: Richard E. Green
 Office of Mgmt and Budget, HRD

CC: Jack A. Smalligan
CC: Molly Brostrom
CC: Jeffrey Levi

SUBJECT: RE: Meeting with groups re DA&A

Faircloth last week got an amendment to the welfare reform bill to the floor that said that "nothing in this Title (that is, the SSI title of the bill) shall be construed to authorize recruitment activities..., including with respect to any outreach programs or demonstration projects." Although vague in its language, its intent appeared to be to dampen outreach efforts. The amendment got no further than a vote to waive the Byrd rule that failed. Nevertheless, it is an indication that there are some on the Hill who see aggressive outreach as an issue.

SocSec. daa

Molly → Rm. 207

July 11, 1996

ADDRESS

Dear ,

Thank you for writing to me about the recently enacted changes in eligibility for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits.

As a result of legislation passed this March, people will no longer be eligible to qualify for benefits based solely on drug addiction or alcoholism.

Beneficiaries who believe they may be eligible for SSDI or SSI because they are disabled as a result of other conditions may appeal and reapply for benefits. It is estimated that as many as three quarters of the 200,000 affected beneficiaries may be found eligible for benefits based on another disability.

The Social Security Administration (SSA) has sent notices to all beneficiaries whose disability determination is based on drug addiction or alcoholism to inform them of the change and to make them aware of their right to reapply. In addition, SSA is working with beneficiary organizations to educate them about the process and to help ensure that eligible beneficiaries are not inadvertently dropped from the rolls.

In order to receive a new SSA disability determination before January 1, 1997, beneficiaries must reapply for benefits before July 28. If you have questions about the process, please feel free to call Diane Garro, Assistant Deputy Commissioner for Legislation at the Social Security Administration (410/965-2386).

I appreciate hearing your perspective on this important issue.

Sincerely,

Carol H. Rasco
Assistant to the President for Domestic Policy

Dear ,

Thank you for your message regarding disability benefits for individuals with drug or alcohol addictions.

As a result of legislation I signed on March 29, 1996, people will no longer be eligible for disability benefits based on conditions of drug addiction or alcoholism, beginning January 1, 1997. People with substance abuse problems who are disabled as a result of other conditions will still be eligible for disability benefits.

The Social Security Administration (SSA) has sent notices to all beneficiaries whose disability determination is based on drug addiction or alcoholism to inform them of the change and to make them aware of their right to reapply. If you have questions about the process, please feel free to call SSA at 1-800-SSA-1213.

I appreciate hearing your perspective on this important issue.

Sincerely,

Bill Clinton

Withdrawal/Redaction Marker

Clinton Library

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Domestic Policy Council
Molly Brostrom
OA/Box Number: 8397

FOLDER TITLE:

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2012-0326-S

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5-5349

June 6, 1996

MEMORANDUM TO WAVES

FROM: MOLLY BROSTROM x65561

SUBJECT: Clearance for June 7, 1996

Listed below are names of appointments to be cleared for June 7, at 2:00 p.m., Room 211, OEOB. If you have any questions, please call me at 456-5561.

SS NumberDate of Birth

Brittian, Charlotte
Chesser, Judy L.
Daniels, Susan M.
Fried, Arthur
Gordan, Hedy
Greenberg, Michael S.
Kelly, Gwenda Jones
Wainwright, Joan
Watson, John B.

P6/(b)(6)

P6/(b)(6)

OPTIONAL FORM 90 (7-90)

FAX TRANSMITTAL

4 of pages 10

To	Molly Brostrom	From	John B. Watson
Transmit Agency		Phone #	
File #	7029 456	Fax #	

JBA, Diana--

Based on the letters Carol has received and the ICH policy group meeting, I have the following questions about the DA&A process/policy. I would like to send a memo to Brian and/or Judy to get answers to these questions, but also, if possible, to get some SSA leadership in establishing a consistent policy. For example, ensuring that SSA field offices recognize homelessness as "good cause" for missing the ten-day response deadline.

What do you think? Are there any other questions either of you have?

What is adv of G-K over regular appeal process?

G-K → face-to-face review ; otherwise, by mail

If Jan. 1 ^{if} no ^{front} review → continue
to receive benefits

Appeal w/in 120 days ⇒ front of queue

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-May-1996 11:29am

TO: Molly Brostrom

FROM: Diana M. Fortuna
Domestic Policy Council

CC: Jeremy D. Benami
CC: Jeffrey Levi

SUBJECT: DA&A process

Our letters could say 75-80% of DA&A folks will requalify for SSI based on another disability. (CBO estimated one number, and SSA the other, but Judy Chesser couldn't remember which was which.)

On the timing issue, I talked to Judy Chesser. (Jeff, I know you are calling the chief of staff Brian Coyne as well on this, but it's good for them to get more than 1 call.)

Judy told me that the law says something like SSA has to notify people within 90 days of enactment, and that "if a beneficiary reapplies for benefits within 120 days of enactment, then the commissioner shall evaluate that claim by January 1" (the date they lose benefits). (I'm not sure the time frames are right; she will clarify for me.)

So there is some statutory basis for their timeline. But I argued to her that nothing prevented them from processing reapplications received AFTER 120 days by 1/1, if they are able to do so -- that all the law says is that, if you make the 120 day deadline, you are guaranteed a decision by 1/1. Judy sort of disagreed with me and said that seemed to make the statutory language meaningless. But she'll look into it further.

She did point out that the more emphasis they put on these reapplications, the more they fall behind on other work (initial applications, CDR's, etc.)

✓ As we understand, the official notification letter will be sent in June (June 18?) to all beneficiaries who will be affected. They then have ten-days, from the mailing date, to respond. Why is this timeframe so short? → statutory + practical

If it is statutory, can we ensure that all regional workers are sensitive to the fact that many of these beneficiaries are homeless and do not check mail regularly, and recognize homelessness as grounds for "good cause" waiver?

Can we have a copy of the letter that will be sent out?

Are regulations being developed? Can homeless health care providers and/or consumers participate in development of regulations?

statute imposes direct time limits

Advocates have asked that we ensure that reliable representative payees are available to beneficiaries. Is anything being done on this front?

Can a simple, plain English set of Q&A's be developed for distribution to advocate and provider networks?

How will disabilities that are caused by DA&A be treated?

I understand that it would be difficult to send the notification letter with the beneficiary's disability check (since the checks are sent out by Treasury and SSA will send notification letter) -- but is it impossible? → yes, at this date

Issuing POMs - final still being drafted

- emergency teletype → field office instructed to be sensitive to losses

3/29 → finally ended dec's base

Expiring around 4/1/97

SSA will notify date 28 (after x # of days)

Given — # of days to appeal



- ensure that notice rec'd
- notice goes to both ind'l + rep. payees (SSI + SSDI are both supposed to have)
SSDI → cuts off dependents

If on SSI, have 10 days from receipt of notice (5 per days) to request face-to-face interview (Goldberg-Kelly)
60 days to appeal

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-May-1996 11:48am

TO: Molly Brostrom
TO: Jeremy D. Benami
TO: Jeffrey Levi
TO: Richard E. Green
TO: Jack A. Smalligan

FROM: Diana M. Fortuna
Domestic Policy Council

SUBJECT: More info from SSA

Judy Chesser tells me that SSA doesn't want to advertise this because it may encourage people not to reapply early (which SSA wants to encourage so that they can get the work done), but:

if someone waited to reapply until December and they can show cause as to why they didn't respond to the notice within 10 days for a variety of different reasons, SSA would waive the requirement and give them "their full Goldberg-Kelly rights" (whatever those are), and they would stay on benefits until their redetermination was done.



Office of Legislation and Congressional Affairs
Social Security Administration
Fax Sheet

Date: 7/11/96

Pages: Cover + 2

Fax to: Molly Brostrom

Fax number: _____

Phone number: _____

From:

Jack T. Camilleri *for Judy Chesson*
Office of Deputy Commissioner

Phone number:

(202) 482-7154

Fax number:

(202) 482-7153

Please contact Paulette Anderson or Regina Pinkney (202) 482-7112 if transmission is incomplete.

Message:

*Molly: we have a couple of
edit. on draft letters. Please
call me if you have questions.
Jack Camilleri*

BROADCAST FAX

FROM: Tom Gloss
SSA/Office of Disability
(410) 965-3987 voice / (410) 966-6210 tdd / (410) 965-6503 fax /
Tom.Gloss@ssa.gov Internet

DATE: 6/14/96

TO:

Brostrom, Molly	(202) 456-7431	Marshall, Scott	(202) 457-1433
Cassel, Eugene	(202) 682-6287	McWhorter, Celane	(202) 785-3508
Dart, Justin	(202) 863-0010	Ogle, Becky	(703) 836-6730
Decker, Curt	(202) 408-9520	Rutta, Randy	(202) 737-7914
Ferguson, George	(202) 708-3672	Schulzinger, Rhoda	(202) 223-0409
Ford, Marty	(202) 467-4179	Shor, Nancy	(201) 444-1823
Glover, Bob	(703) 548-9517	Siefert, Paul	(410) 730-5965
Honberg, Ron	(703) 524-9094	Wright, Pat	(202) 462-5624
Hughey, AnnMarie	(703) 525-3409	Young, Tony	(703) 648-0346
Lancaster, John	(202) 376-6219	Zelenske, Ethel	(202) 785-6792
Litvak, Simi	(510) 763-4109		

MESSAGE:

Attached for your information is a follow-up letter that will be sent out shortly concerning SSA's implementation of the recent legislative changes re: disability benefits for SSDI and SSI beneficiaries based on DA&A.

