Retirement Date: June 01, 2021

This EM replaces instructions in Disability Determination Services Administrators’ Letter No.988, released on March 30, 2020; and, EM-20019 SEN REV 2, section D. Consultative Examinations, released on May 8, 2020. We have also temporarily expanded the use of video telehealth technology for psychiatric CEs and psychological CEs that do not require testing. Please see EM-20015 SEN REV for background information and scheduling instructions.

A. Purpose

This EM provides a framework for State Disability Determinations Services (DDS) and Extended Service Teams (EST) to resume in-person consultative examinations (CE) on a voluntary basis, while taking appropriate action to minimize risk to claimants, beneficiaries and CE providers.

B. Background

Effective March 17, 2020, due to the national COVID-19 health crisis, we suspended public-facing, in-person operations to minimize exposure risk, including the cancellation and suspension of all non-virtual CEs pursuant to the Centers for Disease Control and Prevention (CDC) guidelines. Below we set forth a framework for DDS-managed and locally executed guidance for resuming in-person CEs.

NOTE: Upon resumption of in-person CEs, DDSs should prioritize scheduling CEs for claims pending at either the initial or reconsideration level.

C. General Instructions
Understanding that the effects of COVID-19 vary across communities, each State DDS will determine and manage its reinstatement of claimant or beneficiary CEs, until further notice. In doing so, each DDS will need to determine when to reinstate in-person CEs, considering the CDC, State, tribal, local, and territorial government guidelines regarding non-essential medical appointments and social distancing requirements.

The health, safety, and privacy of the public we serve remains a top priority. Prior to resuming in-person CEs, DDSs should discuss with CE providers to identify safety procedures they have implemented at each of their locations.

As the health crisis continues, DDSs must continue to balance the need to provide service with the need to minimize risk to claimants and beneficiaries. DDSs also must:

- prepare to rapidly respond to an increase or resurgence in COVID-19 cases in the community, including again suspending in-person CEs;
- provide service in accordance with government guidance for COVID-19 preventative measures; and
- consider gradually expanding services

In addition, DDSs should consider working with CE providers to adjust appointment times to allow for an extra 15-30 minutes between appointments to help minimize contact as claimants arrive and depart the office space, and also to provide the CE provider time to sanitize the office space in between appointments.

D. CE Provider Readiness:

Once CDC, State, tribal, local, and territorial government guidelines support resuming non-essential medical examinations, the DDS should discuss with CE providers to help ensure each provider is willing to conduct CE appointments and has implemented appropriate health and safety measures.

Key provider readiness considerations may include:

- Availability of preventative or personal protective equipment;
- Availability of hand sanitizer and disinfecting wipes or procedures for provider, employee and patient use;
- Appropriate facility cleaning; and
- Space alterations to assist in appropriate physical distancing in waiting and examination rooms
- Other government or professional guidance, including for medical providers.

Other potential precautionary actions for CE provider consideration:

- Contact individual claimants or beneficiaries the day prior to the scheduled CE appointment time and screen for signs of illness or exposure for COVID-19. CE providers should not see or permit the claimants or beneficiaries to enter the facility if they fail screening
processes. If the claimant or beneficiary fails screening, the CE provider should recommend the claimant or beneficiary contact his or her primary care provider for further guidance and contact the DDS to have the CE appointment rescheduled.

- Advise claimants or beneficiaries to remain in their vehicles or outside the facility, if possible or advisable, until called for their scheduled appointment.
- Advise claimants or beneficiaries not to remain in the facility longer than necessary after their appointment.
- Require individuals to wear face coverings over their mouths and noses before entering the building.
- Advise people who accompany claimants or beneficiaries to an appointment to wait in their vehicle or outside of the office rather than entering the office, when possible.
- Limit unnecessary contact, such as shaking hands.
- Have supplies available for claimants or beneficiaries (tissues, waste receptacles, alcohol-based hand sanitizer).
- Sanitize all testing items, equipment, pens, and pencils with disinfectant as appropriate in between appointments, or discard difficult-to-sanitize items after one-time use.
- Provide visual alerts (signs, posters) at entrances and in strategic places providing instruction on hand hygiene, respiratory hygiene, social distancing, and cough etiquette.

E. Notification

DDSs must notify claimants and beneficiaries that they may request to postpone their CE without penalty, if a claimant or beneficiary has concerns with COVID-19 exposure.

When the DDS begins to schedule in-person CEs, all CE notices to claimants and beneficiaries must contain the following language:

_This provider can provide you with information about the steps it is taking to prevent the spread of COVID-19. If you are concerned about COVID-19 exposure, you may contact us to postpone the examination._

_Please be aware that asking us to postpone the examination will delay your determination._

_If you ask for a postponement, we will hold your claim until we can reschedule your examination at a future date or until we receive adequate evidence to make a determination._

F. Failure to Attend a CE and Whereabouts Unknown
Insufficient evidence determinations based on failure to attend a CE (DI 23007.015) and whereabouts unknown (DI 23005.001) remain suspended until further notice. Adjudicators should follow the relevant steps in DI 23007 before holding the claim.

EM 20023 SEN - Framework for Resuming In-person Consultative Examinations (CEs) – Coronavirus Disease 2019 (COVID-19) Pandemic – One Time Instruction - 05/29/2020

Link to this document:

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