

WEBINAR & TELELEARNING SERIES



The New MS Listing for Social Security: Learn How Recent Changes to the MS Standard Will Impact your Disability Claim

October 24, 2017

Presented by:



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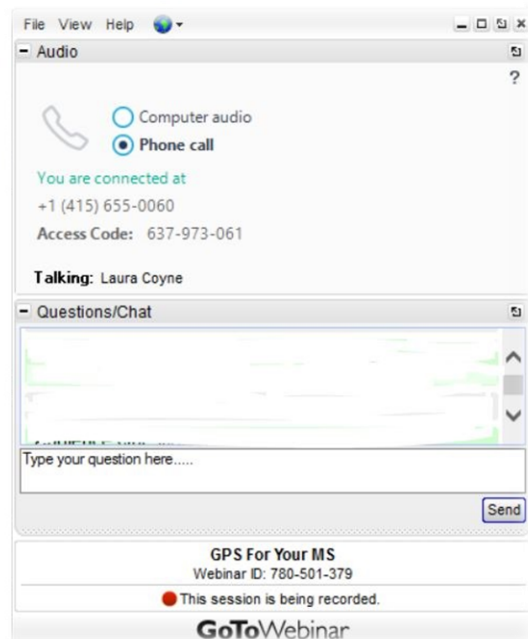


**National
Multiple Sclerosis
Society**



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Social Security Disability Insurance

- Basic Requirements:
 - Sufficient disabling condition (12 mos./death)
 - Sufficient work history
 - Lifetime work
 - Recent work
 - SSI Medical Requirements/Asset Limitations

Two-Step Test for SSDI (Applies to Any Condition)

- Can claimant perform:
 - Prior full time work in the past 15 years
 - Age-based ‘fictional work’
 - Under 50: any work (including sedentary)
 - Over age 50: light duty work

Major Factors for Two-Step Test

- Fatigue (physical and mental)
- Good days and bad days
- Upper extremity limitations
- Bladder issues
- Cognitive slowing
- Lower extremity limitations (if over age 50)

SSA Listing for MS – 11.09

- What is a listing?
 - Alternative to Two-Step Test
 - MS Listing revised fall 2016
- Two separate listing tests for MS, based on ‘extreme’ and ‘marked’ limitations

The MS Listing – Part One

- 11.09A – Extreme Limits
 - Disorganization of motor function in two extremities
 - Resulting in ‘extreme’ limitation of
 - Standing from seated position
 - Balance while standing or walking
 - Use of upper extremities
 - Very Challenging Standard

The MS Listing – Part Two

- 11.09B – Marked Limitations
 - Marked Limitations in Physical Function
 - “Persistent or intermittent symptoms that affect your abilities to independently initiate, sustain and complete work-related activities...”
 - Includes standing, balancing, walking, or using two extremities

AND...

The MS Listing – Part Two

...AND

- Marked Limitations in Cognitive Function
 - Concentrating, persisting, or maintaining pace
 - Maintaining pace without unscheduled breaks
 - Adapting or managing oneself
 - Responding to demands and accepting workplace changes
 - Understanding, remembering or applying information
 - Reliably carrying out two-step instructions
 - Interacting with others
 - Accepting correction and working with others

Alternative Listings for MS

- **Listing 2.00 – Visual Dysfunction**
 - Visual acuity below 20/200 (with glasses)
 - Visual field limitation below 20 degrees
- **Listing 12.02 – Neurocognitive Disorders**
 - Significant decline in any of complex attention, executive function, learning and memory, language, perceptual-motor, or social cognition, AND
 - Extreme limitation of one or marked limitation of two of cognitive limits in prior slide; OR
 - Condition so severe as to require at least two years of support in highly structured setting due to minimal capacity to adapt to work changes or demands
- **Listing 12.04 – Depressive, Bipolar and Related**
 - Medical documentation of numerous severe symptoms of depressive disorder or bipolar disorder, AND
 - Extreme limitation of one or marked limitation of two of cognitive limits in prior slide; OR
 - Condition so severe as to require at least two years of support in highly structured setting due to minimal capacity to adapt to work changes or demands