Please call if you have questions or comments. I will try to keep you posted as things develop/change.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Social Security Administration

Refer to:

Baltimore MD 21235

JUN 13 1996

Dear Colleague:

As you are aware, Public Law 104-121 eliminates Social Security Disability Insurance and Supplemental Security Income (SSI) payments and Medicare and Medicaid eligibility for individuals whose drug addiction or alcoholism is a contributing factor material to their disability. I would like to take this opportunity to update you on the implementation plans.

The Social Security Administration began notifying by mail those beneficiaries affected by the new law on June 7. Mailings will be completed by June 22. A factsheet explaining the process is enclosed for your information.

The key message is that in order to request a review of his/her disability determination, the beneficiary *must respond* during the appeals period, especially for SSI beneficiaries who may request benefit continuation.

Your organization's assistance in disseminating this information will greatly aid this population of disabled individuals.

Sincerely,

Joan E. Wainwright
Deputy Commissioner
for Communications

Enclosure

Update on SSA's Implementation of the New DAA Legislation, and What Your Organization Can Do to Help

What changes does the new law make?

Under Public Law 104-121, section 105, persons who are currently eligible for Social Security Disability Insurance or Supplemental Security Income benefits based on drug abuse or alcoholism (DAA) will be ineligible for cash benefits as well as Medicare/Medicaid coverage after January 1, 1997. If a beneficiary disagrees with the current determination that the disability is based on drug addiction or alcoholism, he/she may file an appeal within 60 days after receipt of the termination notice.

For a person who applies for disability benefits on or after July 1, 1996, and is found disabled but also has a "DAA condition," and the person cannot manage his/her own benefits, a representative payee will be appointed (this is not a new requirement). In these cases in which Social Security appoints payees, the beneficiary will also be referred to a state substance abuse agency for treatment.

How will people be notified of these changes?

SSA will be sending out notices to all people currently eligible for benefits because of DAA even if they are not actually receiving benefits at this time. Representative payees and dependants will also be notified.

The notices will go out on a staggered basis, starting June 7 and ending June 22.

Can the beneficiaries appeal?

Beneficiaries, if they believe that they are disabled because of another impairment (other than DAA), can appeal. In other words, they believe DAA is not a contributing factor material to their disability determination. The key factor in deciding whether DAA is a contributing factor material to the disability determination is whether the individual would be disabled if he or she stopped using drugs or alcohol. If we then find that DAA is not "material," the provisions of the recent legislation would not apply, and benefits would not terminate in January, 1997.

How do beneficiaries appeal?

They should call or visit their local Social Security Social office right away and file a request to appeal. The Social Security office must have their appeal request in writing before the 60-day period to appeal expires. The 60-day period begins when they receive the termination notice.

Additionally, SSI beneficiaries must file their appeals within 10 days after receiving the termination notice to continue to receive SSI after January 1, 1997, if Social Security does not make a decision by January 1, 1997.

As always, if a beneficiary has a good reason why he or she could not meet the appeal dates, we will take this into consideration.

If a beneficiary appeals before July 28, 1996 (120 days after enactment of the law), SSA must complete its review by January 1, 1997.

What will happen if a beneficiary doesn't file an appeal?

All benefits will end effective January 1, 1997. For beneficiaries receiving SSI payments, this means their last SSI check will arrive in December 1996. For beneficiaries collecting Social Security disability benefits (and any dependent family members receiving benefits), their last check will arrive in January 1997.

If the beneficiary is receiving Medicaid based on SSI, Medicaid should continue as long as the beneficiary is receiving SSI payments. After SSI stops, the Medicaid State agency should decide if the beneficiary qualifies for Medicaid under another provision of the Medicaid State plan. Medicare will end when Social Security disability benefits end.

What can you do to help?

You can assist the beneficiary with filing the request for an appeal. Ensuring that the appeal dates (mentioned above) are met is important. Also, you can help the beneficiary document the appeal. We'll need to look at recent medical evidence to make our decision. Our local offices are gearing up for the anticipated work, and whatever you can do to help the beneficiary complete the appeal forms will help.



**Catholic
Charities
USA**

1731 King
Street •
Suite 200 •
Alexandria
Virginia
22314 •
Phone:
(703) 549-1390
Fax:
(703) 549-1656

M E M O

TO: Catholic Charities' Diocesan Directors

FROM: Sharon Daly, Deputy to the President for Social Policy

DATE: May 31, 1996

RE: Changes in SSI/SSDI Eligibility

President Clinton has signed a new law which will repeal SSI/SSDI eligibility for those persons disabled by substance misuse or alcoholism. As a result, many of your clients will lose cash assistance and health coverage. This law, which will go into effect January 1, 1997, will terminate all cash benefits to all recipients currently receiving assistance because of their alcoholism or substance misuse disability. These recipients will also lose their Medicare or Medicaid coverage.

CLIENTS MUST REAPPLY BY JULY 28, 1996, TO AVOID TERMINATION OF BENEFITS.

After consultation with the Catholic Charities Alcohol and Other Drugs Committee, Catholic Charities USA recommends that Catholic Charities agencies help their clients in several ways:

- 1) Explain to clients the change in law and how it will affect them.
- 2) Identify the addresses of local Social Security offices where clients should reapply for SSI or SSDI.
- 3) Help to assemble medical records and other evidence to substantiate clients' eligibility for benefits based on other disabilities, such as mental illness.
- 4) Work closely with other Mental Health providers and local legal services offices to ensure that services are available to this disabled population.

For more information please see the enclosed pages which detail the changes in the law and provide suggestions on how to go about securing assistance for affected clients. If you have any questions, please contact Sharon Daly.

Please fax any action plan or strategy you have for addressing this change in SSI/SSDI law to Catholic Charities USA.

SSI and Medicaid Benefits Cut for Substance Misusers*

Background

Persons disabled by substance misuse or alcoholism will lose their cash benefits (i.e., Social Security Disability [SSDI] or Supplemental Security Income [SSI]) and health coverage (i.e., Medicare or Medicaid benefits) on January 1, 1997 as a result of a new law signed by President Clinton.

On March 27, 1996, the President approved Public Law 104-121, the "Contract with America Advancement Act of 1996," which excludes substance misuse and alcoholism as eligibility for Social Security benefits. In January, the federal Social Security Administration (SSA) will terminate benefits to all recipients currently receiving assistance because of their alcoholism or substance misuse disability. In particular, these recipients will no longer be eligible for Social SSDI or SSI because of drug addiction or alcoholism (DAA).

These recipients who have Medicare will also lose that coverage. Medicaid recipients in most states will also lose health coverage when their SSI or SSDI eligibility ends, unless they are eligible for Medicaid on a basis other than disability or they are eligible for another state-funded medical insurance program..

Impact on People Living with HIV Disease

This law will adversely affect HIV-positive individuals who receive Social Security and/or Medicaid benefits because of their addictions. Specifically, a recipient whose addiction is "contributing factor" "material" to his/her disability will no longer qualify as "disabled." For recipients living with HIV disease, this change means loss of access to medical care, medications and Social Security Income (c.g., SSI or SSDI).

What Comes Next

The law states that by June 28, 1996, SSA must notify all persons who are receiving benefits based on a DAA determination that their benefits are being terminated as of January 1. Furthermore, SSA must explain that those individuals who believe that they would still be disabled even if they stopped using drugs and alcohol must file a new application. If a recipient files a new application before July 28, 1996, SSA is required to make a determination before the January 1 termination date.

This law outlines the process and timelines for individuals currently receiving assistance because of their DAA determination who wish to seek a new determination of their disability status.

Action Steps

- Representatives of clients whose drug dependence or alcoholism is a factor material to their disability should begin immediately to collect material and other evidence to prove that these clients have other qualifying disabilities. The SSA will start sending out termination notices on June 7, and clients and their representatives need to act quickly.
- We need to advocate for clients who do not have other qualifying disabilities and ask Congress to restore their Medicaid entitlement. Losing access to Medicaid reduces access to cost-effective health and treatment services for this population.

For more information, contact Gwen Rubinstein at the Legal Action Center at 202/544-5478.

* Compiled from information from AIDS Foundation of Chicago, San Francisco AIDS Foundation, the Legal Assistance Foundation, and the National Senior Citizens Law Center. Prepared by AIDS Project Los Angeles.

1996 CHANGES IN SOCIAL SECURITY LAW

Termination of Benefits for Drug Addicts and Alcoholics:

What Every Advocate Should Know

I. What are the critical dates?

March 29, 1996--bill signed, affects all pending or new applications immediately

June 28, 1996--last date for SSA to notify all affected current recipients, and their representative payees, of January 1 termination

10 days to appeal for G-K Rts ; 60 days for normal appeal
July 28, 1996--last day for new applications if an initial decision is to be assured prior to termination of benefits

After 7/28, can reapply as new case (can't one year wait due to backlog)
January 1, 1997--eligibility ends for current recipients

II. Who is affected?

All persons for whom drug abuse or alcoholism is a "material factor contributing" to the determination of disability. This includes, at a minimum, all persons who have been screened and referred to treatment programs by TASC, but also many that TASC has not yet reached. Approximately 17,000 people in Cook County will be affected by this change.

III. What does this mean for Medicaid and Medicare coverage?

Except for the elderly and people with dependent children (AFDC recipients), adults who are no longer be "disabled" by Social Security definitions will also no longer be eligible for Medicaid or Medicare. IDPA has not yet announced what the termination process will be for current Medicaid recipients.

IV. What is the reapplication process?

Social Security has not yet made a final decision on the process. At present, Social Security is only asking people to sign a one paragraph reapplication form and fill out a new disability report and new medical releases. The new application will then be reviewed and adjudicated by the Bureau of Disability Determination

(Continued on reverse)

Services just as any other new application for SSI or SSDI is reviewed and adjudicated.

