

## Medical Continuing Disability Reviews

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**When to Expect a Continuing Disability Review (CDR):** Depends in part on the classification of the impairment for which benefits were granted. The following are general rules that apply to both SSI and Social Security Disability Insurance (SSDI) beneficiaries.

- Medical Improvement Not Expected (MINE): Social Security Administration (SSA) will review once every 5 to 7 years.
- Medical Improvement Possible (MIP): SSA will review once every 3 years.
- Medical Improvement Expected (MIE): SSA will review as early as 6 to 18 months following finding of disability.
- Vocational Re-examination cases: SSA will review recipients enrolled in vocational program, which may improve ability to work, at the end of the program.
- SSA will review if one of these factors is present: individual now benefits from advance in technology, completion of trial work period (TWP), substantial earnings reported, recipient or other person reports to SSA that the individual returned to work or has recovered.

**NOTE:** The work-triggered CDR, authorized for persons who return to work and/or complete the TWP, will not apply to persons who have been entitled to SSDI for at least 24 months (see below).

**The Medical Improvement Standard:** During a medical CDR, SSA must determine whether there is any decrease in the medical severity of the impairments which were present at the time of the most recent decision finding that the recipient was disabled or continued to be disabled. "Comparison point date" is the term used to describe this process.

- A decrease in medical severity must be shown by changes in medical signs, symptoms, and/or laboratory findings.
- Upon review, if there is no medical improvement, then the CDR ends and benefits are continued.
- SSA cannot terminate benefits unless it determines that medical improvement has occurred, and that the recipient's condition has improved to the point where he or she can work or return to work.
- If SSA determines that medical improvement exists, it must then determine whether the recipient's current condition(s) is severe.
  - If the person's current condition is not severe, the process ends. The person will no longer be considered disabled and benefits will be terminated.
  - If the person's current condition is severe, SSA must then determine whether the recipient's current condition meets the regular eligibility standards for a finding of disability.
    - If yes, the recipient's benefits will be continued.
    - If no, the recipient's benefits will be terminated.

**If the CDR results in a decision to terminate the benefits**, SSA must send a recipient a written notice of the termination that includes:

- An explanation of the specific reason for termination and notice of appeal rights; and
- Notice of the right to elect continuing benefits, at each stage, pending a hearing before an administrative law judge.
- The recipient must elect to continue receiving benefits within 10 days of receipt of the notice of termination unless he or she can show that they had good cause for failing to act timely.

### **Medical CDRs Generally Cannot be Triggered by Work Activity**

- Work-triggered CDRs were eliminated effective January 1, 2002, for persons who have received SSDI benefits for at least 24 months.
- No CDR may be scheduled solely because of the individual's work activity.
- No work activity may be used as evidence that the individual is no longer disabled.
- No cessation of work activity may give rise to a presumption that the individual is unable to engage in work.

**NOTE:** Persons affected by this section are still subject to a regularly scheduled medical CDR (except as limited by the Ticket provisions) that is not triggered by work and will be subject to termination of benefits if they perform substantial gainful activity (SGA).\*

### **Suspension of CDRs for Ticket holders:**

- Under the Ticket to Work program, a person who is using a Ticket and making "timely progress" (as defined in Ticket regulations) will not be subject to a medical CDR.

### **Section 301: Right to Continue Benefits if Involved in Certain Vocational Programs or a Special Education Program**

- Following a CDR, when an SSI or SSDI beneficiary is found to be no longer medically disabled, benefits are ordinarily discontinued. Similarly, following an SSI "Age 18 Redetermination," if the beneficiary is found to not meet the adult's SSI disability standard, benefits are ordinarily discontinued.
- Section 301 protects benefits of persons who participate in an approved vocational rehabilitation program. It allows benefits to continue after the beneficiary is found to be no longer disabled, or after he or she is found to be not disabled following an Age 18 Redetermination.
- See our Section 301 at a glance for more information.

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\*In 2021, SSDI benefits may be terminated if a person performs SGA by earning more than \$1,310 per month (\$2,190 if statutorily blind) after a nine-month trial work period. SSI recipients do not face a termination of benefits when they work at the SGA level; instead, their benefits will be reduced under a benefit reduction formula.