

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2895

To amend the Social Security Act to provide for timely review of disability claims and to provide for presumed disability in cases of delayed disposition of such claims.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1993

Mr. NEAL of North Carolina introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Social Security Act to provide for timely review of disability claims and to provide for presumed disability in cases of delayed disposition of such claims.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Social Security Disabil-  
5       ity Review Standards Act of 1993”.

6       **SEC. 2. REQUIREMENT OF FACE-TO-FACE MEETING IN DIS-**  
7       **ABILITY DETERMINATIONS.**

8       Section 221(h) of the Social Security Act (42 U.S.C.  
9       421(h)) is amended—

1 (1) by redesignating such subsection as sub-  
2 section (h)(2); and

3 (2) by adding at the beginning of such sub-  
4 section the following new paragraph:

5 “(h)(1) Any initial determination under subsection  
6 (a) or (g) that an individual applying for benefits under  
7 this title is not under a disability shall be made only after  
8 such individual has been provided a reasonable oppor-  
9 tunity for a face-to-face meeting with a disability examiner  
10 who is authorized under this section to make disability de-  
11 terminations pursuant to such individual’s application.”.

12 **SEC. 3. STANDARDS FOR TIMELY REVIEW OF DISABILITY**  
13 **CLAIMS.**

14 Section 221(k) of the Social Security Act (42 U.S.C.  
15 421(k)) is amended by adding at the end the following  
16 new paragraph:

17 “(3) The Secretary shall take such actions as are nec-  
18 essary to ensure that, to the maximum extent prac-  
19 ticable—

20 “(A) an initial determination of whether an in-  
21 dividual who has applied for disability insurance  
22 benefits under section 223 or benefits under section  
23 202 based on such individual’s disability is under a  
24 disability shall be made not later than 30 days after  
25 the date on which such application is filed,



1           “(A) an individual applying for benefits under  
2           section 223 or benefits based on such individual’s  
3           disability under section 202 meets the requirements  
4           for entitlement to such benefits other than the re-  
5           quirement that the individual be under a disability,

6           “(B) as of 150 days after the date on which the  
7           individual filed the application for such benefits, a  
8           final determination of whether the individual is  
9           under a disability has not been made, and

10          “(C) the individual has in a timely manner  
11          taken such actions as are necessary to preserve such  
12          individual’s rights to administrative review under  
13          this title,

14          such individual shall be presumed to be under a disability  
15          for each month during the period of months beginning  
16          with the first month after the expiration of such 150-day  
17          period and ending with the month in which action is taken  
18          to implement a final determination of whether the individ-  
19          ual is under a disability.

20          “(2) Any benefits paid to an individual under this  
21          title on the basis of presumed disability under this sub-  
22          section for months during the period of months described  
23          in paragraph (1), and benefits paid to another person  
24          under this title for such months on the basis of such pre-  
25          sumed disability, shall in no event be considered overpay-

1 ments for purposes of section 204 solely because such indi-  
2 vidual is determined not to be under a disability.”.

3 (b) PRESUMED BLINDNESS OR DISABILITY UNDER  
4 TITLE XVI OF THE SOCIAL SECURITY ACT.—Section  
5 1631(a) of such Act (42 U.S.C. 1383(a)) is amended by  
6 adding at the end the following new paragraph:

7 “(10)(A) In any case in which—

8 (i) an individual applying for benefits under  
9 this title meets the requirements for entitlement to  
10 such benefits other than the requirement that the in-  
11 dividual be blind or disabled,

12 (ii) as of 150 days after the date on which the  
13 individual filed the application for such benefits, a  
14 final determination of whether the individual is blind  
15 or disabled has not been made, and

16 (iii) the individual has taken such actions as  
17 are necessary to preserve such individual’s rights to  
18 administrative review under this section,

19 such individual shall be presumed to be blind or disabled  
20 for each month during the period of months beginning  
21 with the first month after the expiration of such 150-day  
22 period and ending with the month in which action is taken  
23 to implement a final determination of whether the individ-  
24 ual is blind or disabled.”.

1 **SEC. 5. EFFECTIVE DATE; STUDY OF STAFF NEEDS.**

2 (a) EFFECTIVE DATE.—The amendments made by  
3 this Act shall apply with respect to applications for bene-  
4 fits under title II or XVI of the Social Security Act filed  
5 after 180 days after the date of the enactment of this Act.

6 (b) STUDY OF STAFF NEEDS.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of the enactment of this Act, the Secretary  
9 of Health and Human Services shall conduct a study  
10 of any additional staff needs required to implement  
11 the amendments made by this Act.

12 (2) REPORT.—Not later than 30 days after the  
13 date of the enactment of this Act, the Secretary of  
14 Health and Human Services shall submit to the  
15 Committee on Ways and Means of the House of  
16 Representatives and the Committee on Finance of  
17 the Senate the results of the study conducted under  
18 paragraph (1), together with any recommendations  
19 which the Secretary finds appropriate.

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