



Pain Education Portal (PEP) Talks

March 19, 2019

Agenda

- Welcome (1-2 minutes)
- **“Navigating employment challenges and when to apply for Social Security Disability” with Rebecca Ray (30 minutes)**
- *Questions (15 minutes)*
- **Department updates**
 - Ambassador update (1-2 minutes)
 - Federal advocacy update (3 minutes)
 - State advocacy update (3 minutes)
 - Pediatric update (1-2 minutes)
 - Other department updates (3 minutes)
- *Questions for staff (5 minutes)*



Housekeeping

- **Bimonthly webinars have been renamed! “Pain Education Portal (PEP) Talks.” You can view all past PEP Talks here: www.uspainfoundation.org/webinars**
- You can ask questions any time by typing them into the control panel at right under “Questions.”
 - We will answer questions at the end of the keynote presentation, and at the end of the staff updates
- A recording of this webinar will be provided in the next newsletter and on our website



Welcome and Introduction

Navigating Employment Challenges & When To Apply For Social Security Disability

March 19, 2019

Hosted by U.S. Pain Foundation

Presented by Rebecca Ray of True Help

A division of Allsup

Overview

Today we'll cover:

Employment Challenges: Chronic Pain and Work Disability

- Assessing pain and ability to work
- Making choices about work

Social Security Disability Insurance

- A lifeline for workers

Chronic Pain and Applying for SSDI

Benefits of SSDI

- Advantages
- Ticket to Work's safety net

Resources & Contacts



Nationwide Disability Assistance

Since 1984, Allsup has helped more than 300,000 people with severe disabilities receive their SSDI and Medicare benefits. Services are offered for individuals, employers and insurers.

Services include:

- Social Security Disability Insurance (SSDI) assessment and representation
- Return to work support for individuals with disabilities
- Veterans disability appeals services
- Healthcare insurance selection assistance



Headquarters location on Hwy. 15 in Belleville, Illinois, near St. Louis, Missouri

Chronic Pain and Work Disability



Chronic Pain and Work Disability

By the numbers:

- 36 million Americans missed work due to pain in a single year
- Ages 45-64 most likely to report pain lasting 24 hours+
- Workers lose an average 4.6 hours of productive time per week
- Lost productivity costs \$299B-\$325B in U.S. (missed hours, lost work, lower wages)



Source: Chronic Pain Statistics: Facts, Figures and Research, Vitalmei wellness company

Chronic Pain and Work Disability

Dealing with chronic pain:

- 20% take disability leave from work
- 17% change jobs altogether
- 13% get help with activities of daily living
- 13% move to a home that is easier to manage
- Common types: low back pain (27%), severe headache/migraine (15%), neck pain (15%), facial pain (4%) (NIH)



Source: Chronic Pain Statistics: Facts, Figures and Research, Vitalmei wellness company

Assessing Ability to Work

What's involved:

- Generally, it is very **individualized**
 1. Impact of the chronic pain condition on daily living
 2. Effectiveness of treatment for managing symptoms
 3. Ability to continue working part- or full-time
 4. Ability to work w/job modifications, taking steps to request those modifications from current employer
 5. Understanding rights w/ADA
- Understanding options with stopping work
 - Options for income, health insurance, housing, etc.



Options When Stopping Work

Individuals often consider income sources:

- Short-term disability (STD) insurance – employer or private paid
- Long-term disability (LTD) insurance – employer or private paid
- Workers' compensation benefits
- Social Security Disability Insurance (SSDI) – FICA taxes
- Family and/or friends
- Financial reorganization
 - Changes to budget
 - Access to savings, retirement savings, 401(k)s
 - Transition to different living arrangements, relocation

Social Security Disability Insurance



SSDI: A Lifeline for Former Workers

What is SSDI?

