

IMPROVING DISABILITY ASSESSMENT PROCESS OF CFS CASES

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Improving Disability Assessment Process of CFS Cases

- ▣ Chronic Epstein-Barr Virus Syndrome Guidelines – February 1988
- ▣ Updated CFS guidelines, March 1991
- ▣ Post-adjudicative study of CFS cases between November 1990 and June 1991
- ▣ Disability Digest, March 1993, Development and Evaluation Guidelines for Cases of Alleged Chronic Fatigue Syndrome (CFS)
- ▣ Regulation 404.1529 and 416.929 How we evaluate symptoms, including pain, November 1991

Improving Disability Assessment Process of CFS Cases

- ▣ CFS Interagency Coordinating Committee, June 1994
- ▣ CFIDS Association of America
- ▣ Factsheet for medical providers, March 1996

Other Pertinent Rulings

- ▣ **SSR 96-3p:** Considering Allegations of Pain and Other Symptoms in Determining Whether a Medically Determinable Impairment is Severe
- ▣ **SSR 96-4p:** Symptoms, Medically Determinable Physical and Mental Impairments, and Exertional and Nonexertional Limitations
- ▣ **SSR 96-7p:** Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements

Adjudicative Issues

- ▣ CDC diagnosis based on reported symptoms.
- ▣ No objective criteria.
- ▣ SSA requires objective medical evidence of an impairment.
- ▣ Symptoms alone are not sufficient.

Adjudicative Issues

- ▣ Individuals must have a medically determinable impairment that results from anatomical, physiological, or psychological abnormalities that can be shown by medically acceptable clinical and laboratory diagnostic techniques.
- ▣ An impairment must be established by medical evidence that consists of signs, symptoms, and laboratory findings.
- ▣ A statement of an individual's symptoms alone is not sufficient to establish the presence of a medically determinable impairment.

Social Security Ruling 99-2p

SSR 99-2p: Policy Interpretation Ruling Titles
II and XVI: Evaluating Cases Involving Chronic
Fatigue Syndrome (CFS)

- ▣ SSA policy for developing and adjudicating CFS claims
- ▣ CFS can be the basis for a finding of disability

Social Security Ruling 99-2p

Evaluating Cases Involving Chronic Fatigue Syndrome

- ▣ Palpably swollen or tender lymph nodes on physical examination;
- ▣ Nonexudative pharyngitis;
- ▣ Persistent, reproducible muscle tenderness on repeated examinations, including the presence of positive tender points;or,
- ▣ Any other medical signs that are consistent with medically accepted clinical practice and are consistent with the other evidence in the case record.

Social Security Ruling 99-2p

- ▣ An elevated antibody titer to Epstein-Barr virus (EBV) capsid antigen 1:5120, or early antigen equal to or greater than 1:640;
- ▣ An abnormal magnetic resonance imaging (MRI) brain scan;
- ▣ Neurally mediated hypotension as shown by tilt table testing or another clinically accepted form of testing; or,
- ▣ Any other laboratory findings that are consistent with medically accepted clinical practice and are consistent with the other evidence in the case record

Training and Education

- ▣ “Providing Medical Evidence to the Social Security Administration for Individuals with Chronic Fatigue Syndrome.”
- ▣ www.socialsecurity.gov

Training and Education

- ▣ Training is very important to SSA
- ▣ Formal classroom instruction
- ▣ National video training
- ▣ Conferences
- ▣ Policy issuances (memoranda, Q&As, etc.)
- ▣ Quality Assurance