



National Disability Forum to discuss “The Realities of Work for Individuals with Disabilities: Impact of Age, Education and Work Experience”

Legislative History and Congressional Oversight

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Defining disability, a brief history...

The Social Security Amendments of 1954 included the first statutory definition of disability, then needed to determine who would be eligible for the so-called disability "freeze." Disability was defined as:

"inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration"

Defining disability, a brief history...

Two years later, President Dwight D. Eisenhower signed into law the Social Security Amendments of 1956, establishing the Social Security Disability Insurance program. The definition of disability did not change.

“the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration.”

Defining disability, a brief history...

The next change to the definition of disability was made in the 1965 Amendments, which liberalized the definition of disability, as follows:

Then current law:

"the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration."

Change:

"has lasted or can be expected to last for a continuous period of not less than 12 months."

Defining disability, a brief history...

Later, the Congress would become concerned about the rising cost of the disability program and the way the statutory definition of disability was being interpreted in some court jurisdictions.

Ultimately, the following clarification to the law was added in the Social Security Amendments of 1967.

Defining disability, a brief history...

"An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the 'preceding sentence (with respect to any individual), 'work which exists in the national economy' means work which exists in 'significant numbers either in the region where such individual lives or in several regions of the country."

Use of Medical and Vocational Factors

Since the vocational factor regulations were finalized in 1978, the percentage of disabled beneficiary awards due to the consideration of medical and vocational factors would rise to 26.9 percent by 1999, and reach 50.2 percent in 2012.

By 2012, 37 percent of disabled applicants were denied benefits due to the ability to do other work.

Social Security Disability Programs as “High Risk” Since 2003

The Government Accountability Office designated Social Security disability programs as high-risk in 2003, “in part because these programs emphasize medical conditions in assessing an individual’s work incapacity without adequate consideration of the work opportunities afforded by advances in medicine, technology, and job demands.”

Congressional Oversight

Since 2012, a representative of the Social Security Administration has appeared at over 25 hearings focused on disability programs in both the House and the Senate.

Ways and Means Subcommittee on Social Security Chairman Sam Johnson has introduced eight disability bills this year, a number of which have also been introduced by Chairman of the Senate Finance Committee Orin Hatch. One of these bills, the Guiding Responsible and Improved Disability Decisions (GRIDD) Act of 2015 (H.R. 1800), requires the Social Security Administration to update the medical-vocational regulatory guidelines.

Congressional Oversight

Congress recently passed and the President has signed into law the Bipartisan Budget Act of 2015, which, among other provisions, ensures payments of full disability benefits into 2022.

Our Challenge

- ▶ Help Social Security preserve the crucial safety net of Social Security disability programs for those who cannot work.
- ▶ Help Social Security make the right decision. Beneficiaries on the rolls face a lifetime of near poverty income, with very few achieving gainful employment and financial independence.
- ▶ Help Social Security ensure public confidence in disability programs by enabling the achievement of fair, accurate, and consistent decisions.

Questions to Consider

- ▶ Is literature available that validates the use of age, gender, education, and work history in determining disability without regard to functioning?
- ▶ In the 21st century regarding the today's changing nature of work, is it reasonable to assume that suddenly at age 50 or age 55 a person is totally unable to adjust to other work?
- ▶ What do medical experts say about age and its relationship to function?
- ▶ Knowing that no two people are exactly the same, and how Social Security is continuing to improve its quality review process, should decision makers, with the support of improved tools, policies, and experts where needed, make their own decisions on a case-by-case basis?

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