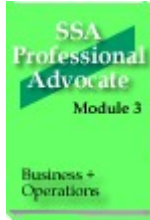


Lesson 7 - Operational Considerations



This lesson is about proper record keeping and security. This lesson will help you to avoid problems with your clients and the Social Security Administration.

Confidentiality

When you and your client sign the Request for Representation Form 1696 and submit it to the DO or DDS, SSA officially recognizes you as the authorized representative. It allows you to act on your client's behalf but does not sanction sharing any case information with unauthorized persons. Never disclose any part of a client's file to anyone other than the client or a Social Security official.

Usually you or SSA will request medical documentation from a third party. It is also possible that the claimant or his third party will request evidence from you. Be careful here! You may send a copy of the client's record to the client. I would hesitate to send records to any other family member of the client unless they are acting on behalf of the client.

Remind the claimant and his third party that SSA regulations prohibit you from sending copies of records to any unauthorized person. If your client gives you written permission to send the record to a third party, you may do so. Make sure the permission letter contains a verifiable client signature before you act on it. Another way to avoid confidentiality problems is to send the requested materials directly to your client, who can then forward them to anyone he/she chooses.

Always:

- Get a record sharing request in writing with a verifiable signature
- Keep a copy of the request in your records
- Send only the information specifically requested

Also avoid sending out your materials or that of SSA to unauthorized sources. For example, if a client's family member requests to see your contract, don't send it without the claimant's permission. If the claimant's doctor requests information about the client's case, don't send it without the client's permission. This restriction should include any material you create like a formal argument or case correspondence letters. The less you share, the less likely

confidentiality will be an issue.

Record Keeping

It is in your own best interest to maintain well-documented files on each client. Everything in your case folders are important not only to the clients but to your business. Most of the material is personal and confidential. Therefore, use the following tips to maintain security:

- Keep all client records properly categorized and organized
- Keep records secure at all times
- Keep a copy of all signed forms, letters and client correspondence
- Keep a copy of all case-related SSA correspondence
- Become familiar with the HIPAA evidence privacy regulations.

Keeping a copy of all signed forms and correspondence helps you to run an efficient business and avoid future problems. Keep all materials received from SSA, including forms and questionnaires in a private file and/or a secure computer for **at least three years** after representation ends. At the three-year mark, you have the option to destroying them. Do so in a way that ensures that no unauthorized individual will ever get the opportunity to review the materials. Buy a shredder and completely destroy these old records.

Legal action against an ethical Disability Advocate is extremely rare - but it can happen! One way of protecting yourself is by **keeping** some of the more important pieces of case evidence for the suggested three-year period. The record types listed below are the most important documents to keep:

- A signed copy of the representational contract
- A copy of the signed SSA Form 1696
- A copy of Social Security's case decision letter
- A copy of your Fee Petition and Fee Petition attachment
- A note to yourself about the disbursement of the case fees
- A note to yourself about any event during the case that may have caused you concern. If you keep records of any unusual aspects of a case, it's a lot easier to refresh your memory years later if the need arises.

The above materials will give you enough information to respond to any issues that might come up at a later date. Even though legal action against Advocates is rare, it's always a good idea to be prepared.

Olivia Prime and Record Security

During the process of building our new Olivia software, we experienced firsthand the restrictive rules associated with the distribution, manipulation and storage of medical records. In order to offer our Olivia software to the public, it had to meet HIPAA standards

for record security. All records entered into Olivia are stored behind a double security wall.

We also limit the type of information that can be stored in Olivia to reduce the damage of a security breach if one were to occur. For example, we do not store credit card or payment information within Olivia. We also only display the last four digits of a claimant's social security number. These types of precautions protect both you and the client from a catastrophic breach.

Within your Olivia account, under "MY Company", you'll note the Olivia Security Shield. This shield is linked internally to your Olivia account. We suggest that you add this shield to your website to inform visitors that their data will be held in absolute confidence.