- Established in August 1956, paid for by workers and their employers w/payroll taxes.
- Federal insurance program: Provides income to people unable to work because of a disability.
 - FICA taxes include 6.2% for Social Security, a small portion of which is allocated to SSDI.
- To qualify, must be both (1) “currently insured” and (2) “fully insured”= you earned 20 “work credits” in the last 10 years.
 - Usually, if you have worked five out of the last 10 years you are currently insured.
- If you are under age 31 when you become disabled, it is possible to be currently insured with less than 20 quarters of coverage.
- SSDI is not “means-based.”

SSDI: A Lifeline for Former Workers

How is it a lifeline?

- Combines disability income and free return-to-work assistance.
- Incredible value for taxpaying workers:
 - Independent living, employment and self-sufficiency
 - Preservation of Social Security benefits
- Only 1 in 3 private sector workers has employer-provided disability insurance.
- SSDI provides vital economic security to 8.6 million disabled workers currently receiving benefits.
- Many beneficiaries (62 percent) have multiple disabling conditions.

SSI vs. SSDI

Factor	SSI (means based)	SSDI (former workers)
Eligibility based on	Age (65+) OR blindness (any age) OR disability (any age) AND limited/no income and resources	Disability AND sufficient work credits through own/family employment
When benefits begin	1st full month after the date the claim was filed or, if later, the date found eligible for SSI	6th full month of disability; 6-month period begins with the first full month after the date SSA decides the disability began
Average benefit (monthly)	\$565 (Jan. 2019)	\$1,234 (Jan. 2019)
Maximum benefit (monthly)	\$771/\$1,157 (single/married couple) in 2019	\$2,861 in 2019 (based on work history)
Health insurance	Automatically qualifies for Medicaid upon receipt of SSI (in most states)	Automatically qualifies for Medicare after a 24-month waiting period from time benefits begin (no waiting period for persons with ALS, ESRD/kidney failure)

Who Is Eligible for SSDI?

The SSA defines a person as disabled if:

- A physical or mental impairment prevents you from engaging in any substantial gainful work.
- Your condition is expected to last 12 months or longer or result in death.

To qualify:

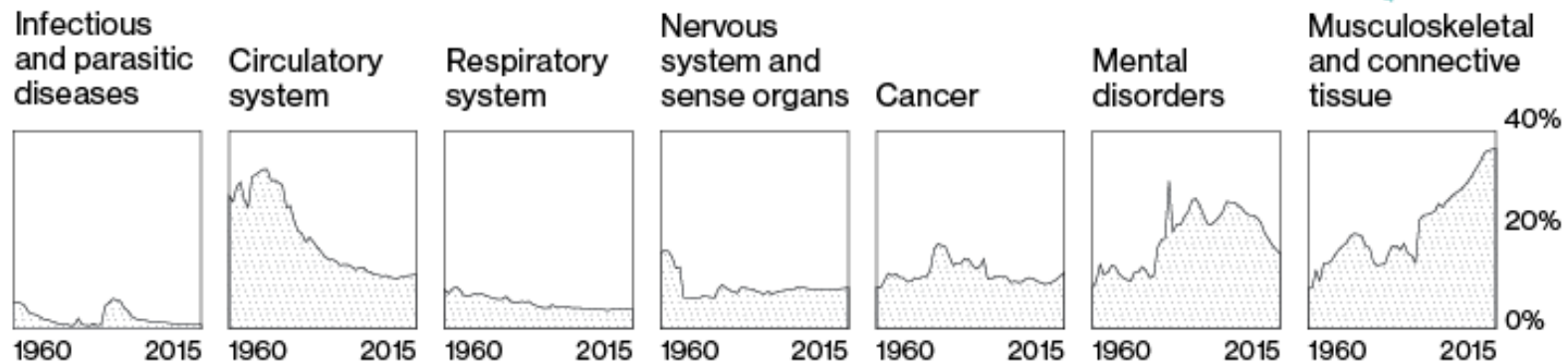
- You meet the criteria above.
- You have worked (and paid FICA taxes) 5 out of the last 10 years (in most cases).
- You have not reached retirement age (65-67).
 - Over 21 years of age and less than retirement age
- You have medical proof of disability.

