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January 31, 2020

Cheryl Williams
Office Director
Office of Disability Policy
6401 Security Boulevard
Baltimore, MD 21235-6401

Re: Docket No. SSA-2018-0026, RIN 0960-AI27, Document No. 2019-24700, Comments in Response to Proposed Rulemaking: Rules Regarding the Frequency and Notice of Continuing Disability Reviews

Dear Ms. Williams:

The American Public Human Services Association (APHSA) respectfully submits these comments in response to the Notice of Proposed Rulemaking (NPRM) on the **Frequency and Notice of Continuing Disability Reviews (SSA-2018-0026)** published on November 18, 2019 on the Federal Register by the Social Security Administration. APHSA is a bipartisan, nonprofit membership organization representing state and local health and human service agencies that seeks to advance effective policies and practices that support the health and well-being of all children and families leading to stronger communities. The following comments were gathered through written and verbal feedback from APHSA's Leadership Council, which is comprised of state and local human services executives, as well as our affinity group of state TANF Directors.

Through our membership we strive to ensure that laws, policies, and practices are rooted in evidence and are consistent with advancing a future state of human services that builds the foundation for children and families to thrive. After evaluating the impacts of the proposed rule, APHSA opposes changing the frequency and criteria for SSA continuing disability reviews (CDRs). The proposed rule will increase government bureaucracy and cut benefits for disabled adults and children while failing to measurably improve employment outcomes or provide the basic supports needed for individuals and families with barriers to work.

The Proposed Rule Increases Administrative Inefficiencies while Resulting in Worse Outcomes
By the Social Security Administration's (SSA's) own estimates, the proposed rule will reduce disability benefit payments by $2.6 billion over the next ten years while simultaneously increasing administrative costs by $1.8 billion. This increase in administrative spending, which already offsets the majority of disability benefits savings achieved through the rule, fails to consider the additional cost burdens the rule

will place on other state and federal funding streams that support individuals with disabilities. For individuals whose cases are terminated, many will turn to programs such as Medicaid and TANF to continue to meet their basic needs, as evidenced by data cited in SSA's rule that shows that only 22% of disability recipients whose benefits were terminated as a result of a 1997 statutory change returned to work at a Substantial Gainful Activity (thus implying that 78% of affected recipients were unable to return to meaningful work activities). Furthermore, programs such as SNAP and Medicaid frequently use disability benefits to categorically qualify individuals for assistance and will face higher administrative costs to process separate applications for individuals whose disability benefits are terminated and must now apply separately for assistance. As a result, in addition to the fact most, if not all, reductions in disability benefit savings will be offset by an increase in administrative spending within SSA and related programs, it is clear that many affected recipients will rely on other, sometimes more costly forms of public assistance to meet their health and basic needs. This very well may result in the proposed rule increasing government spending while simultaneously cutting benefits for disabled individuals, of which the majority will be unable to secure and maintain meaningful work opportunities.

As the membership association representing state and local TANF administrators, the proposed rule raises specific concerns on the burden it will place for TANF programs. Over 9% of TANF assistance cases are child-only recipients whose parent is receiving SSI.[1] With the proposed rule resulting in more parents having their benefits terminated, this will increase TANF administrative and cash assistance costs as parents shift to utilize TANF instead. Furthermore, the proposed rule will place added strain on TANF agencies' ability to meet Work Participation Rate (WPR) requirements, as these parents are less likely to have the ability to participate in required hours of activities needed to comply with the WPR.

Increased costs that will occur within TANF will also happen within SNAP and Medicaid, likely at a larger scale. In many states, loss of SSI will result in individuals that previously were not subject to Medicaid redeterminations to be required to do so. Within SNAP, loss of disability income will lead to an increase in SNAP benefits and make affected households subject to SNAP redetermination reviews. The proposed rule also does not address the added burden that will be created for agencies supporting children within the child welfare system that will be subject to more frequent disability redeterminations.

The Proposed Rule Places Added Strain on Individuals to Navigate an Already Burdened System

SSI benefits are a vitally important resource for Americans who live with disabilities that leave them unable to work and care for themselves. Many people who struggle the most to navigate the complex system will be required to go through more frequent reviews, including those with behavioral health needs, young adults, and children. By requiring more frequent SSI eligibility redeterminations, the proposed rule will create further barriers to an already complex and overstressed system for many eligible adults and youth and puts at risk eligibility for invaluable medical care for those that access Medicare through SSDI. SSA already struggles to keep up with the volume of current applicants and redeterminations that need to be reviewed. The process to be found medically eligible for SSI or SSDI is a time consuming and resource-draining burden on individuals and families already on the brink. Applicants and recipients of disability benefits frequently struggle to attend required SSA medical appointments and hearings due to transportation barriers, lack of resources or support, and other life disruptions. Furthermore, the proposed rule is certain to substantially increase the number of initial and

[1] Congressional Research Service. *The Temporary Assistance for Needy Families (TANF) Block Grant: FAQs.* Updated December 30, 2019.

first-level appeal claims, contributing to an already significant backlog in the appeals process, which already hovers near two years from time of appeal to hearing.

As a network of state and local human services leaders, APHSA recognizes that achieving the outcomes we seek for individuals with disabilities requires alignment of systems to provide the foundational supports needed to help people meet their basic needs and achieve economic mobility. The proposed rule fails to acknowledge the linkages between disability benefits and other supportive services that form the foundation of an effective underlying human services system and will further stress other parts of that foundation while worsening outcomes for people with disabilities. Should SSA perform a full accounting of the costs of this proposal on not just SSA, but related programs and services, it will demonstrate that this is a misguided policy which will increase costs and worsen outcomes for individuals with disabilities. We urge SSA to rescind its proposed rule in lieu of alternative strategies focused on investments in outcomes that work for people with disabilities.

Thank you for the opportunity to comment on this proposed rule. We look forward to working together in the future to ensure we are advancing sound and effective polices. For additional information please contact Matt Lyons at mlyons@aphsa.org or 240-888-6637.

Respectfully,

Duke Storen

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Commissioner, Virginia Department of Social Services
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