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SOCIAL SECURITY ADMINISTRATION

Testing Modifications to the Disability Determination Procedures; Disability Determination Services Full Process Model with Rationale Summary

AGENCY: Social Security Administration.
ACTION: Notice of the additional test sites and the duration of testing involving modifications to the disability determination procedures.

SUMMARY: The Social Security Administration (SSA) is announcing the locations of additional tests that it will conduct under the current rules codified at 20 CFR 404.906, 404.943, 404.966, 416.1406, 416.1443, and 416.1466. Those rules provide the authority to test modifications, either individually or in any combination, to the disability determination procedures that we normally follow in adjudicating claims for disability insurance benefits under title II of the Social Security Act (the Act) and claims for supplemental security income (SSI) payments based on disability under title XVI of the Act. This notice announces the test sites and duration of tests involving a combination of modifications to the disability process. The additional testing will focus on certain SSA requirements for preparing a rationale for the adjudicator's disability determination to see if the modifications have any effect on how these requirements are met.

FOR FURTHER INFORMATION CONTACT: Harry Pippin, Disability Models Team Leader, Office of Disability, Disability Process Redesign Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410-965-9203.

SUPPLEMENTARY INFORMATION: In April, 1997, SSA began testing several modifications to its disability determination procedures. These modifications have been described in a **Federal Register** notice published on April 4, 1997 (62 FR 16210) and final rules published on September 23, 1997 (62 FR 49598). Those modifications were: the use of a single decisionmaker who may make the disability determination without requiring the signature of a medical consultant; the conducting of a predecision interview in which a claimant, for whom SSA does not have sufficient information to make a fully favorable determination or for whom the evidence would require an initial determination denying the claim, can present additional information to

the decisionmaker before an initial determination is made; the elimination of the reconsideration step in the administrative review process; the use of an adjudication officer who will conduct prehearing procedures and, if appropriate, will issue a decision wholly favorable to the claimant; and the elimination of the Appeals Council step in the administrative appeals process.

Selection of cases for these tests in eleven state sites began in April 1997 and ended in January 1998. Adjudication of cases following the modified process continues.

We are now announcing the beginning of additional testing of a process that incorporates the above modifications, with the exception of the elimination of the Appeals Council step in the administrative appeals process. This testing will focus on certain requirements, as set out in SSA's rules and regulations, for preparing a rationale for the adjudicator's disability determination to see if the integrated model procedures have any effect on how these requirements are met. Some sites will test all of the modifications as described above, except the elimination of the Appeals Council review step; in other sites, only certain of the modifications will be tested. The test will take place at the following locations:

- Disability Determination Service Administration, Arizona Department of Economic Security, Suite 105, 3655 East Second Street, Tucson, AZ 85716;
- Disability Adjudication Section, Division of Rehabilitation, Clark Harrison Building, 330 West Ponce de Leon Avenue, Decatur, GA 30030;
- Disability Determination Service, Department of Vocational Rehabilitation, Central Avenue, Building 1313, Tiyan, Guam 96913
- Social Security Disability Determinations Services, Minnesota Department of Economic Security, Suite 300 Metro Square Building, 121 East Seventh Place, St. Paul, MN 55101;
- Section of Disability Determinations, Missouri Department of Vocational Rehabilitation, 2530 I South Campbell Street, Springfield, MO 65807;
- Office of Disability Determinations, New York State Department of Social Services, 99 Washington Avenue, Room 1239, Albany, NY 12260; and
- Disability Determination Services, Vocational Rehabilitation Division, Ground Floor, 500 Summer Street, NE, Salem, OR 97310.

Selection of cases for testing will begin on or about October 29, 1998, and is expected not to continue beyond December 31, 1999. If the Agency decides to continue case selection

beyond this date, another notice will be published in the **Federal Register** to inform the public regarding continuation of the test.

Dated: October 6, 1998.

Susan M. Daniels, Ph.D.,

Deputy Commissioner for Disability and Income Security Programs.

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SOCIAL SECURITY ADMINISTRATION

Social Security Acquiescence Ruling

98-5(8)

State of Minnesota v. Apfel; Coverage for Employees Under a Federal-State Section 218 Agreement or Modification and Application of the Student Services Exclusion From Coverage to Services Performed by Medical Residents—Title II of the Social Security Act

AGENCY: Social Security Administration.
ACTION: Notice of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 402.35(b)(2), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 98-5(8).

EFFECTIVE DATE: October 30, 1998.

FOR FURTHER INFORMATION CONTACT: Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1695.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 402.35(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals' decision, as explained in this Social Security Acquiescence Ruling, at all levels of administrative adjudication within the Eighth Circuit. This Social Security Acquiescence Ruling will apply to all determinations or decisions made on or after October 30, 1998. If we made a determination or decision between July 6, 1998, the date of the Court of Appeals' decision, and October 30, 1998 the effective date of