Defining: Disabled

You are generally considered disabled by the SSA if:

- You cannot do work that you did previously;
- It is determined that you cannot adjust to other work because of your medical condition(s); and
- Your disability has lasted or is expected to last for at least one year or result in death.

Workers on disability, by diagnostic group



GRAPHIC BY BLOOMBERG BUSINESSWEEK; DATA: SOCIAL SECURITY ADMINISTRATION, U.S. CENSUS BUREAU

Graphic source: <https://www.bloomberg.com/news/features/2016-12-16/mapping-the-growth-of-disability-claims-in-america>

SSDI Process Overview

- Consists of five levels
- Majority who file get frustrated with denials and don't continue with the process
- Appeals process allows individual to seek review at hearing level
- Most hearings involve a representative
- Duration: Up to 3 years or longer with appeals

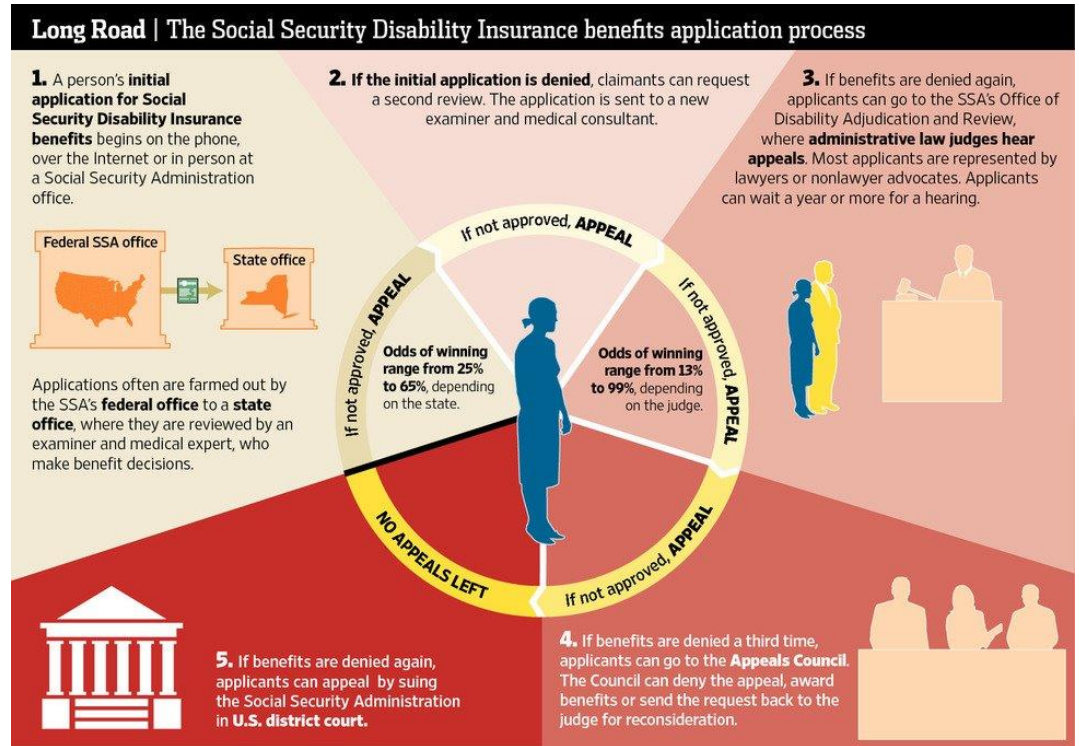


Illustration purposes only; Wall Street Journal, 2011

Chronic Pain and Applying for SSDI



Chronic Pain and Applying for SSDI

How is disability determined?