V. What should happen now?

- Start identifying clients who will be affected.
- Evaluate for other physical or mental impairments; arrange for all necessary screenings and diagnostic examinations.
- Be sure clients are visiting physicians and/or mental health treatment regularly; be sure they are reporting all conditions.
- Begin or continue drug or alcohol rehabilitation. Mental impairments, in particular, will be easier to establish for clean and sober clients.
- Gather records from evaluating and treating sources.
- Send clients in to reapply as soon as strong medical records are obtained. There is no need to wait for the June letter or the July deadline.
- Be sure all clients reapply before the July 28, 1996 deadline, even if they have not been able to obtain new medical records.
- Send new medical records in with clients, but keep a copy.
- Watch for Medicaid termination notices. File appeals if the client is still disabled.
- Know Transitional Assistance alternatives for clients who cannot meet SSA disability standards.
- Refer clients for legal assistance as necessary.

Action Alert!!

SSI Payments Cut for People With Substance Abuse

On March 28, 1996, Congress passed H.R. 3136 the "Contract with America Advancement Act of 1996", as a part of the legislation to raise the debt ceiling. This bill, among other things, eliminates drug addiction and alcoholism (DA&A) as a basis for disability in both the Title II (SSDI) and the Title XVI (SSI) programs. President Clinton signed H.R. 3136 on Friday, March 29, 1996, enacting it into law.

Key issues in the legislation:

- ***Eliminates SSI & SSDI payments for people who are disabled because of substance abuse.***
- ***When does this take effect?***
 - ♦ if you have a claim pending the change in eligibility affects you right now; and
 - ♦ if you are getting SSI or SSDI payments now you will lose your benefits beginning on or after January 1, 1997.
- ***What should you do if you believe you may be affected by these new changes in SSI:***
 - ♦ If you are getting SSI benefits because of your substance abuse but feel you would qualify under another disability category go to the Social Security Administration office to reapply.
 - ♦ If you are not sure if you are receiving SSI because of substance abuse, call your local Social Security Administration office or call the national office at 1-800-772-1213 and ask if you will be affected by the new rules for receiving SSI.

VERY IMPORTANT!! If you are affected by the new changes for receiving SSI take this notice with you, go to your local Social Security Administration office and state following:

"I wish to reapply for Social Security and/or SSI disability benefits because I am disabled not due to using drugs or alcohol -- or, --I would be disabled even if drug or alcohol use stopped. I want a new medical determination of my impairments."

Please share this notice with others — especially case managers and organizations that work with people who have substance abuse problems. For more information, contact Barbara Otto, The SSI Coalition, (312) 223-9600.



LEGAL ASSISTANCE FOUNDATION OF CHICAGO

SSI ADVOCACY PROJECT

SERVICIOS LEGALES

407 S. Dearborn, Suite 350 • Chicago, Illinois 60605 • (312) 427-5200

FAX (312) 427-0381

TDD (312) 427-5150

**NOTICE TO ALL PERSONS RECEIVING OR APPLYING FOR
SSI OR SSDI
DUE TO DRUG ADDICTION OR ALCOHOLISM**

If you are receiving Supplemental Security Income (SSI) or Social Security Disability Insurance benefits (SSDI) and the Social Security Administration has determined that drug addiction and/or alcoholism is the cause of your disability:

YOUR BENEFITS AND YOUR MEDICAL COVERAGE WILL BE CUT OFF JANUARY 1, 1997 UNLESS YOU FILE A NEW APPLICATION AND SOCIAL SECURITY FINDS YOU DISABLED BASED ON AN IMPAIRMENT OTHER THAN DRUG OR ALCOHOL USE.

If you believe that drugs and alcohol are not the main cause for your disability:

YOU SHOULD IMMEDIATELY FILE A NEW APPLICATION FOR SSI OR SSDI AT YOUR LOCAL SOCIAL SECURITY OFFICE.

When you file your new application, take this notice with you and tell Social Security that you would be disabled even if your drug or alcohol use stopped.

IF YOU FILE A NEW APPLICATION BY JULY 28, 1996, SOCIAL SECURITY MUST DECIDE YOUR CASE BY JANUARY 1, 1997.

If you are not sure if you are getting SSI or SSDI because of drug addiction or alcoholism, contact your local Social Security office or call Social Security at 1-800-772-1213.

If you have an application already pending at Social Security, make sure that Social Security has all the information about all of your physical and mental impairments. Go to your doctor or clinic for regular medical care and ask them to cooperate by sending your medical records to Social Security.

SAMPLE REAPPLICATION LANGUAGE

I WISH TO REAPPLY FOR DISABILITY BENEFITS UNDER TITLE(S) _____
AND _____ OF THE SOCIAL SECURITY ACT, BECAUSE I AM DISABLED
NOT DUE TO USING DRUGS OR ALCOHOL OR I WOULD BE DISABLED
EVEN IF DRUG OR ALCOHOL USE STOPPED. I WANT A NEW MEDICAL
DETERMINATION OF MY IMPAIRMENT(S)

I UNDERSTAND THAT IF ALCOHOLISM OR DRUG ADDICTION IS FOUND
TO BE A CONTRIBUTING FACTOR MATERIAL TO MY DISABILITY, MY
BENEFITS WOULD END AS OF JANUARY 1, 1997. I UNDERSTAND THAT
I MAY APPEAL THAT NEW DETERMINATION.

Published by SSA on E-Mail (4/1/96) for distribution to all
adjudicatory staff.

INTERNAL USE ONLY

04/01/96

FACTSHEET ON ADMINISTRATION FY 1997 PROPOSAL**INDIVIDUALS RECEIVING SUPPLEMENTAL SECURITY INCOME (SSI)
BASED ON DRUG ADDICTION AND ALCOHOLISM (DAA)****Talking Points**

- The President signed the Contract with America Advancement Act on March 29, 1996. Provisions in that bill eliminate benefits for individuals whose DAA is a material factor in determining eligibility; effective immediately for new applicants and for those whose cases have not yet been finally adjudicated, and effective January 1, 1997 for those individuals who are already receiving benefits.
- Substance abuse counselors, those people on the front lines dealing with drug addicts and alcoholics, tell us that we are killing recipients by paying cash benefits to individuals with such severe addiction problems.
- President's Budget Document: "The budget supports key reforms to ensure that SSI continues to reach those most in need...[and] would deny benefits to adults who are on SSI due to substance abuse."
- Providing funds for treatment (such as the \$50 million authorized to be appropriated), rather than paying cash benefits, is the preferable means for helping those individuals who would be able to work except for their substance abuse.
- In the past few years, the number of individuals receiving SSI disability payments based on DAA has increased significantly—from about 17,000 in 1989 to over 135,000 currently.
- This legislation will not cut those most in need off of benefits. Approximately 80% of the individuals currently being paid SSI based on DAA (108,000 of the 135,000) would requalify based on having other disabling impairments, such as cirrhosis of the liver or irreversible organic brain damage.**

Current Law and Issue

- The 1972 legislation which created the Supplemental Security Income (SSI) program included substance addiction as a disabling condition. In addition to meeting stringent medical criteria for disability, DAA recipients must accept treatment for their addiction and receive payments through a representative payee.

** As of September 1995, there were also about 30,000 DI beneficiaries receiving benefits based on DAA.

- Legislation enacted in 1994 limited the payment of benefits to 36 months, required treatment, if available, at approved facilities, and established progressive sanctions for noncompliance with treatment.

Current/Past Hill activity

- The Balanced Budget Act of 1995 (H.R. 2491), vetoed by the President, for other reasons, in December 1995, would have prohibited SSI cash benefits and Medicaid coverage to individuals whose DAA is a contributing factor material to their disability and would have required recipients to reapply within 120 days in order to obtain a redetermination of benefits.

Administration Proposal

- Would prohibit SSI eligibility to individuals whose DAA is a contributing factor material to the finding of disability.
- Would apply to applications filed on or after the date of enactment without regard to whether regulations have been issued and to benefits for current recipients beginning on or after January 1, 1997.
- Would also provide an appropriation of \$50 million for each of FYs 1997 and 1998 to carry out activities relating to treatment of drug and alcohol abuse under the Public Service Act by supplementing an existing block grant program to the states.

Numbers affected

- Approximately 27,000 current recipients would lose eligibility.
- Approximately 50,000 fewer individuals would receive benefits each year.
- Programs savings through FY 2002 total \$1.4 billion.

Disability Based On Drug Addiction Or Alcoholism

A new law prohibits Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability benefits and Medicare and Medicaid coverage based on those benefits to people who are disabled because of drug addiction and/or alcoholism. This law applies to people who are applying for benefits or are already getting benefits because drug addiction and/or alcoholism is a contributing factor material to their disability.

What the Law Requires

Under this new law, if you are currently receiving disability benefits based on drug addiction and/or alcoholism, your cash and Medicare and Medicaid based on SSI will terminate January 1, 1997. However, if you believe that you would be disabled even if you stopped using drugs and/or alcohol, you may reapply. You also will be able to appeal our identification of you as a drug addict and/or alcoholic.

During this time your benefits will continue to be paid to a representative payee, and you still must undergo appropriate treatment for your drug addiction and/or alcoholism, if it is available.

The following provisions apply to applications filed on or after July 1, 1996. If you have a drug addiction and/or alcoholism condition but receive your benefits for another disabling impairment and we find that you cannot manage your own benefits, you will be required to have a representative payee. Further, if you have a drug addiction and/or alcoholism condition, you will be referred to your

State drug addiction or alcoholism agency for treatment.

Representative Payee Requirements

If we send your benefits to a representative payee, the representative payee will manage the money for you. Your representative payee may be a nonprofit social service agency, a governmental social service agency or public guardian, another organization, a family member or other interested person we approve to act in your best interest.

