

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 880
SENATE BILL 570

AN ACT TO AUTHORIZE A REVIEW OF THE STATE'S DISABILITY DETERMINATION SERVICES.

Whereas, the State of North Carolina has a direct interest in the manner in which disability determinations are made; and

Whereas, recent changes in federal law and the rules and regulations of the Social Security Administration have led to the termination of thousands of North Carolinians from eligibility under the Title II and Title XVI Social Security disability programs; and

Whereas, due in part to discrepancies between federal court holdings and the directives of the Social Security Administration, the findings of the Disability Determination Services Section are being overruled on appeal in over two thirds of the cases; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is created the Disability Review Commission to review the operations of the North Carolina Disability Determination Services Section of the Division of Social Services.

Sec. 2. The Commission shall consist of 10 members, as follows: The Secretary of the Department of Human Resources shall serve ex officio, and the Director of the Division of Vocational Rehabilitation Services shall serve ex officio. The President of the Senate shall appoint two members of the Senate and the Speaker of the House of Representatives shall appoint two members of the House of Representatives. The Governor shall appoint four members, one of whom shall be a member of the general public receiving Social Security disability benefits, another one shall be a lawyer experienced in the field of application procedures and appeals procedures with respect to disability claims, another one shall be an administrative law judge, active or retired, who has had experience in hearing Social Security disability appeals, and another one shall be a regional officer representing the federal Social Security agency. Any vacancy shall be filled by the appointing authority who appointed the person causing the vacancy. All initial appointments shall be made within one calendar month of the effective date of this act.

Sec. 3. The Commission shall meet initially no later than September 1, 1983, at the call of the Secretary of the Department of Human Resources and shall elect from its membership a chairman and a vice-chairman. The Commission shall meet upon the call of the chairman.

Sec. 4. The Commission members shall receive no salary for serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 138-5 and G.S. 138-6.

Sec. 5. The study may include the following areas: an investigation and study relative to the quality and conduct of the Disability Determination Services Section; a consideration of the unit's response to recent federal guidelines concerning case reviews; a review of the quality and efficacy of initial determinations and subsequent appeals as well as of the determination to terminate eligibility under the Social Security disability programs; and the basic application and appeal procedures, and any other related matters.

Sec. 6. The Disability Determination Services Section shall provide full cooperation to the Commission, including direct and unrestricted access to all records, papers and files, provided that any patient records examined shall have patient identifying information removed.

Sec. 7. The Commission may hold public meetings across the State to solicit public input with respect to the operation of the Disability Determination Services Section at times and places to be established by the chairman.

Sec. 8. The Commission may report to the General Assembly and the Governor the results of its investigation and study, and its recommendations, before April 30, 1984.

Sec. 9. There is appropriated from the General Fund to the General Assembly the sum of twenty thousand dollars (\$20,000) for the fiscal year 1983-84 to fund the study authorized by this act.

Sec. 10. In executing its duties the Commission is authorized to hire such professional assistance and secretarial support as it deems necessary. The Commission is also authorized to utilize the staff of the Legislative Services Office as it deems appropriate.

Sec. 11. The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1983.