

Date: October 5, 2022
To: Disability Working Group
From: Mara McGowen, Supplemental Benefits Division Manager
Re: Disability Retirement Application Process and Time Variables

This memo is meant to provide a brief overview of the current application process as most recently updated by law in October 2021 for Disability Retirement and to outline the variables that can influence the time elapsed between an application being filed and a decision being rendered.

Executive Summary:

- The process of applying for disability retirement and reaching a determination on an application currently requires approximately 9 to 12 months, sometimes longer, depending on the particulars of a case.
- The length of time required generally is associated with providing an applicant every opportunity under the law to provide information that will help result in an accurate assessment of their eligibility for benefits.
- In practice, this has resulted in more approvals and fewer denials. For the applications resolved in 2021-2022, MainePERS approved more than 90 percent of all applications.
- Some typical factors that can lengthen the process include: compilation of medical and employer records; review by the medical review service provider (i.e., UMASS); independent medical examination; and, applicant-requested extensions.
- Each of these and other steps are further detailed below.

Disability Application Process:

Intake – When a member calls MainePERS to inquire about application for Disability Retirement, a Disability Specialist is assigned to process an intake. During the intake, members are provided, in detail, with the eligibility requirements of the program, an understanding of the application process, and next steps to be taken. These conversations typically require approximately an hour. They provide an initial opportunity for an applicant to describe their situation and often the hardships they are facing. It is also at this point that applicants or potential applicants are provided with a health care provider form, newly required by law, which describes the requirements for eligibility and which MainePERS considers in making the determination.

Receipt of Application – Upon completion of the intake, application materials are sent to the member at their request. Application materials are not available unless an intake is completed. MainePERS has found that the intake process reduces frustration for members due to the proactive education surrounding program eligibility requirements. It also assists members in deciding if or when the right time to apply is and informs them about important impacts on benefits such as life or health insurance if an unpaid leave or termination occurs.

New Application Interview – Once a complete application has been received, a Specialist will speak with the applicant. This is another opportunity for the Specialist to outline expectations for the applicant. This interview is also used to gather information regarding the applicant's most recent position, the difficulties they are facing, ask questions regarding the application itself, etc.

Compilation of Records – In addition to the medical records MainePERS needs to compile, specialists and support staff are also requesting documentation from employers, worker's compensation, staff responsible for processing ADA accommodations and any other sources deemed necessary through the application and interview process.

Employer Interview – This is an important step in the application process. Specialists schedule interviews to discuss any difficulties the applicant was having performing job functions, any accommodations provided, further explanation of job duties, etc. This often involves speaking with more than one individual (i.e., direct supervisor, Human Resources personnel, ADA personnel, etc.).

Pre-Medical Review – After receipt of all initial medical documentation and completion of employer interviews, the Specialist calls the applicant to review the medical records received and to determine if the information the applicant intends to submit is complete. This is an opportunity for an applicant to identify important missing information prior to reaching any conclusions about eligibility.

Submission to Medical Review Service Provider – MainePERS' independent contractor as stipulated by law (currently contracted with UMASS) provides medical opinions regarding the applicable diagnoses, limitations caused by the applicant's diagnoses and whether or not any limitations are expected to be permanent.

Observation – Upon receipt and review of the report from the medical review service provider, the assigned Specialist will speak with the applicant regarding the findings. A letter outlining the detail of this conversation, as well as a copy of the report from the medical review service provider/UMASS, is provided to the applicant.

Record Supplementation – Following the observation, the applicant often will choose to supplement the documentation previously provided to MainePERS. Examples of supplementation include undergoing suggested treatment, consulting with treating physicians regarding the observation and UMASS report or seeing a new medical provider. Additional medical records are often compiled at this phase.

2nd Review by Medical Review Service Provider – Once the applicant is satisfied with the content of their record, the record is sent to UMASS for a second review.

Independent Medical Examination (IME) – Each applicant has the opportunity to have an IME scheduled prior to a denial being issued on medical grounds. The medical professionals who perform IMEs are procured by an outside contractor or are themselves independent contractors. The applicant must agree that the professional suggested is acceptable to them prior to scheduling. Applicants may choose to waive the right to an IME.

Decision Issued – Several levels of internal review are performed prior to a decision being rendered.

Hold – At any point in the process above, an applicant may request that their application be placed on hold for 30, 60 or 90 days. Multiple holds may be requested.

The process above is outlined to convey the typical applicant's experience. Please note, some steps may be omitted or repeated depending on the circumstances. For example, an applicant in the end stages of a terminal cancer may cause a Specialist to work directly with the applicant's Oncologist in order to expedite the application and permit an application to be granted without review by the medical review service provider.

Variables that Impact Application Processing Time:

Compilation of Medical Records – Compiling medical records can be a lengthy process. Many Maine providers request MainePERS wait 30 days prior to checking the status of requests, while out of state facilities and national medical record compilation services request 60 days. Once received, staff often discover treating physicians not previously disclosed during the application process, which then requires additional record requests. It also is not uncommon for partial records to be received requiring follow up and likely a second request to obtain the needed information.

Employer Response Times – Response times from employers vary. It is not uncommon for an Employer Report to take several months to be received and then additional time to schedule an Employer Interview and HR follow up.

Record Supplementation – Applicants are permitted to supplement their record at any time. While this is encouraged when the applicant believes it necessary, it lengthens the process.

Seeking Further Treatment – Some applicants apply while still in treatment and/or before they have exhausted all treatment options. Since permanency is an eligibility requirement, further treatment can be required in order to determine an applicant's prognosis.

Holds – An applicant, at any time, may request their case be placed on hold for 30, 60 or 90 days. Applicants can request multiple holds.

Independent Medical Examinations (IMEs) – Sometimes the contracted vendor has difficulty procuring the appropriate medical professional to provide this service. Since an applicant must agree to the medical professional, the pool of available candidates can be further limited if the applicant chooses to deny professionals. Once a medical professional agreeable to both parties is located, there is often further time required actually to secure an appointment. Conducting an IME may add six months to the application processing time as a result.

Medical Review Provider Reports – The medical review provider (currently UMASS) contractually has 30 days to review a case and render an opinion each time the file is sent to them for review. If it is necessary for staff to ask clarifying questions about the content of the report, coordination can take several weeks after the 30 day deadline has passed.

Time required to process an application often is voluntarily extended by the member at their discretion. In order for each applicant to be confident in the documentation submitted for consideration, MainePERS provides as much opportunity as possible for a complete record to be compiled. Whether the decision is to approve or deny the application, specialists are dedicated to ensuring the record is as complete as possible in order for the appropriate determination to be made.