SSA disability examiners follow 5-Step Sequential Evaluation:

1. Are you working?
 - Substantial gainful activity = \$1,220 per month (non-blind)
2. What is the medical severity of your impairment?
 - Severe, 12 months+/terminal, interferes with work
3. Does your condition meet or equal a [medical listing](#)?
4. Can you do any of your past relevant work?
5. Can you do any other work?
 - Considers, age, education, work experience

SSA Impairment Listings

SSA has **14 medical listings** and several specifically mention pain

1.00 Musculoskeletal System
– *“It is therefore important to evaluate the intensity and persistence of such pain carefully...”*

3.00 Respiratory Disorders

4.00 Cardiovascular System

5.00 Digestive System

6.00 Genitourinary Disorders

7.00 Hematological Disorders

11.00 Neurological Disorders

12.00 Mental Disorders

13.00 Cancer

14.00 Immune System Disorders

Pain Assessments

Numerous pain assessments exist, research continues in order to identify authoritative sources for measuring pain

Examples:

Behavioral Pain Scale

Critical Care Pain Observation
Tool

Dallas Pain Questionnaire
(spinal)

Edmonton Symptom
Assessment System (end-
of-life cancer)

Mankowski Pain Scale

Neck Pain and Disability Scale
(NPDS)

Numerical Rating Scale

Roland-Morris Back Pain
Questionnaire

Visual Analog Scale

Many others...

Recent Developments

- Research by National Institutes of Health to develop objective way to measure pain
 - Timing: Now
 - Various studies
 - Pain markers through brain, pupils, other
 - Emphasis: creating a “pain-o-meter” that would improve medical documentation, provide better evidence of pain
- SSA recent Notice of Proposed Rulemaking: Consideration of Pain in the Disability Determination Process
 - Timing: Comments closed Feb. 15, 2019
 - Seeking feedback
 - Revisions and updates to pain evaluation, documentation, medical evidence of pain, and pain types: acute, chronic, neuropathic, nociceptive

Medical Documentation

“...SSA gives virtually no deference or consideration to a claimant’s statements or medical provider’s documentation of severe pain without objective proof of a continuous, debilitating physical impairment...” (SSDI representative, 2018)

Documentation

- ✓ Medical evidence
- ✓ Severity of effects – e.g., activities of daily living
- ✓ Medications used
- ✓ Comorbidities – two or more diseases or conditions
- ✓ Specific questionnaires and assessments completed by medical providers

Source: Advanced Notice of Proposed Rulemaking: Consideration of Pain in the Disability Determination Process, closed Feb. 15, 2019

Why People Need Help

1. Most workers are unaware of this benefit, especially dual purpose: (1) income and (2) free return-to-work support
2. Approx. 2 million people apply each year
3. Process is complicated and intimidating
4. Nearly 30% denied for technical reasons
5. Fewer resources, staff at SSA to handle incoming requests
6. Most individuals wait until hearing level to hire representation
 - Application: Only 18% have a rep.
 - Hearing: 78% have a rep.
7. Most individuals do not have enough savings/income to sustain them through months- to years-long process.

Unprecedented Disability Hearing Backlog

California is the most backlogged state, followed by Florida, New York, Texas and Pennsylvania.

It can require **18 months** of waiting for SSA staff to schedule a hearing with a judge

Then, it can take up to **5 months** to get a decision after the hearing is held.

State-by-State Disability Backlog

Released by Allsup - January 2019

State	Applications ¹	Hearing Backlog ²	Hearing Office Average Processing Time (In Days) ³
	2018	2019	
California [^]	202,663	75,085	579
Florida	169,945	52,833	559
New York [^]	126,671	49,408	623
Texas	191,735	39,940	445
Pennsylvania [*]	104,463	37,744	558
Tennessee	56,860	31,540	488
Michigan [*]	74,714	31,357	503
Ohio	94,330	31,027	563
Georgia	74,560	29,088	544
Alabama [*]	56,600	28,303	577
National Hearing Centers	-	27,632	675
North Carolina	78,684	27,036	625
Missouri [*]	57,826	23,846	552
Illinois	75,534	23,664	508
Indiana	52,753	19,615	526
New Jersey	50,236	18,407	631

Getting Help With SSDI



“If claimants...had representatives earlier in the disability process, some of them may have received an allowance decision at the DDS level, saving them time and SSA money.

