

Dear Commissioner,

June 11, 2003

As the mother of a mentally ill son who also has a seizure disorder, I would like to make my points in addition to the following, as well as the attached section of the Bazelon Organization's comments.

Re: SSA Mental Impairment Criteria: Current mental impairment listings criteria work well. While there are important updates and refinements that should be included, a major overhaul of the mental disorder Listing is not necessary."

My son is 26 years old. This past Fall, 2002, Social Security declared him fit to work and decided to discontinue his SS benefits. This determination also included discontinuation of his medical coverage. His monthly medicine charges total \$500.00. Although I agree that most of the criteria works well, refinements to that criteria can make a world of difference in the patient's life, for the better. My son's determination was made before more specific, personalized information, contributed by family members, was submitted. Although my son would like to work independently, he can not; although he would like to think he remembers important information, he forgets from day to day; although we wish he could live and work in a sustained routine, he cannot. The list goes on but you see my point. Without the added refinements the picture of the patient is only a snapshot rather than a full view.

On behalf of my son and many, many others afflicted with mental illness, I urge you to extend the criteria for benefits so that determination is completely, and rightfully, fair. I appealed my son's case and we won; but only after a more detailed and rigorous application process. This could have been administered the first time around. Think of the cost-effectiveness also. Thank you for considering my comments. I hope to see future news that puts the Social Security application process in a favorable light.

Respectfully,

A handwritten signature in cursive script that reads "Marilyn Korby". The signature is written in black ink and is positioned below the typed name "Marilyn Korby".

1. Clarifying Language for B Criteria

The four current “B” criteria that measure functional impairment also need revision. The following suggestions are based upon existing SSA material (either taken from the current Introduction to the Listings or from other documents relating to the RFC assessment) and would expand the explanation of each factor, thus providing further helpful guidance for adjudicators:

A. Activities of Daily Living

Additional material should be added to this section to explain that relevant ADLs include the ability to engage, independent of supervision or direction, appropriately, effectively and in a sustained manner in activities such as ability to pay bills, carry out simple instructions, maintain personal appearance and health, travel in unfamiliar places, set realistic goals, manage and maintain a work or home environment and cope with routine stresses of daily life.

B. Social Functioning

Additional material should be added to this section to explain that social functioning includes the ability to interact independently, appropriately, effectively and on a sustained basis with other individuals in a social or work related environment, including the ability to remember people, incidents and facts and to engage successfully in problem solving around tasks or social interactions.

C. Concentration, persistence or pace.

Additional material should be added to explain that concentration, persistence and pace in work situations may involve the ability on a sustained basis to carry out short, simple instructions or more detailed instructions, to maintain attention and concentration for extended periods, perform activities within a schedule, be punctual, sustain a routine without special supervision, work in proximity to others, make simple work decisions and complete a normal workday and workweek, and perform at a consistent pace without an unreasonable number or length of rest periods.

D. Episodes of Decompensation.

The phrase “highly structured and directing household” should be changed to “highly structured and supportive” settings to make it consistent with other language in the Introduction defining “highly structured and supportive” settings. (This language is also similar to that used in the SSI childhood disability listing 112.00.F.)

2. Supported Work

When a claimant is engaged in supportive work, adjudicators often concluded that he/she can have no significant limitations in social functioning or in concentration, persistence and pace. The Listings should clarify that supported employment should not be improperly interpreted to mean that the claimant is not disabled. Generally, the need for such a setting for a claimant with a mental impairment is evidence of disability and the need for services to compensate for that disability before the individual can engage in any work activity. Without the supports and services furnished through supported employment, these individuals could not engage in competitive employment.

IV “C” Criteria Listings Issues

Section 12.00 should be amended to create a subsection that discusses the “C” criteria in order to provide greater clarity. SSA should incorporate language from current §12.00A, 12.00E, and the “C” criteria in specific listings so as to describe six concepts relevant to “C” criteria (but also relevant at all steps of the sequential evaluation):

1. Effects of structured settings. (This should refer to the effect of living in a structured or supportive setting, including living at home with supports that may help to control signs and symptoms. SSA should consider the

amount of help needed to maintain functioning, adjustments made to the environment and how the individual might function without the structured or supportive setting being available.)

2. Stress and mental illness. (This section should incorporate language currently found in Social Security Ruling (SSR) 85-15, including the discussion of how good mental health services may enable individuals to function adequately in the community by lowering pressures, by medication and through services of outpatient or day programs. Mental illness is characterized by adverse responses to stress, and individuals may be unable to face the demands of getting to work regularly, having their performance supervised and remaining all day. These and other factors cited in the Ruling should be considered in determining eligibility under the Part C criteria.)

3. Extra help. This section should include the language in the similar section in the SSI childhood disability regulations that requires adjudicators to consider how independent the individual is and how much they need supervision, direction or cuing or whether they need special equipment, devices or medications to perform daily activities.

4. Unusual settings. This section should include the more expansive language from the SSI childhood disability regulations that discusses how an individual may appear less impaired in a single examination than indicated by information covering a longer period.

5. Effects of medication. This section should be modeled on the SSI childhood disability regulations and also incorporate language from the current section 12.00G in order to ensure that adjudicators give proper attention to the effects of medication on symptoms, signs and ability to function as well as to side effects of medications.

6. Effects of treatment. This section should reflect the current 12.00H that discusses the impact of treatment on signs, symptoms and function. Treatment may, or may not, assist in the achievement of a level of adaptation adequate to perform sustained Substantial Gainful Activity.