Hints and Tips

- The SSA considers more than just your neurologist
 - Other specialists, including urologists, physical therapists, neuropsychologists, are important
 - Nurses and other non-doctors engaging in treatment may be given weight under new SSA rules
- Keep your providers informed
- Talk with your providers about your limitations before you leave work
 - The SSA wants to see if you've worked through limitations and if your limitations have increased over time
- If possible, review your most important treatment records for errors and omissions
- Upon application, you or your attorney should obtain limitations statements from your providers

New SSD Guidebook

Applying for Social Security Disability Benefits

A Guidebook for People with MS and their Healthcare Providers
For more information, visit nationalMSSociety.org/SSDGuide



Guidebook Contents

- Detailed description of the application process
- Glossary
- SSA Listing of Impairments
- Disability Evaluation Checklist for Healthcare professionals
- Worksheets for Personal Use
 1. Your Medical History
 2. How MS Symptoms Impact Your Functioning and Ability to Work
 3. Your Work History
 4. Supporting information from Others 82
- Getting Assistance with Your Application

Sample Checklist Page – physical functioning

**CHECK ALL SYMPTOMS THAT INTERFERE WITH YOUR
PATIENT'S PHYSICAL FUNCTIONING:**

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Flaccidity | <input type="checkbox"/> Spasticity | <input type="checkbox"/> Spasms |
| <input type="checkbox"/> Incoordination | <input type="checkbox"/> Imbalance | <input type="checkbox"/> Tremor |
| <input type="checkbox"/> Physical fatigue | <input type="checkbox"/> Weakness | <input type="checkbox"/> Dizziness |
| <input type="checkbox"/> Numbness/tingling | <input type="checkbox"/> Respiratory function | <input type="checkbox"/> Swallowing |
| <input type="checkbox"/> Vision [may also be evaluated under 2.0 of the Listing] | | |

Neurologic exam:

Date(s): _____

Relevant findings: _____

Tests conducted, if any:

Date(s): _____

Relevant findings: _____

Sample Checklist Page – cognitive functioning

Neurocognitive Disorders (12.02)

Medical evidence: (relevant evidence from the physician, psychologist or other medical sources showing a significant decline from a prior level of function in one or more cognitive areas):

- | | |
|--|---|
| <input type="checkbox"/> Complex attention | <input type="checkbox"/> Executive function |
| <input type="checkbox"/> Learning and memory | <input type="checkbox"/> language |
| <input type="checkbox"/> Perceptual-motor skills | <input type="checkbox"/> Social cognition |

Evaluation Dates: _____

Test Results: _____

Sample Checklist Page – mood changes

Depressive, bipolar and related disorders (12.04)

- Medical evidence:** (relevant evidence from the physician, psychologist or other medical sources demonstrating a Depressive Disorder characterized by five or more of the following):
 - Depressed mood
 - Diminished interest in almost all activities
 - Sleep disturbance
 - Appetite disturbance with change in weight
 - Observable psychomotor agitation or retardation
 - Decreased energy
 - Feelings of guilt or worthlessness
 - Difficulty concentrating or thinking
 - Thoughts of death or suicide

Worksheets to Help You Gather Relevant Information

Worksheet 1: Applicant Medical History

This worksheet will help you gather the medical information you need to complete your SSDI application.

Worksheet 2: How MS Impacts Your Functioning and Ability to Work

This worksheet will help you describe your MS symptoms and how they impact your functioning on the job.

Worksheet 3: Applicant Work History

This worksheet will help you gather the work, personal, and income history you need to complete your SSDI application.