First, the claimants may not have had to go to the hearing level if they had representatives to assist them with completing SSA’s forms and providing the necessary evidence at the DDS level.

This could have **saved some claimants about 500 days** in receiving an allowance decision.”

Disability Impairments on Cases Most Frequently Denied by Disability Determination Services and Subsequently Allowed by Administrative Law Judges, August 2010. <http://www.ssa.gov/oig/ADOBEPDF/A-07-09-19083.pdf>

What Is Fee For Representative?



- Fees regulated by Social Security Administration.
- Contingency based: Only pay a fee if awarded.
- Fee is 25% of retro payment, and the cap is \$6,000. Fee is often lower.
- Clients should ask if representative charges for out-of-pocket expenses (medical records, phone calls, travel, etc.)







Do It Right The First Time

- Getting help – When you apply
 - Increases chance for faster benefits
 - Increases chance to avoid hearing altogether
- If benefits are awarded sooner
 - Lower representation fee
 - Contingent – only pay fee if awarded
- Nationally:
 - Only 18% get help when they apply
 - At the hearing: 78% have a representative
- *empower* by Allsup®
 - Free online tool
 - Removes the guesswork (unlike SSA's online form)
 - Easy questionnaires, simplifies your application
 - Designed with your approval in mind, based on SSA's rules for the SSDI program



empower by Allsup®

Allsup vs. National average award rates – Disability benefits, 2018

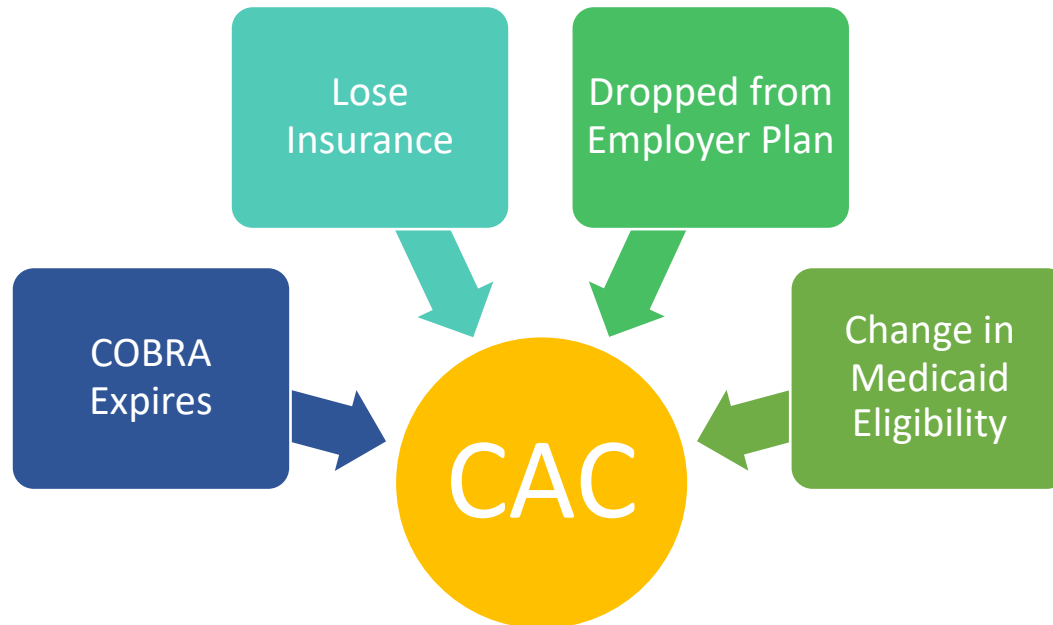
	Allsup	SSA
Application	51% awarded 	35% awarded 
Reconsideration	22% awarded 	13% awarded 
Hearing	70% awarded 	45% awarded 

Assessment & eligibility

✓ To get started online – FileSSDI.TrueHelp.com

Allsup Healthcare Insurance Assistance

By using *empower* and choosing Allsup for disability representation, customers and their families have access to no-cost healthcare insurance assistance, including help navigating Marketplace and Medicare plans, and Medicaid from a Certified Application Counselor (CAC).



