

Medical Improvement Review Standard Exceptions Other Than Failure to Cooperate

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Office of Audit Report Summary

Objective

To determine whether the Social Security Administration (SSA) properly used Medical Improvement Review Standard (MIRS) exceptions, other than failure to cooperate, during continuing disability reviews (CDR) conducted in Calendar Year 2017.

Background

Under MIRS, an individual's disability continues unless (1) his/her disabling condition has improved since the last favorable disability determination and (2) the individual can engage in substantial gainful activity.

The *Social Security Act* provides exceptions to MIRS. These exceptions allow SSA to find disability ceased in limited situations without showing there was medical improvement, but evidence shows the person should no longer be, or never have been, considered disabled.

In a prior audit, we found issues with the reason coded for cessation for some types of exceptions. The Agency could not determine why the data for these cases were incorrect, and therefore evaluated the use of MIRS exceptions nationwide.

Since our preliminary work found MIRS exception codes were used properly for failure to cooperate cessations but not always for other MIRS exceptions, we focused our current review on the non-failure to cooperate MIRS exception codes.

Findings

Although SSA had provided additional training on the proper use of MIRS exceptions since our prior audit, employees were still miscoding cases as MIRS exceptions. We estimated the Agency did not properly use MIRS exception codes in about 1,900 of the 2,814 CDRs ceased for MIRS exception codes, other than failure to cooperate, in Calendar Year 2017.

Of the 50 sampled cases, the State disability determination services (DDS) incorrectly used MIRS exception codes in 34. Furthermore, MIRS exception errors contributed to three incorrect disability cessations. In these three cases, the DDS incorrectly determined the beneficiaries were no longer disabled even though evidence in the files supported that their disabilities continued. All three cases were ceased but later corrected on appeal.

SSA needs to ensure new and existing DDS staff are properly trained in the correct use of MIRS exceptions since errors can lead to incorrectly ceasing beneficiaries' payments and/or unnecessary appeals.

Recommendation

We recommend SSA provide employees, at the Agency and the State DDSs who make disability determinations, additional training and guidance on the proper use of MIRS exceptions. SSA agreed with the recommendation.