For More Information

You can get more information 24 hours a day by calling Social Security's toll-free number, 1-800-772-1213. You can speak to a service representative between the hours of 7 a.m. and 7 p.m. on business days. Our lines are busiest early in the week and early in the month, so it's best to call at other times. Whenever you call, have your Social Security number handy.

People who are deaf or hard of hearing may call our toll-free "TTY" number, 1-800-325-0778, between 7 a.m. and 7 p.m. on business days.

The Social Security Administration treats all calls confidentially--whether they're made to our toll-free numbers or to one of our offices. We also want to ensure that you receive accurate and courteous service. That's why we have a second Social Security representative monitor some incoming and outgoing telephone calls.

EXECUTIVE OFFICE OF THE PRESIDENT

30-May-1996 05:29pm

TO: (See Below)
FROM: Jack A. Smalligan
Office of Mgmt and Budget, HRD
SUBJECT: Implementation of DA&A Provision

DPC staff have asked questions regarding SSA's schedule for implementing the review of DA&A beneficiaries. Below are the key milestones and legal constraints that dictate SSA's schedule:

March 29. Legislation enacted.

June 7 to June 21. Termination notices mailed in three staged mailings. This meets the statutory 90 day deadline (June 28) for notifying beneficiaries.

Ten days from the date a recipient receives a termination notice the recipient must appeal to be given Goldberg v. Kelly (GK) rights. GK only applies to SSI and gives a person receiving a termination letter the right to a continuation of benefits until they receive a face to face hearing. Regardless of GK, everyone continues to receive benefits until January 1, 1997. Those covered by GK who have not received their face to face hearing by January 1 will continue to receive benefits until their hearing. Administering the thousands of GK face to face hearings by January 1 is a massive undertaking and SSA is unlikely to complete all the hearings by January. (Face to face hearings can only be performed by staff with specialized training. Trained staff are limited and not necessarily located where DA&A cases are concentrated.)

The ten day window to obtain GK rights derives from this court ruling. Those who do not appeal within ten days who can show good cause can still be given GK rights, subject to a review by SSA. SSA states that it will use its normal rules for other termination cases to determine whether a recipient who appeals after ten days should be given a good cause exception. The DA&A cases will not be treated more or less favorably than any other case subject to GK.

July 28: Deadline for receipt of appeal (120 days for enactment). All appeals must receive a new medical determination by January 1, 1997. Appeals after this case are treated as new disability claims and are placed in disability processing queue along with all other claims for new disability benefits.

SSA has provided a more detailed schedule that I will fax to Diana Fortuna.

Distribution:

TO: Kenneth S. Apfel
TO: Barry White
TO: Keith J. Fontenot
TO: Diana M. Fortuna
TO: Molly Brostrom
TO: Richard E. Green
TO: Jeffrey Levi
TO: Desiree Filippone

5-0851

SOCIAL SECURITY ADMINISTRATION
FO ADDRESS
CITY ST ZIP

Social Security Administration
Supplemental Security Income
Notice of Planned Action

Payee Name
For Beneficiary Name
Address
City State Zip

Claim Number:
Date:

IMPORTANT - READ CAREFULLY

We are writing to tell you that your SSI will end effective January 1, 1997. A new law says that effective January 1, 1997, we can no longer pay Supplemental Security Income (SSI) benefits to people whose disability is based on drug addiction and/or alcoholism.

The New Law Affects You

We are paying you SSI disability benefits because drug addiction and/or alcoholism is a contributing factor material to your disability. This means that if we had not considered your drug addiction and/or alcoholism, we would not have found you disabled.

If You Disagree With The Decision

If you disagree that your disability is based on drug addiction and/or alcoholism you should appeal by asking us to make a new disability decision.

You should also appeal if you think you can get SSI because you are blind, or you are, or will be, age 65 before January 1, 1997.

If you want to appeal, you should call us right away. The telephone number is at the end of this letter.

If you appeal, we will review your case and consider any new facts you have.

If You Appeal Within 10 Days

If you appeal within 10 days and we do not give a decision before January 1, 1997, you may be able to keep getting your SSI until we decide your case.

See Other Side

XXX-XX-XXXXDI

Page 2 of 4

- o The 10 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- o If you lose your appeal, and we don't stop your SSI January 1, 1997, you might have to pay back some or all of the money you receive after December 1996.

However, even if you appeal in 10 days, we will stop your SSI January 1, 1997 if all of the following are true:

- o Our new decision is the same as the one you appealed, and,
- o You had an opportunity to meet with the person who decided your case, if you requested it, and
- o We send or give you a letter with our new decision in time to stop your SSI January 1, 1997.

If You Appeal After 10 Days

The law says if you appeal before July 28, 1996, we should complete our review of your case by January 1, 1997. However, if you have not filed an appeal within 10 days, we will not continue to pay you after December 1996.

You have 60 days to ask for an appeal.

- o The 60 days start the day after you receive this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- o You must have a good reason if you wait more than 60 days to ask for an appeal.

XXX-XX-XXXXDI

Page 3 of 4

If You Want Help With Your Appeal

You can have a friend, lawyer, or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your case. Your local Social Security office has a list of groups that can help you.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it.

Information About Medicaid

If you are getting Medicaid based on SSI, Medicaid should continue as long as you get SSI. If you need more information about how this change in the law will affect your Medicaid benefits beginning January 1, 1997, please contact (name and other agency information from State/County of residence).

Things To Remember

This letter is only about your SSI. If you receive Social Security disability benefits, you will receive another letter about those benefits.

OPTIONAL PARAGRAPH (2489): This information is also being sent to (your representative payee/Name of Recipient).

OPTIONAL PARAGRAPH (1000): The other letter you received with this one is (an English/a Spanish) translation of the same information contained in this letter.

If You Have Any Questions

If you have questions about anything in this letter, call your local Social Security office at [FO phone number], or our toll-free number at 1-800-772-1213. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at:

[Field Office Address
City, ST, ZIP]

XXX-XX-XXXXDI

Page 4 of 4

If you have any questions about other Social Security matters, you may call us toll-free at 1-800-772-1213.

If you do call or visit an office, please have this letter with you. It will help us answer your questions.

Janice L. Warden
Deputy Commissioner
for Operations

SOCIAL SECURITY ADMINISTRATION
FO ADDRESS
City ST Zip

Social Security Administration
Retirement, Survivors and
Disability Insurance
Notice of Termination

Payee Name
For Beneficiary Name
Address
City State Zip

Claim Number:
Date:

IMPORTANT - READ CAREFULLY

We are writing to tell you that your disability benefits will end effective January 1, 1997. A new law says that effective January 1997, we can no longer pay Social Security disability benefits to people whose disability is based on drug addiction and/or alcoholism.

Benefits payable to anyone else entitled on your account will also end January 1, 1997. The last payments you and your family will receive will be the payments made about January 3, 1997.

The New Law Affects You

We are paying you disability benefits because drug addiction and/or alcoholism is a contributing factor material to your disability. This means that if we had not considered your drug addiction and/or alcoholism, we would not have found you disabled.

If You Disagree With The Decision

If you disagree that your disability is based on drug addiction and/or alcoholism, you should appeal by asking us to make a new disability decision.

If you want to appeal, you should call us right away. The telephone number is at the end of this letter.

If you appeal, we will review your case and consider any new facts you have.

- o You have 60 days to ask for an appeal.
- o The 60 days start the day after you receive this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.

See Other Side

SSA-LR175

Page 2 of 3

- o You must have a good reason if you wait more than 60 days to ask for an appeal.

The law says that if you appeal before July 28, 1996, we should complete our review of your case by January 1, 1997.

If You Want Help With Your Appeal

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past-due benefits to pay toward the fee.

If You Are Age 60 or Over

If you are within 3 months of age 62 or older, you can file a claim for reduced retirement benefits.

If you are a widow(er) and you are within 3 months of age 60 or older, you can file a claim for reduced survivor's benefits.

If you want to file for either of these benefits, call your local Social Security office right away.

Information About Medicare

If you have Medicare, your coverage will end December 31, 1996.

Things To Remember

The law also changed the Supplemental Security Income rules. You may receive letters about those changes.

We will also send your representative payee a copy of this letter.

Page 3 of 3

If You Have Any Questions

If you have any questions about anything in this letter, call us at our toll-free number at 1-800-772-1213. (1) (2) We can answer most questions over the phone. You can also write or visit any Social Security office. (3)

(4)

If you have any questions about other Social Security matters, you may call us toll-free at 1-800-772-1213.

If you do call or visit an office, please have this letter with you. It will help us answer your questions.

Janice L. Warden
Deputy Commissioner
for Operations

FILL-INS

- (1) Choice 1: USE: Field Office (FO) address and phone on TRIDE
"or call your local office at"
Choice 2: USE: FO phone on TRIDE is "800" number
NULL
- (2) Choice 1: USE: FO address and phone on TRIDE
FO phone number
Choice 2: USE: FO phone on TRIDE is "800" number
NULL
- (3) Choice 1: USE: FO address is on TRIDE
"the office that serves your area is located at:"
Choice 2: USE: FO address on TRIDE is SSA default address
NULL
- (4) Choice 1: USE: FO address is on TRIDE
FO address
Choice 2: USE: FO address on TRIDE is SSA default address
NULL

APR-18-

07:18 PM

ID: 41

1871

PAGE 1

**DEPARTMENT OF HEALTH & HUMAN SERVICES****Social Security Administration**

Refer to:

Office of the Commissioner
Baltimore MD 21235

APR - 5 1996

Dear Colleague:

I am writing to inform you about some important changes in the Social Security law affecting people who receive Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits because of drug addiction or alcoholism (DAA). You may remember that the Social Security Independence and Program Improvements Act of 1994 contained major provisions which imposed requirements and restrictions on individuals receiving benefits because of DAA. Public Law (P.L.) 104-121, the Contract with America Advancement Act of 1996, signed by the President on March 29, 1996, has added further restrictions.