Benefits of SSDI



Benefits of SSDI

- ✓ **Monthly Income:** A regular monthly payment based on your lifetime earnings, adjusted annually for cost-of-living. A portion may be tax-free.
 - ✓ Average benefit in 2019 is **\$1,234** for an individual (\$14,808 yr) and **\$2,130** for a disabled worker with a family.
- ✓ **Medical Benefits:** 24 months after date of your SSDI cash entitlement, you qualify for Medicare. This includes Medicare Advantage, often a better option for those with disabilities.
 - ✓ **Drug Coverage:** Medicare coverage includes Part D.
- ✓ **COBRA Extension:** If you receive SSDI, you may be able to extend your COBRA benefit coverage an additional 11 months.

Benefits of SSDI

- ✓ **Protected Retirement Benefits:** SSDI “freezes” your Social Security earnings record during the disability period. These years aren’t counted when computing future benefits, so your retirement benefit may be higher.
- ✓ **Protecting other income benefits:** Most long-term disability (LTD) policies require claimants to apply for SSDI. If you do not, your LTD benefits often are suspended, resulting in a reduction in income.
- ✓ **Dependent SSDI Coverage:** Dependents under the age of 18 typically also qualify for SSDI.
- ✓ **Return-to-Work Incentives:** Social Security will provide opportunities to return to work while still paying your disability benefits, resulting in years of protection and work opportunity.

1. Social Security's Ticket to Work program supports career development by providing choices, opportunities and supports needed to become and stay employed.
2. Ticket to Work holders are SSDI beneficiaries who would like to improve their earning potential and who are committed to preparing for long-term success in the workforce.
3. The Ticket to Work program and its work incentives allow individuals to keep their SSDI benefits while they explore employment.



Individuals are eligible for Ticket to Work only after they are awarded SSDI benefits.

- Applying for SSDI can sometimes take 2-3 years.
 - By that time, many former workers have become discouraged or lost their desire to try to work again.

Solution:

- Individuals who apply or consider applying can get to know about their work options early.
- You can learn about work supports and incentives, and start to visualize your eventual return to work.



Resources

Social Security Disability

Free online assessment for SSDI eligibility
Expert.Allsup.com

Understanding SSDI
TrueHelp.com/Understanding-SSDI

Social Security Administration: Disability
<https://www.ssa.gov/disability/determination.htm>



Return to Work

Free assistance with Ticket to Work
TrueHelp.com/return-to-work

Job Accommodation Network
AskJan.org

Contacts

For assistance with SSDI:

FileSSDI.TrueHelp.com

Disability Resource Center
(800) 678-3276



Free help with Ticket to Work:

Allsup Employment Services
(866) 540-5105

info@allsupES.com

AllsupEmploymentServices.com

SSDI Eligibility Guidelines: Chronic Pain

- 1 Determine if an individual is working (engaging in substantial gainful activity) according to the SSA definition. Earning more than \$1,170 a month as an employee is enough to be disqualified from receiving Social Security disability benefits.
- 2 Conclude the chronic pain disability must be severe enough to significantly limit one's ability to perform basic work activities needed to do most jobs. For example:
 - Walking, standing, sitting, lifting, pushing, pulling, reaching, carrying or handling
 - Seeing, hearing and speaking
 - Understanding/carrying out and remembering simple instructions
 - Responding appropriately to supervision, co-workers and usual work situations
 - Dealing with changes in a routine work setting

Learn more at TrueHelp.com

Thank you. Questions?