We also added a simple tool within Olivia that enables you to transfer all of a client's data from the [active](#) mode to the [inactive](#) mode. This can be done with the click of a button. You can securely store these old records indefinitely if you wish. This feature is also useful if an inactive client once again becomes an active client. If this occurs, all you'll need to do is click another button to make the entire client folder active again.

[We Live in the Digital Age](#)

There's nothing wrong with the old file cabinet approach to record keeping, but times, they are a-changing! Large database companies are investing heavily in digital record keeping. The concept of the paperless office is very much with us and will remain so.

The goal of a paperless office is a part of SSA's long-term planning Disability Service Improvement Program discussed in Module One. SSA believes that an all-digital office will increase agency and representative efficiency by more than 50%.

With the Olivia Prime software, you can create and keep a digital file of all client records in one location. Olivia also assists you in performing all of the standard functions of an Advocate while simultaneously protecting your digitized records.

Here are a some tips for controlling digitized records:

- Store information such as medical records and other personal case information within your Olivia software.
- When evidence comes into your office in paper format, date-stamp the materials and scan them into a folder on your desktop. Open Olivia and upload the records one-by-one into the software for the client. By performing these simple actions, you're creating an easily accessible and secure client folder.
- You may receive records from SSA on a CD. Place the CD into your computer's CD player, open Olivia and one-by-one, input the records you wish to use. When done, place the CD into a locked safe or cabinet.

Our Olivia Prime software is designed to support all of the operational techniques taught in

this training course. This means that many of the manual procedures you were taught can be performed automatically within your Olivia software.

Keeping Records for a CDR

When a person is granted disability benefits, he is given a "Diary Date". This date can range from one to seven years. When the diary date is reached, SSA can request what is called a Continuing Disability Review or CDR. The purpose of a CDR is to determine if the claimant is still disabled. If the claimant shows medical improvement to the point of being able to return to work, his benefits will be terminated.

The CDR is another good reason to store a client records within your Olivia software. If a CDR is requested on a claimant you've represented, he will call you for help. If you already have his records, it makes it much easier for you to accept the CDR case if you desire.

The Diary Date is set at the time of allowance and is usually within three to seven years from the decision date. Younger people are assigned shorter diary dates because SSA believes they are more likely to show medical improvement over time. For claimants under age forty-nine, the diary will usually be three years. If the claimant suffers from a progressive disorder like severe diabetes, SSA will give a longer diary date of seven years. If the claimant's condition is considered terminal, no diary date will be set depending upon the age of the claimant.

Claimants over fifty are usually given a seven-year diary unless the Judge feels the disorder may improve sooner. Those over fifty-four are usually not given a diary. ALJs can award any length of diary they wish, but most go with the standard three to seven-years.

How a CDR Works

SSA notifies the claimant by mail when it's time for the CDR. If you represented the prior case, he/she will probably call you in a panic. Here's what to do:

- When the allowance is granted explain the diary process to the claimant and what to expect if a CDR occurs. That way, when the case comes up for review, your client won't be panicked.
- Don't represent the case at this level unless SSA cuts off the client's benefits for medical improvement. Generally there are no CDR back benefits upon which to extract a fee. However, if you represent a CDR case, you can petition the SSA for a reasonable fee in the same way you would do in a SSI allowance.
- If you're considering accepting a CDR case, make sure you understand why SSA suspended benefits. For example, if SSA cut off benefits because the claimant is now working, there's nothing you can do to save the case.

Again, the purpose of a CDR is to allow SSA to determine if the claimant has experienced medical improvement to the degree that he is able to return to work. If there has been significant medical improvement, SSA will terminate benefits. If there is no medical

improvement the client is home free and benefits will continue.

The claimant will be allowed two additional months to allow for the transition. You can help appeal this termination if both you and the claimant wish it. Keeping the past records puts you in a perfect position to jump into a terminated CDR claim. To win, you'll need to show that there has been no improvement to the degree that the claimant can return to work.

Lesson Seven Summary

This lesson covered the topics of record management and document confidentiality. There's a lot of paperwork involved in a disability business, so a little organization can put you ahead of the game. Our Olivia Software can act as your private secretary, making record keeping far easier.