

103^D CONGRESS
1ST SESSION

H. R. 646

To amend title II of the Social Security Act to require the Secretary of Health and Human Services to provide claimants for benefits based on disability with a face-to-face, evidentiary hearing before making an initial decision, to provide those claimants whose application is denied with opportunity for a subsequent hearing without any requirement for intervening “reconsideration”, and to specify the medical information to be collected and maintained in making disability determinations.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to require the Secretary of Health and Human Services to provide claimants for benefits based on disability with a face-to-face, evidentiary hearing before making an initial decision, to provide those claimants whose application is denied with opportunity for a subsequent hearing without any requirement for intervening “reconsideration”, and to specify the medical information to be collected and maintained in making disability determinations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Social Security Appeals
3 Process Reform Act of 1993”.

4 **SEC. 2. REQUIREMENT FOR A FACE-TO-FACE HEARING**
5 **PRIOR TO INITIAL DISABILITY DECISIONS**
6 **AND ELIMINATION OF THE PROCESS OF RE-**
7 **CONSIDERATION OF SUCH DECISIONS.**

8 (a) PROCEDURES FOR DECISIONS INVOLVING DE-
9 TERMINATIONS OF DISABILITY.—Section 205(b) of the
10 Social Security Act (42 U.S.C. 405(b)) is amended—

11 (1) by redesignating paragraphs (2) and (3) as
12 paragraphs (3) and (4), respectively; and

13 (2) by inserting after paragraph (1) the follow-
14 ing new paragraph:

15 “(2) Any decision by the Secretary relating to initial
16 entitlement of an individual to payments under this title
17 which involves a determination of disability shall be made
18 only after opportunity for an evidentiary hearing which is
19 reasonably accessible to such individual. Opportunity for
20 a subsequent hearing with respect to any such decision
21 by the Secretary shall be available in accordance with this
22 subsection without any requirement for intervening recon-
23 sideration.”.

24 (b) CONFORMING AMENDMENT.—Section 205(b)(4)
25 of such Act (as redesignated by subsection (a) of this sec-

1 tion) is amended by striking “or an adverse determination
2 on reconsideration of such an initial determination”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to initial decisions re-
5 lating to entitlement to benefits under title II of the Social
6 Security Act made on or after January 1, 1994.

7 **SEC. 3. MEDICAL INFORMATION TO BE COLLECTED AND**
8 **MAINTAINED IN MAKING DISABILITY DETER-**
9 **MINATIONS.**

10 (a) IN GENERAL.—Section 221(h) of the Social Secu-
11 rity Act (42 U.S.C. 421(h)) is amended to read as follows:

12 “(h) An initial determination under subsection (a),
13 (c), (g), or (i) that an individual is not under a disability
14 shall be made only if the Secretary has made every reason-
15 able effort to ensure—

16 “(1) that the following medical information has
17 been compiled and maintained relating to the indi-
18 vidual’s case:

19 “(A) a detailed description from the indi-
20 vidual of his or her disability (including any
21 statement made by any family member, friend,
22 or employer of the individual describing the in-
23 dividual’s impairments which is offered for the
24 record by such individual);

1 “(B) medical records relating to such indi-
2 vidual from hospitals, clinics, and health centers
3 where the individual was treated since the al-
4 leged onset of the disability;

5 “(C) medical records relating to such indi-
6 vidual from physicians treating the individual
7 since the alleged onset of the disability;

8 “(D) reports of any consultative examina-
9 tions, assessments of residual functional capac-
10 ity, assessments of pain, and other assessments
11 relating to the individual’s case which have been
12 performed by or under the Secretary; and

13 “(E) reports by social workers, therapists,
14 community mental health workers, and other
15 medical or vocational personnel whose services
16 the individual utilized since the onset of the dis-
17 ability; and

18 “(2) in any case in which there is evidence
19 which indicates the existence of a mental impair-
20 ment, that a qualified psychiatrist or psychologist
21 has completed the medical portion of the case review
22 and any applicable residual functional capacity as-
23 sessment.”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 this section shall apply with respect to initial determina-

1 tions relating to disability under title II of the Social Secu-
2 rity Act made on or after January 1, 1994.

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