Department updates

Ambassador update

Lori Monarca, Director of the
Ambassador Network

Ambassador Program

- Let's Spring into Awareness and consider hosting an awareness table at your local library, hospital, etc.
- Thanks to all the actively engaged ambassadors participating in our webinars and sending in your documentation. Keep it up!
- Numerous resource requests for distribution. Lets keep them coming. Our brochures are being refreshed and will soon been ready so thanks for your patience 😊
- Congrats out to several Jr. ambassadors who have achieved ambassador status. Great effort! Spreading awareness is key!

Federal advocacy update

Cindy Steinberg

National Director of Advocacy and
Policy

Federal advocacy

- Last chance to submit comment on the draft report on pain!
- Visit <http://bit.ly/PMTFtoolkit> to learn about the report and provide feedback by April 1
- Working with CPATF on joint letter; already submitted one letter to Secretary Azar.
 - You can read that letter on the U.S. Pain website

State advocacy update

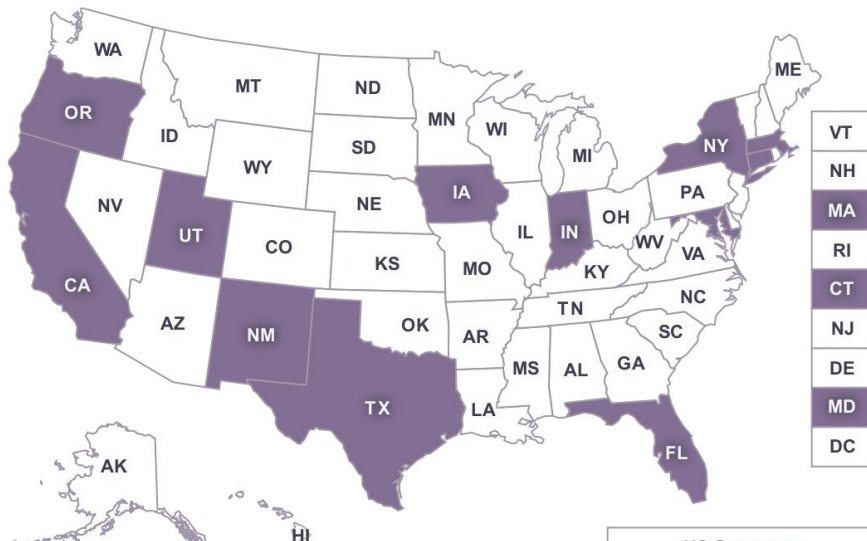
Shaina Smith

Director of State Advocacy and
Alliance Development

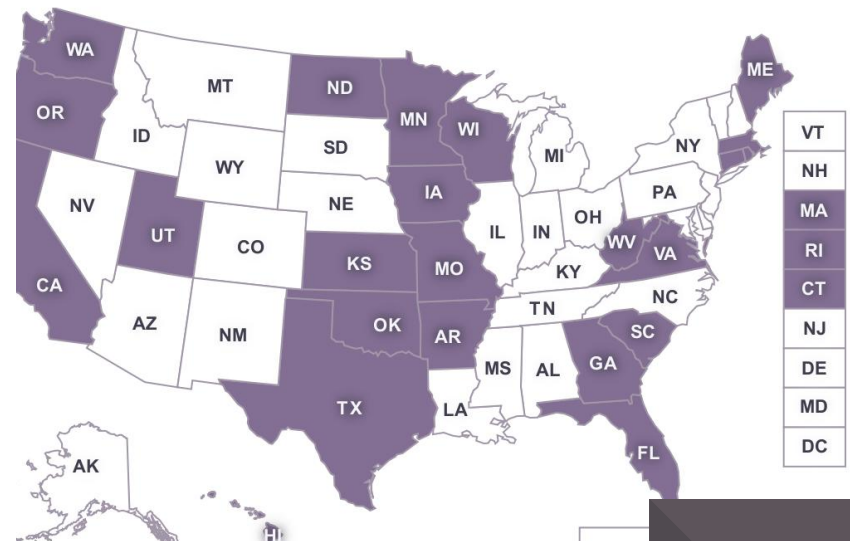
State advocacy update

- **Active engagements**
 - Kentucky SB 54
 - Georgia HB 63
- **Collecting patient stories**