As an official of an organization interested in the well-being of these individuals, you should know that P. L. 104-121 eliminates SSDI and SSI payments and Medicare and Medicaid eligibility for individuals whose DAA is a contributing factor material to their disability.

Other provisions of Public Law of P.L. 104-121 are as follows:

- The new eligibility rules apply immediately for any new or pending claim for benefits.
- Individuals currently receiving disability benefits based on DAA will have their benefits terminated on January 1, 1997.
- Individuals currently receiving benefits that will terminate because of the new DAA provisions will be notified and may reapply to determine whether they have another disabling impairment(s) which would make them eligible to receive SSDI or SSI benefits. These individuals will also be able to appeal our identification of them as DAA.
- Individuals receiving benefits for another disabling impairment who have a DAA condition and cannot manage their own benefits are required to have a representative payee. In addition, if a DAA condition is present, they will be referred to the State DAA agency for treatment. (These requirements apply to applications filed on or after July 1, 1996.)

2

A general information fact sheet directed to DAA beneficiaries is enclosed for your information. If you have any questions, please call Brenda Kibler in our Office of National Affairs at (410) 965-5649.

Sincerely,

John E. Wainwright
John E. Wainwright
Associate Commissioner
for Communications

Enclosure

THE WHITE HOUSE
WASHINGTON

SSDI → based on work/earnings
(40,000) avg \$680

SSI → based on financial need
(160,000) \$470/month (\$50/month)
receive SSI alone or w/ SSDI

disab: unable to work "for at least
12 mos or eqv" substantial gainful activity

SSA identified 200,000 where ^{if you don't consider} ~~that~~ claim would be denied ^{if} "material"
to disability
est. 80% → some other disabling infirmity

THE WHITE HOUSE
WASHINGTON

DATE: 4/11/96

MEMORANDUM FOR Carol Lawco

FROM: JIM DORSKIND
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE
AND PRESIDENTIAL MESSAGES

SUBJECT: Petitions from Various constituents

I attach an example of 13646 petitions that we received regarding an issue in which you might be interested.

If you have any questions, I can be reached at 65460.

*eliminate Social Security
handouts to drug addicts &
alcoholics*

3 BOXES: 13, 646

**TAXPAYER PETITION to the
SOCIAL SECURITY ADMINISTRATION
COMMISSIONER**

REGARDING: Handouts from Social Security for drug addicts and alcoholics;

WHEREAS, Drug addiction and alcoholism are terrible problems affecting millions of Americans and their families; and

WHEREAS, The Social Security Administration is making the problem worse by certifying drug addicts and alcoholics as "disabled" persons eligible for government handouts that average \$446 a month; and

WHEREAS, Drug addicts and alcoholics use money from Social Security to buy more drugs and alcohol; and

WHEREAS, The Social Security Administration has done a poor job of monitoring the movements and activities of addicts receiving government handouts; and

WHEREAS, A report in The Washington Times and the Insight magazine has labeled the Social Security handouts "a cottage industry of corruption" and;

WHEREAS, Legitimate recipients of Social Security such as the elderly and retirees suffer when Social Security funds are diverted into the pockets of drug addicts and alcoholics.

THEREFORE, In light of these relevant and material facts, the undersigned does hereby petition you as Commissioner of Social Security to seek any and all remedies to eliminate Social Security handouts to drug addicts and alcoholics.

Petition signed this 11 day of February, 1996

By Theresa K Johnson

of the City of Salem, State of Oregon

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May 1994

SOCIAL SECURITY

Major Changes Needed for Disability Benefits for Addicts



October 24, 1996

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

cc Jeremy
Molly
Janet A.

Dear Mr. President:

The undersigned organizations urge you to work to repeal the provision¹ of the welfare reform bill that denies cash welfare and Food Stamps to individuals with drug felony convictions. The provision, known as the "Gramm amendment," will jeopardize the availability of drug and alcohol treatment for women with children and punish those with old drug convictions, even if they are in recovery. The Gramm amendment is a significant barrier to self-sufficiency and could endanger the health and well-being of many individuals, families, and communities.

Women on welfare have higher rates of drug and alcohol problems than non-recipients,² and women arrested on drug charges constitute the fastest growing population in the criminal justice system.³ To reduce welfare dependence, prevent crime, and strengthen families, we must ensure that low-income women and women with drug histories have access to appropriate drug and alcohol treatment.

Unfortunately, the Gramm amendment will make it harder for treatment programs, particularly those serving women with children, to survive financially. These programs, many of which cannot get Medicaid reimbursement,⁴ pool their clients' public benefits (including welfare and Food Stamps) to support the full cost of treatment. For example, one women's program in Florida has estimated that 80 percent of its clients have drug felony convictions and that the loss of welfare payments and Food Stamps supporting them could leave a significant budget gap.

The majority of state and local welfare officials recognize that their caseloads include individuals with drug and alcohol problems who will need treatment to find and keep jobs.⁵

¹ Section 115 of P.L. 104-193.

² U.S. Department of Health and Human Services. "Patterns of Substance Use and Substance-Related Impairment Among Participants in the Aid to Families with Dependent Children Program (AFDC)," 1994.

³ Wellisch, Jean et. al. "Drug-Abusing Women Offenders: Results of a National Survey." National Institute of Justice, 1994.

⁴ Because the "Institution for Mental Diseases ("IMD") exclusion, a long-standing barrier to Medicaid reimbursement for drug and alcohol treatment, which disallows reimbursement for any health care or drug and alcohol treatment services provided to women otherwise eligible for Medicaid in settings with more than 16 treatment beds for individuals between the ages of 22 and 64.

⁵ Legal Action Center. "State, Local Welfare Officials See Important Role for Drug and Alcohol Treatment in Welfare Reform," 1995.

According to a 1995 study, 65 percent of state and local welfare directors believed that treatment services were extremely important and 34 percent called them "somewhat important" to welfare reform.

These officials also know that drug and alcohol treatment reduces welfare dependency. The National Treatment Improvement Evaluation Study (NTIES), just released by the Department of Health and Human Services, found that clients in federally funded treatment reduced their welfare dependence by 10.7 percent and increased their employment by 18.7 percent one year after treatment.

For those who are able to get treatment, the denial of Food Stamps and welfare after they leave treatment will jeopardize their recovery and make it more difficult for them to get and succeed at job training and employment. The Gramm amendment punishes mothers and children at the point when they need support most to maintain sobriety.

Moreover, the provision does not impose a time limit for benefit denials. Thus, a mother in recovery with an old conviction who has lost her job after years of employment would be ineligible for welfare or Food Stamps.

You have already spoken publicly about provisions of the welfare reform bill that need to be corrected. We urge you to include the Gramm amendment on that list and take action to repeal it.

Thank you for considering our views. For more information, contact Gwen Rubinstein at the Legal Action Center at (202) 544-5478.

Sincerely,

AIDS Action Council
AIDS Policy Center
American Association of Psychiatric Services for Children
American Civil Liberties Union
American Foundation for AIDS Research
American Group Psychotherapy Association
American Managed Behavioral Healthcare Association
American Medical Student Association
American Methadone Treatment Association, Inc.
American Psychological Association
American Public Health Association
American Society of Addiction Medicine
Americans for Democratic Action, Inc.
Association of Halfway House Alcoholism Programs of North America
Association of Maternal and Child Health Programs
Association of State and Territorial Health Officials
Bazelon Center for Mental Health Law

Betty Ford Center
Center for Science in the Public Interest
Child Welfare League of America
Cities Advocating Emergency AIDS Relief (CAEAR)Coalition
Coalition for the Homeless
College on Problems of Drug Dependence
Committee for Children
Employee Assistance Professionals Association
Gateway Foundation
Gay Men's Health Crisis
Hazelden Foundation
Housing Works
Legal Action Center
National AIDS Fund
National Alliance of State and Territorial AIDS Directors
National Association of Alcohol & Drug Abuse Counselors
National Association of Homes and Services for Children
National Association of People with AIDS
National Association of Protection & Advocacy Systems, Inc.
National Association of Psychiatric Treatment Centers for Children
National Association of School Psychologists
National Association of Social Workers
National Association of State Alcohol and Drug Abuse Directors
National Association of the Deaf
National Black Police Association
National Coalition for the Homeless
National Coalition of State Alcohol and Drug Treatment and Prevention Associations
National Community Mental Healthcare Council
National Council of Jewish Women
National Council on Alcoholism and Drug Dependence
National Health Care for the Homeless Council
National Mental Health Association
National Minority AIDS Council
National Parent Network on Disabilities
National Puerto Rican Coalition, Inc.
National TASC
Outreach Project, Inc.
TB and Citizen Action Project
Therapeutic Communities Association of New York
Therapeutic Communities of America
Union of American Hebrew Congregations
Villa Inn, Inc.
World Institute on Disability

cc: Vice President Gore
Mrs. Tipper Gore
General Barry McCaffrey, Director, Office of National Drug Control Policy
Carol Rasco, Assistant to the President for Domestic Policy
Donna Shalala, Secretary of Health and Human Services
Nelba Chavez, Administrator, Substance Abuse and Mental Health Services
Administration

06/07/96

Fact Sheet on New DAA Legislation

On March 29, 1996, President Clinton signed into law Public Law 104-121, the "Contract With America Advancement Act of 1996," which affects Social Security Disability Insurance (DI) and Supplemental Security Income (SSI) beneficiaries whose disability is based on drug addiction and/or alcoholism. Most of these changes are effective immediately.

- The new law prohibits SSDI and SSI disability benefits and Medicare coverage and Medicaid based on SSI coverage to people who are disabled and drug addiction and/or alcoholism is a contributing factor material to the determination of disability.

