



SOCIAL SECURITY

Refer to:
S9H: SSA-2023-008570

January 29, 2024

Jonathan Stein
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
jstein@clsphila.org

Dear Jonathan Stein:

I am responding to your May 8, 2023 Freedom of Information Act (FOIA) request wherein you requested the following records:

1. Pediatricians within Disability Determination Services (DDS)
 - 1.1. The number of (a) pediatricians (b) developmental pediatricians (c) speech and language pathologists and (d) child and adolescent psychiatrists employed or contracted as Medical Consultants (MC) or other staff or consultants reviewing medical records within each DDS agency in the nation.
 - 1.2. The number of (a) pediatricians, (b) developmental pediatricians, (c) speech and language pathologists, and (d) child and adolescent psychiatrists used or contracted as Consultative Examiners utilized by the DDS for the entire state for each DDS in the nation.
 - 1.3. See below
 - 1.3.a For each DDS in the nation, please provide the entire number of Supplemental Security Income (SSI) child disability adjudications rendered for the past 12 months, including each state DDS' total SSI child disability allowances and disallowances. Among these groups of allowance and disallowance initial adjudications at each DDS, how many had the codes for pediatrician, developmental pediatrician, speech and language pathologist, and child and adolescent psychiatrist in the decision for each adjudication.
 - 1.3.b The number of children's cases that were adjudicated in each DDS for the last 12 months and the number of consultative examinations (CE) that were used in these adjudications per each DDS. Also, please provide the number of Consultative Examiners who were pediatricians, developmental pediatricians, speech and language pathologists, and child and adolescent psychiatrists.

1.4. See below

- 1.4.a Provide how the Social Security Administration (SSA) explains to DDSs and implements for DDSs the “reasonable efforts to ensure a qualified pediatrician” requirement to use pediatricians and developmental pediatricians among DDS MCs and Consultative Examiners in order to meet statutory and regulatory requirement (42 U.S.C. § 1382c(a)(3)(I); 20 C.F.R. sec.416.903(e); 20 C.F.R. 416.919 and 416.919g).
- 1.4.b All policies and instructions for state DDSs to meet the “reasonable efforts” requirement referenced above. Are there any sanctions for states who fail to meet this “reasonable efforts” requirement?

1.5. See below

- 1.5.a For state DDSs that contract with private contractors (e.g., IMA), who are responsible for hiring or contracting with Consultative Examiners, please provide any and all policies and instructions for these DDSs that instruct such private instructors on and enforce the “reasonable efforts” pediatrician requirement referenced above.
- 1.5.b Are there any contractual provisions that SSA requires or recommends between the DDS and the private contractor that state DDSs utilize that adopt and implement the “reasonable efforts” pediatrician requirement referenced above?
- 1.5.c Are any private contractors ever sanctioned by any DDS or SSA for failing to meet this “reasonable efforts” pediatrician requirement? If so, when and among which DDS’?

2. DDS Child Disability Examiner/Adjudicator Specialists

- 2.1. For each DDS in the nation, please state how many, if any, designated or assigned SSI child disability specialist adjudicators/examiners are employed or under contract at each DDS.
- 2.2. Provide copies of any written guidance, instructions, or training materials SSA has issued for DDSs that either require, encourage, show best practices, or describe the value or efficacy of the use of (a) SSI child disability specialist examiners/adjudicators, as well as the use of (b) pediatricians, developmental pediatricians, speech and language pathologists, and child and adolescent psychiatrists within each DDS.

In response to 1.1 and 1.2, we have no records responsive to your request. In response to 1.3.a, please view the enclosed *SSI Children Initial Level Decisions FY 2023* document. SSA does not maintain information responsive to this request broken down by health professional codes. The enclosed report identifies the total number of child disability determinations for each state and the outcomes. Regarding item 1.3.b, SSA collects data on whether a CE was requested, but not on whether the CE occurred or the type of professional who conducted a CE. The enclosed record, *SSI Children Initial Level Decisions FY 2023*, identifies the total number of child disability determinations for each state that involved the scheduling of at least one CE.

In response to item 1.4.a and 1.4.b, please view the enclosed documents, *Pediatric MC-PC & CE Provider Best Practices Recruitment Guide* and *DDS Childhood Claims CE-MC Review Reminders*. Also responsive are the following sections of our Program Operations Manual System (POMS), all of which are publicly available at <https://secure.ssa.gov/apps10/poms.nsf/chapterlist!openview&restricttcategory=04>. From that website, click on the link that matches the first three digits of each POMS section listed below, which will give you access to the individual POMS sections.

- DI 25201.020 *Determinations for Childhood Impairments - Role of Qualified Pediatrician or Other Specialist in the Evaluation - Policy (Section 416.903(e))*
- DI 25205.015 *Consultative Examinations (CE)*
- DI 22510.010 *Selecting a Qualified Medical Source to Perform a Consultative Examination (CE)*

In response to 1.5.a of your request, please know each State is responsible for hiring or contracting with qualified medical sources to perform CEs. SSA does not collect or maintain the agreements/contracts between State DDSs and CE providers. Regarding 1.5.b, we have identified no responsive records.

Concerning 1.5.c, we are unaware of sanctions against private contractors as contemplated.

In response to 2.1, SSA does not have records responsive. In response to item 2.2, please view the enclosed *Pediatric MC-PC & CE Provider Best Practices Recruitment Guide* and *DDS Childhood Claims CE-MC Review Reminders*.

Please note that the FOIA does not require the agency to answer questions or perform research, and has exercised its discretion in this case to do so to the extent reflected above in this particular instance.

If you have questions or would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, choosing Option 2; or facsimile at 410-966-0869.

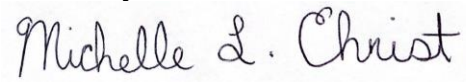
You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of SSA that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235. Your appeal must be postmarked or electronically transmitted to FOIA.Public.Liaison@ssa.gov within 90 days of the date of our response to your initial request. Please mark the envelope or subject line with “Freedom of Information Appeal.”

Page 4 – Jonathan Stein

Thank you for your payment necessary to process your request.

Sincerely,

A handwritten signature in black ink that reads "Michelle L. Christ". The signature is written in a cursive style and is placed on a light gray rectangular background.

Michelle L. Christ
Freedom of Information Officer

Enclosures