Non-medical switching Bills by Latest Status

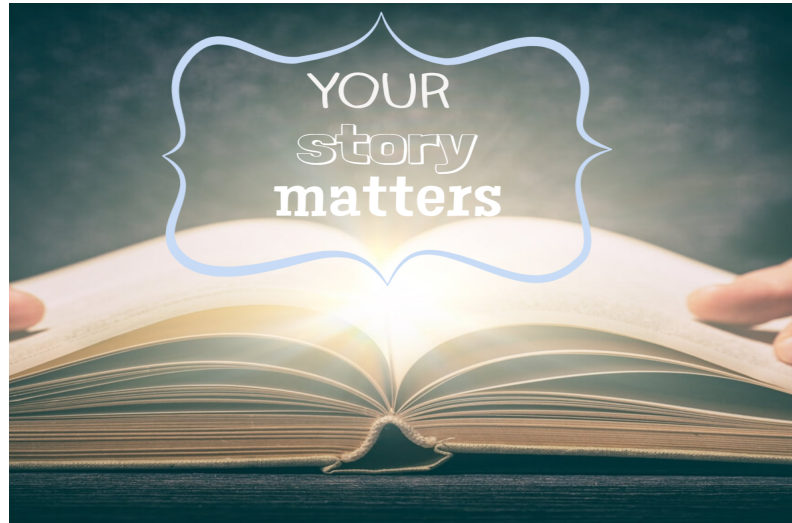


Step therapy Bills by Latest Status



State advocacy update

- **Upcoming advocacy training webinar 4.25.19**
 - ❖ Your Story Matters - Conquer the Stigma | Share Your Journey | Inspire Policy



www.uspainfoundation.org/webinars

Medical cannabis update

Ellen Lenox Smith

Co-Director of Medical Cannabis

Medical cannabis update

- 3/19 presenting for ASA conference on topic: **“The Experience of Being a Medical Cannabis Patient in the U.S.”**
- After the World Health Organization (WHO) last month recommended rescheduling cannabis and its derivatives. A vote on reclassifying cannabis under international treaties could happen within weeks.
- **Administration Working to Establish New CBD Rules:** The Farm Bill changes to the legal status of hemp and hemp extracts, including CBD, has started a process of developing and implementing new federal regulations



Pediatric update

Casey Cashman

Director of Pediatric Pain Warriors

Pediatric Pain Warriors

- Retreat set for May!
- Facebook Live events
- PainPals



Other department updates

Other updates

- INvisible Project: Migraine and headache disease third edition to be published mid-April
 - Launch party will be held at Retreat Migraine, happening April 12-14
- Support groups: training held last weekend in San Francisco!
 - Next training will be on East Coast later this year
- Survey opportunity:
<https://www.surveymonkey.com/r/VRforpain>

Questions?

- **You can type in questions using the navigation bar at right.**
- Or, feel free to reach out by email afterward:
 - **Ambassador program** -- lori@uspainfoundation.org
 - **State advocacy** -- shaina@uspainfoundation.org
 - **Federal advocacy** – cindy@uspainfoundation.org
 - **Pediatric** -- pediatricpainwarrior@uspainfoundation.org
 - **General** -- contact@uspainfoundation.org

Reminders

- If you haven't signed up as an advocate/ambassador yet, you can do so here:
www.uspainfoundation.org/get-involved
- To get ambassador credit for attending today's PEP Talk, visit: <https://tinyurl.com/USPainActivity>



Next webinar

- Next PEP talk will be **March 21 at 1 pm EST**; topic TBD
- Reminder: PEP talk recordings are always available at: www.uspainfoundation.org/webinars

Thanks for joining us!