

Report Summary

Social Security Administration Office of the Inspector General

March 2011



Objective

Our objectives were to determine whether (1) the Social Security Administration (SSA) had issued clear guidelines on suitable language for consultative examination (CE) medical opinions and (2) the Indiana Disability Determination Bureau (IN-DDB) had effective internal controls to ensure CE reports contained suitable language.

Background

We received a letter, dated August 1, 2009, from a former CE provider who served as an independent medical source while performing psychological evaluations for the IN-DDB. The CE provider raised questions about SSA's CE process and claimed the Chicago Regional Office (RO) and IN-DDB discouraged the use of certain language as well as the term "malingering" when stating a medical opinion in a CE report. Malingering is a term used to describe individuals who intentionally pretend to have, or grossly exaggerate, physical or psychological symptoms for their own gain.

To view the full report, visit
<http://www.ssa.gov/oig/ADOBEPDF/A-05-10-21061.pdf>

Consultative Examinations at the Indiana Disability Determination Bureau (A-05-10-21061)

Our Findings

SSA Headquarters and the Chicago RO have not issued guidelines on suitable language for CE medical opinions and use of certain terms, such as malingering, in CE reports. Although the Chicago RO has preferences regarding suitable language in CE medical opinions, its expectations have not been formalized. Further, while SSA Headquarters does not encourage DDSs to purchase tests for malingering and the Chicago RO would like to cease procurement of these tests, the IN-DDB is still obtaining such tests at the request of administrative law judges. As a result, the Agency is sending CE providers a mixed message. Moreover, because of the lack of specific guidance on suitable language and specific terms, the IN-DDB had not established controls to review the appropriateness of language in CE reports. Given the Chicago RO's expectations that CE providers adhere to specific guidelines, compliance would be enhanced through formalized language guidelines, communication of this new policy, and periodic monitoring. Such a policy would be consistent with prior studies and recommendations regarding the CE process as well as Headquarters' current guidance to regions requiring that they evaluate the DDS' management of the CE process.

Our Recommendations

To ensure the IN-DDB CE reports, as well as other CE reports throughout the Region, adhere to the RO's language expectations, we recommend that the Chicago Regional Commissioner work with SSA Headquarters to establish written policy pertaining to suitable language in CE reports. Once this written policy has been established, it should be incorporated, as appropriate, into future regional communications, training, and monitoring associated with DDSs in the Chicago Region.

The Chicago Regional Commissioner deferred our recommendation to the Office of Disability Policy (ODP) in SSA Headquarters. ODP's response stated SSA had issued sufficient policy guidelines relating to CE report content. The Chicago Regional Commissioner stated the guidance it has issued to the IN-DDB and all DDSs in the Chicago Region is consistent with the policy guidance from ODP, including CE report content.