This provision applies immediately to persons who file for benefits or whose cases are finally adjudicated on or after March 29, 1996.

- Persons who are currently receiving disability benefits based on drug addiction and/or alcoholism will have their benefits and health coverage terminated on January 1, 1997. Until then:
 - Their benefits will continue to be paid to a representative payee;
 - They will continue to be referred to the Referral and Monitoring Agency (RMA) in their State;
 - They must still undergo appropriate treatment for their addiction and/or alcoholism, if it is available; and
 - Their benefits will be suspended if they fail to comply with their treatment plan.
- Within 90 days (before June 28, 1996), SSA must notify all persons who are currently receiving benefits because of DAA about the new law and that they have a right to appeal (request a new medical determination), if they believe they would be disabled even if they stopped using drugs and/or alcohol.
- If a person whose benefits would terminate January 1, 1997, appeals within 120 days after enactment [before July 28, 1996], SSA must make a new medical determination on this claim no later than January 1, 1997. This determination may be appealed; but if DAA is still found to be material, benefits would terminate effective January 1, 1997.

- SSI individuals disabled based on DAA receive full due process protections under Goldberg v. Kelly before termination of SSI benefits based on DAA..
 - This means that SSI individuals who appeal the DAA termination have the right to choose the method of appeal they want (a case review or face-to-face due process evidentiary hearing) and qualify for payment continuation.
 - If SSA does not make a new determination before January 1, 1997 for SSI individuals disabled based on DAA who qualify for payment continuation, SSI benefits will continue at the protected payment level (as long as they meet all eligibility factors) until there is a determination on the appeal.
- Beneficiaries who are incapable of managing their benefits and who have a "DAA condition" are required to have a representative payee. SSA will refer these individuals to the State drug addiction or alcoholism agency for treatment. These provisions are effective for new applications and requests for new medical determinations (appeals) filed after July 1, 1996.
 - The payee provision is not a new requirement. Field offices will follow current instructions for determining when a payee is needed.
 - The new law does, however, retain the \$50 fee that organizational representative payees can collect for beneficiaries who have a DAA condition.
 - SSA is working with Federal and State agencies to develop procedures for handling treatment referrals.

Key DAA Legislation Implementation Dates

<u>DATE</u>	<u>EVENT</u>
03/29/96	Legislation Enacted
04/03/96	Inform Organizations of Legislation
05/25/96	Select Current DAA Beneficiaries to Receive Termination Notices
06/07/96- 06/22/96	Mail SSDI and SSI Termination Notices
06/28/96	Statutory Deadline to Notify Beneficiaries
07/01/96	Special "DAA Condition" Provisions Effective
07/15/96- 07/26/96	Train DDS Hearing Officers
07/28/96	120-Day Reapplication Period Ends
11/30/96	All SSA Reviews, Including Face-to-Face Hearings, Must Be Completed
12/13/96	Last Date to Terminate 01/97 SSI Benefits
01/01/97	Terminate RMA Contracts
01/01/97	Benefits Terminate for SSI Recipients
01/23/97	Last Date to Terminate 02/97 SSDI Benefits
02/03/97	Benefits Terminate for SSDI Beneficiaries

Overview of DAA Claims Process

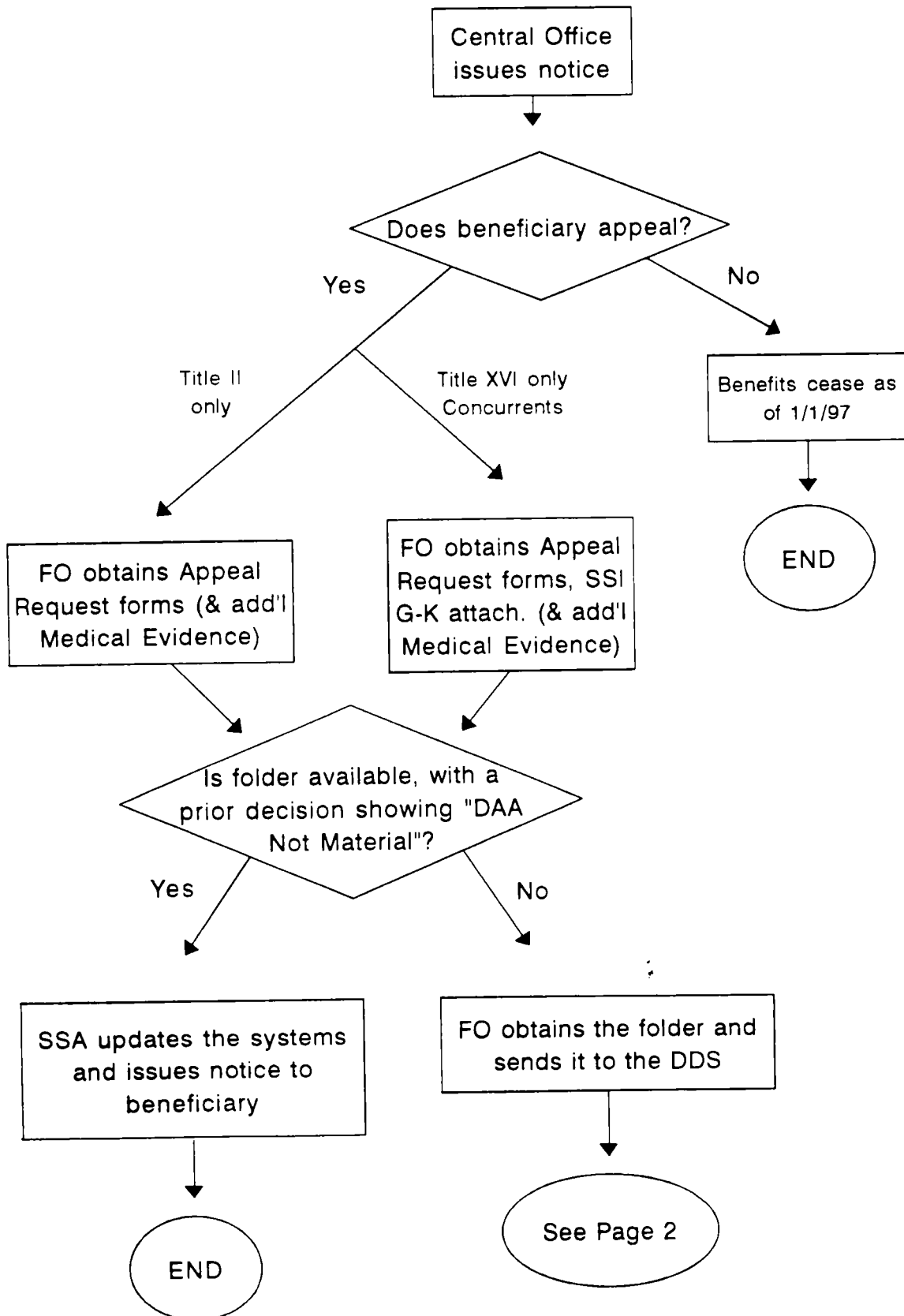
- Beginning June 7, and concluding June 22, 1996, SSA will notify approximately **200,000** persons who are currently receiving SSDI and/or SSI benefits because of DAA that their disability benefits will terminate on January 1, 1997, under the terms of new legislation. Notices will also be mailed to the beneficiaries' representative payees and any auxiliary beneficiaries, most of whom are children.
- These notices will inform beneficiaries that they have a right to **appeal** and request a **new medical determination**. The beneficiary has **60 days** to appeal.
 - Under the new statute, if the beneficiary appeals within 120 after enactment (before July 28, 1996), SSA must make the new decision before January 1, 1997. If the beneficiary appeals on or after July 28, but within the 60-day appeal period, SSA will accept the appeal, but a decision may not be reached by January 1.
 - Special circumstances exist for persons who are receiving SSI (alone or concurrent with SSDI). If the appeal is filed within **10 days** after receiving the notice, the beneficiary may request **continuation of benefits** and **choose the method of appeal**. SSA will continue to pay benefits until the appeal has been decided. The beneficiary may choose an appeal by a "paper" **case review** or a **face-to-face evidentiary hearing**.
- The beneficiary may receive information about the new law or this notice at a field office (FO) or through the teleservice center, but the appeal must be filed in writing.
- At the FO (or by phone if the beneficiary is unable to come to the FO), the beneficiary will receive an explanation of the new law and why SSA believes it applies (because disability is based on DAA). The beneficiary will file the appeal, (if receiving SSI) elect a method of appeal, and provide SSA with information about his current medical condition and sources of treatment.
 - It is possible that the individual **should not have received a termination notice** because his **record was not coded correctly** or because a prior decision was made that DAA is **not material** to his disability.
 - If the FO can determine that the beneficiary has been misclassified as "DAA," then the record will be corrected and the beneficiary will receive a notice that benefits will not terminate.
 - If the file appears to be in order, the FO will forward the file to the State disability determination services (DDS).

- The DDS will first determine that the claim has not been misclassified. If not, then it will proceed to develop and evaluate current medical evidence to determine if the individual is disabled; and if so, whether DAA is material to the finding of disability.
- If the DDS cannot make a favorable determination (i.e., the individual is found to be not disabled, or disabled but DAA is material), then:
 - The claim will proceed to a disability hearing officer, if a face-to-face hearing was elected (SSI); or
 - The beneficiary is informed of the determination and may further appeal to an administrative law judge (ALJ) (SSDI and SSI if face-to-face was not elected).
- The beneficiary may be represented by an attorney at the hearing. He may subpoena witnesses to testify, cross-examine witnesses and otherwise present evidence of disability. Though the hearing is not taped, and no transcript prepared, the hearing officer's notes provide a record of the proceedings.
- If the hearing officer cannot make a favorable determination, then the claim may be further appealed to an ALJ. However, SSI benefits are not continued after the hearing determination has been made.
- At every step in the process, from FO interview through hearing officer decision, DAA cases are treated as the **highest priority** workload. SSA is committed to expediting and streamlining the process to ensure that these reviews are completed in time to terminate benefits in January 1997.

