

Disability Evidence Integrity Act

The *Disability Evidence Integrity Act* ensures that the Social Security Administration (SSA) only uses medical evidence from reputable sources when making a disability determination.

In order to receive Disability Insurance benefits, an individual must have a severe medically determinable impairment that causes an inability to engage in substantial gainful activity.

To determine the severity of a disabling condition, SSA's decision makers rely on medical evidence from the claimant and the claimant's physicians.

- If the available medical evidence is insufficient, SSA pays for a consultative exam to provide additional medical evidence.

Under current rules, SSA must consider all doctors' medical opinions, regardless of the source. Unfortunately, the rules have been by bad actors. For example, in a scheme uncovered in West Virginia, doctors were hired who had been sanctioned or were unlicensed, and, yet, SSA would pay them to provide medical evidence.

In other Federal programs, doctors can be excluded because of certain activities. By law, doctors who have been convicted of program-related crimes, have abused patients, have committed health care fraud, or have a felony related to a controlled substance cannot participate in Medicare.

- This protects both Medicare beneficiaries and taxpayers.
- In addition, doctors with whom SSA contracts to perform consultative exams must not have been barred from participating in Medicare.

The *Disability Evidence Integrity Act* prohibits SSA from considering medical evidence from doctors who are barred from participating in Medicare, or who have otherwise been found guilty of fraud by SSA.

A similar provision was introduced this year in the House of Representatives by Way's and Mean's Social Security Subcommittee Chairman Johnson and in the Subcommittee Ranking Member Becerra's *Social Security Fraud and Error Prevention Act of 2015* (H.R. 1419).