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# Immediate Access for the Terminally Ill Act

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Currently, individuals who are unable to work due to terminal illnesses qualify for Social Security Disability Insurance (SSDI), which provides a monthly cash benefit.<sup>1</sup> Social Security considers workers disabled if they are unable to perform work-related duties, if they cannot adjust to other work because of their medical condition, and if their disability has lasted or is expected to last for at least one year or result in death.

To fast-track SSDI applications for patients with grave medical conditions that always clearly meet the disabling criteria, the Social Security Administration (SSA) established the Compassionate Allowances Initiative (CAL) in 2018.<sup>2</sup> Despite recent reforms, most applicants are still required to wait five-months before receiving a cash benefit even though they may suffer from a terminal illness and are expected to pass away within a short period of time.<sup>3</sup> This waiting period was instituted to help prevent fraud and abuse.<sup>4</sup> However, due to the tragic realities the rapid onset of a select few terminal diseases presents, some Americans may not receive any assistance at all before they pass away.

This bill would ensure that the most vulnerable Americans have quicker access to SSDI benefits that might relieve some of the stress and costs associated with end-of-life care as well as make common-sense reforms that ensure future SSDI payments are not put in jeopardy.

## Bill Specifics

- Would give eligible disabled Americans<sup>5</sup> the choice to immediately access their SSDI cash benefits in exchange for a seven percent reduction OR wait the five-month period and receive their normal full benefit
- Would require any future additions to the CAL to be recommended by the SSA and approved by Congress
- Would increase the overpayment collection threshold for Old-Age, Survivors and Disability Insurance (OSADI) from \$10 to 10 percent
- Would eliminate an individual's ability to simultaneously access both SSDI benefits and unemployment benefits<sup>6</sup>

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<sup>1</sup> Workers are insured when they have worked in jobs covered by Social Security for about a quarter of their adult lives (received 40 work credits) and for at least five of the ten years prior to the onset of disability. However, younger workers may qualify with less work experience based on their age.

<sup>2</sup> Government Accountability Office, United States. "SSA's Compassionate Allowance Initiative." (August 2017). <https://www.gao.gov/assets/690/686513.pdf>

<sup>3</sup> In December 2020, the ALS Disability Insurance Access Act of 2019 was signed into law, eliminating the five-month waiting period for individuals with amyotrophic lateral sclerosis (ALS) who applied on or after December 23, 2020 for disability insurance benefits.

<sup>4</sup> Moulta-Ali, Umar. "Social Security Disability Insurance (SSDI): The Five-Month Waiting Period for Benefits." *Congressional Research Service*. (January 24, 2013). <https://fas.org/sgp/crs/misc/RS22220.pdf>

<sup>5</sup> Eligible disabled Americans would be those with a disease listed on the Compassionate Allowances List, suffer from a disease with no known cure, and have an average life expectancy of five years or less

<sup>6</sup> Under current law, some individuals receive SSDI benefits in addition to unemployment insurance benefits. Yet, by definition, an individual cannot be both disabled (meaning they are unable to work) and also unemployed (meaning they are ready, able, and willing to work).

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