New DA&A Process

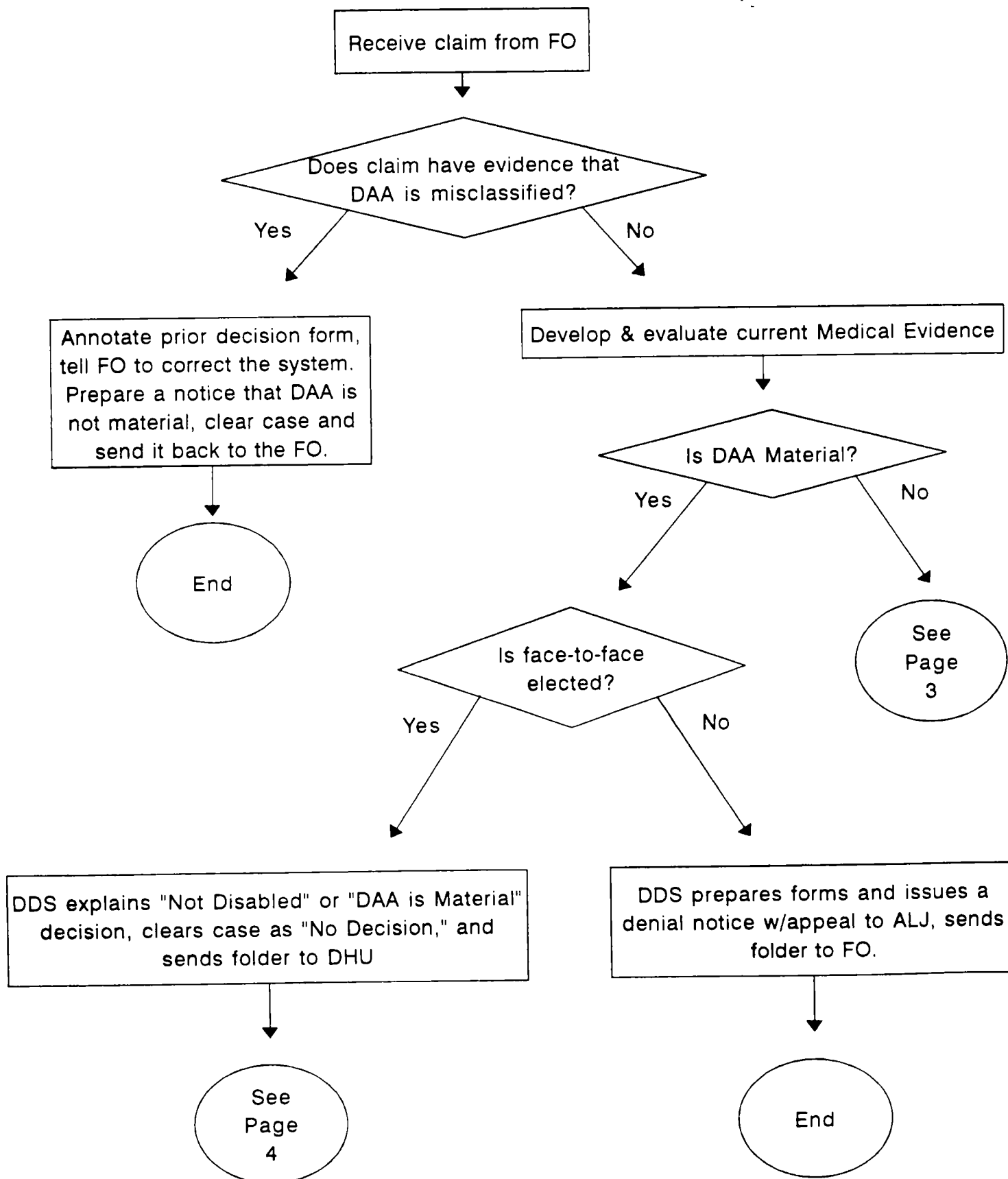
Field Office

1

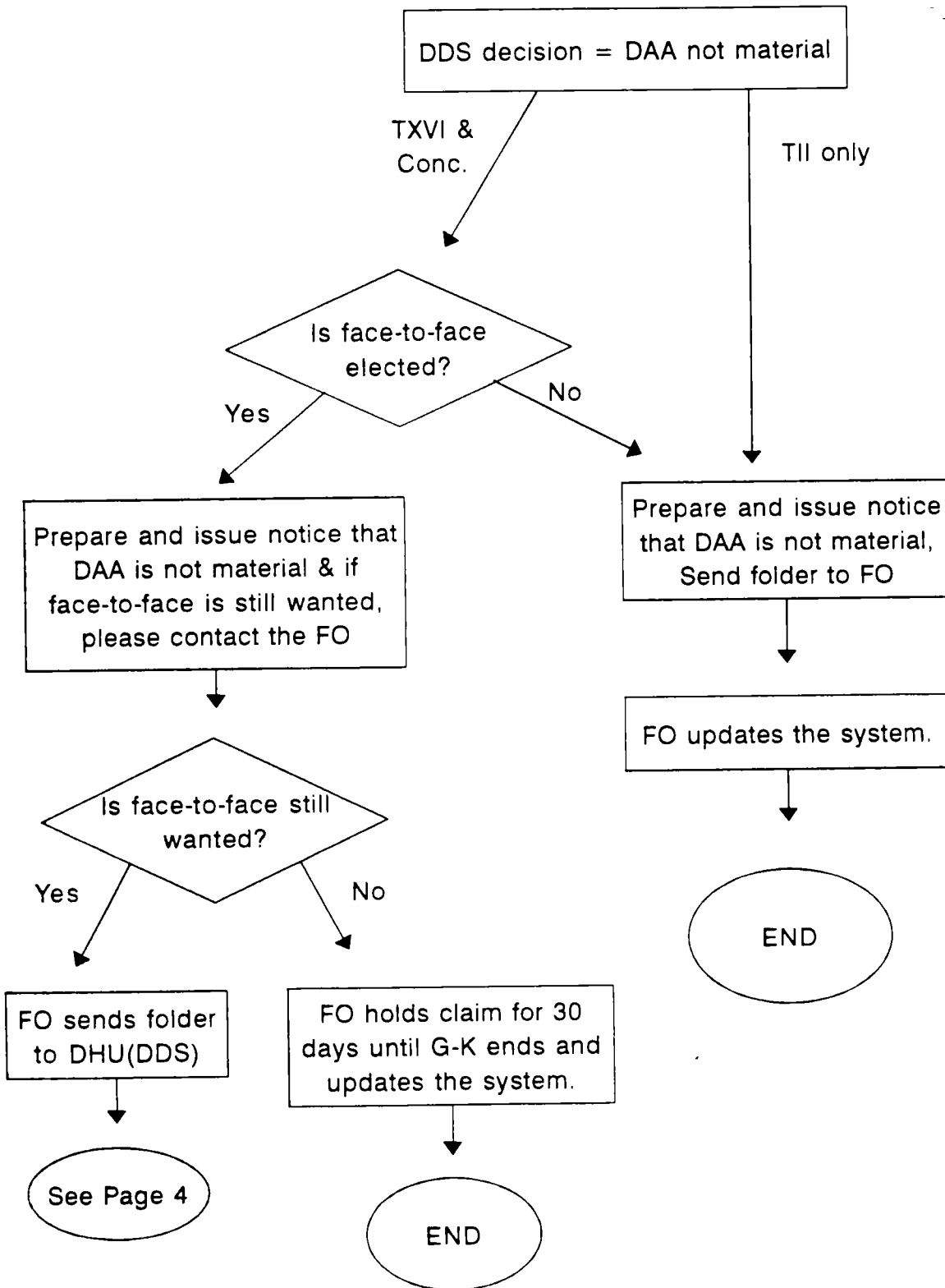


Disability Determination Services Process

2

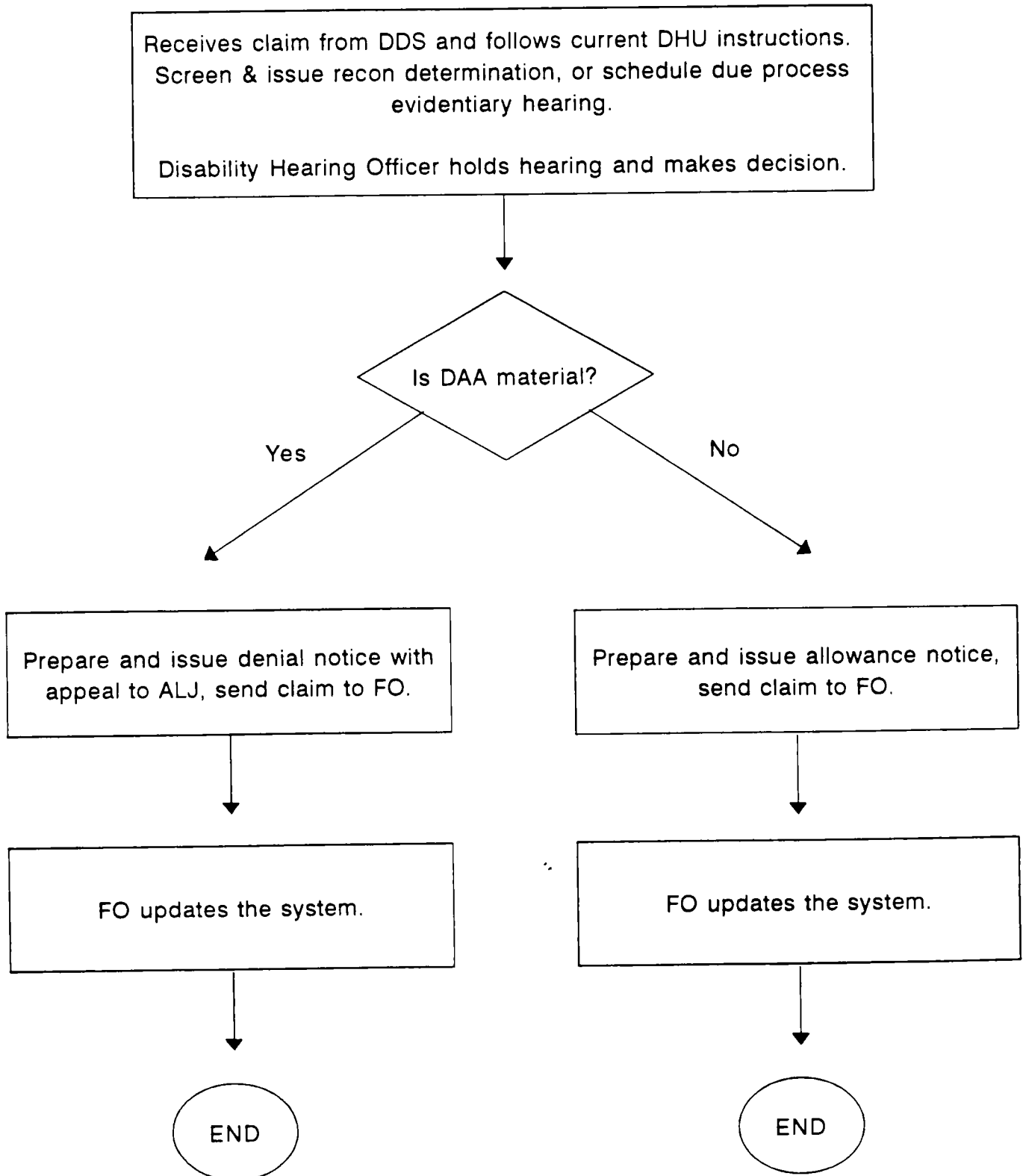


DDS Process - con't



Disability Hearings Unit Process

TXVI and Concurrents



Disability Based On Drug Addiction Or Alcoholism

A new law prohibits Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability benefits and Medicare and Medicaid coverage based on those benefits to people who are disabled because of drug addiction and/or alcoholism. This law applies to people who are applying for benefits or who are already getting benefits because drug addiction and/or alcoholism is a contributing factor material to their disability.

What the Law Requires

Under this new law, if you are currently receiving disability benefits based on drug addiction and/or alcoholism, your cash benefits and Medicare and Medicaid based on SSI will terminate January 1, 1997. However, if you believe that you would be disabled even if you stopped using drugs and/or alcohol, you may reapply for benefits. You also will be able to appeal our decision that your disability is based on drug addiction or alcoholism.

During this time your benefits will continue to be paid to a representative payee, and you still must undergo appropriate treatment for your drug addiction and/or alcoholism, if it is available.

The following provisions apply to applications filed on or after July 1, 1996: If you receive benefits for another disabling impairment and we find that you cannot manage your own benefits, you will be required to have a representative payee. And, if you have a drug addiction and/or alcoholism condition, you will be referred to your state drug addiction or alcoholism agency for treatment.

Representative Payee Requirements

If we send your benefits to a representative payee, the representative payee will manage the money for you. Your representative payee may be a nonprofit social service agency, a governmental social service agency or public guardian, another organization, a family member or other interested person we approve to act in your best interest.

For More Information

You can get more information 24 hours a day by calling Social Security's toll-free number, **1-800-772-1213**. You can speak to a service representative between the hours of 7 a.m. and 7 p.m. on business days. Our lines are busiest early in the week and early in the month, so it's best to call at other times. Whenever you call, have your Social Security number handy.

People who are deaf or hard of hearing may call our toll-free "TTY" number, 1-800-325-0778, between 7 a.m. and 7 p.m. on business days.

The Social Security Administration treats all calls confidentially—whether they're made to our toll-free numbers or to one of our offices. We also want to ensure that you receive accurate and courteous service. That's why we have a second Social Security representative monitor some incoming and outgoing telephone calls.



Incapacidad Debido a la Adicción a Drogas o al Alcoholismo

Una nueva ley prohíbe los pagos de beneficios por incapacidad bajo Seguro Social y Seguridad de Ingreso Suplementario (SSI) al igual que la protección de Medicare y Medicaid a individuos cuya incapacidad es causada por la adicción a drogas o al alcoholismo. La nueva ley afecta a personas que solicitan beneficios o a los que reciben beneficios por que la adicción a drogas o el alcoholismo son un factor contribuyente de su incapacidad.

Lo Que Requiere La Ley

Bajo esta nueva ley, si actualmente recibe beneficios basados en la adicción a drogas o al alcoholismo, sus beneficios en efectivo, al igual que su Medicare y Medicaid bajo el SSI terminarán el 1º de enero de 1997. Sin embargo, si cree que seguiría incapacitado aunque deje de usar drogas o alcohol, puede volver a solicitar beneficios. Usted también puede apelar nuestra decisión de que su incapacidad se basa en la adicción a drogas o el alcoholismo.

Durante ese tiempo seguiremos pagando los beneficios a un representante de beneficiario, y usted todavía necesita seguir un tratamiento apropiado para su adicción a drogas o el alcoholismo, si está disponible.

Las siguientes provisiones aplican a solicitudes hechas en o después del 1º de julio de 1996. Si recibe beneficios por otro impedimento incapacitante y encontramos que usted no puede manejar sus propios beneficios, debe tener un representante de beneficiario. Y si tiene una condición debido a drogas o al alcoholismo, será referido a la agencia de su Estado de adicción a drogas y al alcoholismo para tratamiento.

