

# Long Term Disability

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Understanding your Options and Benefits

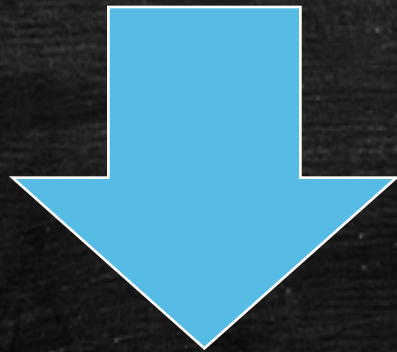
# Session Content

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- Disability or Disabled? What's the difference?
- Types of Coverage
- The Disability Process
- Q&A

# Disability or Disabled?

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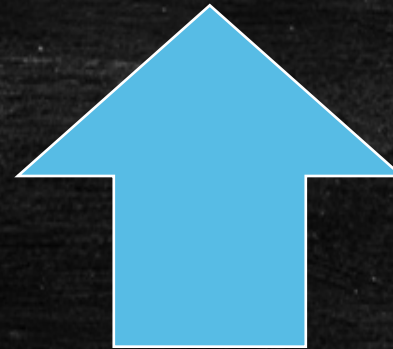
Disability

- Any form of impairment



Disabled

- Unable to...



# Contractual Definitions

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- 'inability to perform the material duties of your own occupation'
- 'inability to perform your regular job duties'
- 'inability to perform the material duties of any occupation'
- 'inability to earn more than 80% of your pre-disability earnings'
- Definitions generally include language requiring the disability to be due to illness or injury.

# SSDI Definition

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- SSDI Definition
  - You cannot do work that you did before;
  - We (SSA) decide that you cannot adjust to other work because of your medical condition(s); **and**
  - Your disability has lasted or is expected to last for at least one year or to result in death.
- SSDI requires total disability

# Coverage

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- Private Coverage
- Group Coverage
- Short Term Disability
- Long Term Disability
- Waiver of Premium
- SSDI



# The Process – Pre-Disability

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- FMLA
  - Protects your job
  - Protects your benefits
  - Does NOT protect income
  - Includes protection for intermittent leave and reduced schedules
- Americans with Disabilities Act (ADA)
  - Requires reasonable accommodations
  - May allow you to work longer
  - Loses relevance once you are fully disabled

# The Process - Filing

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- When to file...
  - Generally when you can no longer work
  - Stopping work MUST be supported by your provider
- What to provide...
  - Forms as required...
  - Medical Release
  - Medical records – labs, test results, office visit notes, prescriptions (many insurers will request for you)
  - Job description
  - Be ready for a phone call/interview...
  - Narrative letters from providers in some situations (and for SSDI!)



# The Process – Claim Review

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## Commercial Plans

- Eligibility
- Occupational Requirements
- Functional Limitations
- Treatment and Diagnosis generally secondary to limitations
- Generally a holistic review...

## SSDI sequential review

- Are you working?
- Is your medical condition 'severe'?
- Is your medical condition on the List of Impairments?
- Can you do the work you did before?
- Can you do any other type of work?

# The Process - Decisions

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## Commercial Plans

- Bound by ERISA time lines (45 days with 2 possible 30 day extensions)
- More approvals than denials
- Denials – Appeals process defined by ERISA
- Legal representation generally not necessary through the appeal process

## SSDI

- Expect long decision times (varies by region)
- Very high initial denials – expect to appeal
- Do NOT pursue representation if you have commercial insurance
- DO pursue representation if you do NOT have commercial coverage

# The Process – after approval

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- Updates – ongoing reviews
  - Frequency depending on your plan and condition
  - Benefits can be suspended/terminated if you do not comply
- Avoid overpayments on you commercial plans!
  - SSDI is an offset
  - Commercial plans pay while you are waiting for SSDI

# Mistakes to avoid

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- Keep seeing your doctor!
- Know the impact of working!
- Keep taking medications
- Know your appeal rights and timelines!
  - SSDI – 60 days
  - ERISA plans – 180 days
- Follow up with your doctor



# Resources

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- What You Need To Know When You Get Social Security Disability Benefits:  
<http://www.ssa.gov/pubs/EN-05-10153.pdf>
- Social Security Disability Benefits:  
<http://www.ssa.gov/pubs/EN-05-10029.pdf>
- SSA Disability Web Site --  
<http://www.ssa.gov/pgm/disability.htm>
- DisabilitySecrets.com

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Questions???