Worksheet 4: Supporting Information from Family, Friends, Colleagues

This worksheet will help you gather helpful information from people who know you about the ways in which your MS or other conditions have impacted your ability to function.

About Attorneys

- When do you need one?
 - Recommend at initial filing
 - Necessary for appeal and hearing
- What do they charge?
 - Contingent fee
 - 25% of past due benefits, capped at \$6,000
 - Ask about costs (copying, postage, records)
- What should I look for?
 - Experience with MS claims
 - Practice focused primarily on disability claims
 - Can you actually reach out to your attorney when needed
 - Do you know which attorney will actually handle your claim and hearing

Recap: Three Ways to Get Approved

- Two-Part Test based on past work and age
- MS Listing showing extreme physical limitations
- MS Listing showing both marked physical and marked cognitive limitations

Decision Timelines

- It's a long process!
 - Three to five months for initial decision
 - First appeal is reconsideration, roughly an additional three months (most states)
 - Request for hearing an additional 15 to 24 months
- Good luck!

Additional Resources

- Information on nationwide SSDI assistance, as well as on timelines and requirements, available at www.jrhlegal.com
- Information from the National MS Society at www.nationalMSSociety.org or 1-800-344-4867
- Social Security Administration (SSA) at www.socialsecurity.gov/disability or 1-800-772-1213



Questions/Comments



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<https://www.mscando.org/get-involved>

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Can Do Library

Find these resources at www.MSCanDo.org.

National MS Society Resources

Applying for Social Security Disability Benefits

A Guidebook for People with MS and their Healthcare Providers
For more information, visit nationalMSSociety.org/SSDGuide



CARLOS
DIAGNOSED IN 2001

MS
National
Multiple Sclerosis
Society



Social Security Disability Insurance

Social Security Disability Insurance

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- › Frequently Asked Questions about SSDI
- › Compassionate Allowances

PUBLICATION

Applying for Social Security Benefits: A Guidebook for People with MS and Their Healthcare Providers

This guidebook offers information and tools to help you and your healthcare provider(s) work collaboratively on a successful application for Social Security Disability Insurance or Supplemental Security Income.

[Download Now](#)

RESOURCE

Social Security Disability Insurance Self Advocacy

Tools to help obtain the Social Security Disability Insurance or Supplemental Security Income benefits to which you are entitled.

[Download Now](#)

If you live with multiple sclerosis and are unable to work due to an MS-related disability and/or other conditions, you might be entitled to Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits. The Social Security Disability Guidebook can assist you in deciding whether applying for disability benefits is right for you, and in navigating the complex application process. Additionally, information about certain types of MS that may qualify a person for an expedited review of their application for disability benefits is provided on this website in the section on Compassionate Allowances.

The Social Security Administration (SSA) recognizes MS as a chronic illness or "impairment" that can cause disability severe enough to prevent an individual from working. If you have any of the following symptoms, or any combination of these or other symptoms that prevent you from working, you might qualify for Social Security benefits:

- › Difficulty with walking and other motor skills
- › Difficulty seeing
- › Difficulty concentrating or completing simple tasks
- › Difficulty remembering
- › Extreme fatigue, regardless of sleep
- › Speech impairment
- › Side effects of medication(s)

While SSI and SSDI provide different benefits, SSA uses the same disability determination process for both. You can even qualify for both at the same time. This Guidebook, *Applying for Social Security Benefits: A Guidebook for People with MS and Their Healthcare Providers*, focuses primarily on the SSDI application process but includes helpful information for both programs. If you need additional information or help as you read through the guidebook, contact an MS Navigator, call SSA at 1-800-772-1213, or visit SSA's website.

Resources

- › U.S. Social Security Administration
- › Disability Assessment Services: Rocky Mountain MS Center
- › National Organization of Social Security Claimants' Representatives (NOSSCR)
- › Allsup
- › U.S. Department of Health and Human Services
- › Centers for Medicare and Medicaid Services (CMS)

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October 24, 2017

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