Requisitos del Representante de Beneficiarios

Si le pagamos sus beneficios por medio de un representante de beneficiario, el representante administrará el dinero por usted. Su representante puede ser una agencia no lucrativa de servicio social, una agencia gubernamental de servicio social, o guardián público, otra organización, un familiar u otra persona interesada que aprobemos para actuar por su bienestar.

Para Más Información

Usted puede obtener más información 24 horas al día llamando al número de teléfono gratis del Seguro Social, **1-800-772-1213**. Puede hablar con un representante entre las 7 a.m. y las 7 p.m. de lunes a viernes. Nuestras líneas están más ocupadas al principio de la semana y del mes. Si su asunto puede esperar, sería mejor que llamara en otro momento. Cuando llame, tenga a mano su número de Seguro Social.

Las personas sordas o con impedimentos auditivos pueden llamar a nuestro número gratis de "TTY" al 1-800-325-0778 entre las 7 a.m. y 7 p.m. de lunes a viernes.

La Administración de Seguro Social trata todas las llamadas confidencialmente—tanto las que se hacen a nuestros números gratis como las que se hacen a una de nuestras oficinas locales. También queremos asegurar que usted reciba un servicio correcto y cortés. Por eso tenemos un segundo representante de Seguro Social escuchando algunas llamadas telefónicas.



National Coalition for the Homeless

Social Security Disability Insurance (SSDI) and

Supplemental Security Income (SSI)

On March 29 President Clinton signed into law H.R. 3136. Media coverage focused on this bill as "debt ceiling" legislation because it increased the Federal debt limit. However, it also accomplished other legislative objectives, including raising the Social Security earnings limit. **In order to pay for this increase, H.R. 3136 included language that would deny disability benefits and, by extension, access to Medicaid, to people whose addictions are considered to be a "contributing factor material to" the determination of their disability status.**

The Social Security Administration estimates that 200,000 people who are currently on SSI or SSDI receive their benefits due to a disability determination linked to drug addiction or alcoholism. All of these people are liable to have their benefits terminated on January 1, 1997. However, they are entitled to a redetermination of eligibility if they reapply for benefits no later than July 28, 1996. SSA believes that many current beneficiaries can be reclassified as disabled through conditions not related to addictions. However, they believe that **at least 40,000 people are likely to be eliminated from the rolls due to these changes to the Social Security Act.**

SSI and SSDI benefits are often the only income that stands between an individual and homelessness. Furthermore, they provide access to health care through Medicaid. Changes in the disability definitions are likely to result in 40,000 more homeless Americans by the end of 1996 and in thousands more homeless individuals over the next few years as people are found to be ineligible for SSI and SSDI. **While this may enable Congress to pay for continued benefits to working seniors, it will lead to increased pressure on homeless service providers and greater costs to the indigent medical care system.**

- **It is important to help your clients reapply now.** People whose disability status can be reclassified must submit applications by July 28, 1996. The SSA must complete a new medical determination of eligibility before January 1, 1997. NCH can provide you with further details on the new regulations as they develop.
- **Congress' action in this situation is based neither on solid data nor on a well-thought out approach to helping vulnerable Americans address their addictions or overcome their disabilities.** Congress was motivated to take this action in part because of anecdotal evidence that people with addictions use their benefits to buy drugs and alcohol. Despite this, only \$50 million was added to the Substance Abuse Block Grant in this legislation, hardly enough to significantly impact the problem. Furthermore, since addictions are often linked with mental disabilities, this money might be better spent on mental health services, such as the PATH program.
- **Let members of Congress and the Administration know that this change will result in a significant increase in homelessness.** Health problems will also worsen and health costs can be expected to rise, with increased use of emergency rooms. Members of Congress can be reached at 202/224-3121. Carol Rasco, head of the Domestic Policy Council, can be reached at 202/456-1414.