

Submitted electronically at www.regulations.gov

December 8, 2010

Office of Regulations
Social Security Administration
107 Altmeyer Building
6401 Security Boulevard
Baltimore, MD 21235-6401

RE: Revised Medical Criteria for Evaluating Mental Disorders (Docket No. SSA-2007-0101)

To Whom it May Concern:

Thank you for this opportunity to submit comments to the Social Security Administration (“SSA”) in response to the notice of proposed rulemaking, limited reopening of comment period with respect to the proposed revisions to the Medical Criteria for Evaluating Mental Disorders. The National Council, a non-profit association representing over 1,700 community-based mental health and addiction providers, is dedicated to fostering clinical and operational innovation and promoting policies that ensure the more than 8 million low-income children, adults, and families our members serve have access to high quality services.

We greatly appreciate the willingness of the SSA to revisit the definitions of the terms “marked” and “extreme” in sections 12.00 and 112.00 of the listings of impairments and appreciate the clarification of the agency’s actions and intent which is included in the proposal issued on November 24th, 2010. We understand that the newly proposed revisions would only apply to new applicants and not to people currently receiving disability payments. However, we would like to reiterate our support for the changes we proposed in our previously submitted comments. We recommend that the agency drop references to standardized tests in both the adult and childhood mental impairment listings, as applied to adults and children with mental illnesses, for the reasons we stated in those comments.

We previously indicated that there are currently no valid tests which can measure the functioning listed in the B criteria of the adult listings. Using a measure, which has not been validated, on determinations regarding the B criteria could have significantly detrimental effects on claimants. This remains an issue, notwithstanding the fact that similar rules have been in effect as part of the children’s listing for many years.

We agree that there is a need for standard measures of functioning which can be used as a valid measure of disability. However, these measures require development and testing to ensure that they are valid for this purpose. We believe that the agency should recognize that there are no such valid tests at the current time for purposes of measuring the B criteria as related to mental illness.

We recognize that the proposed rule did not require the use of test results alone when making determinations of disability; however, we are aware of the different ways in which disability

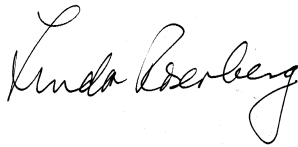
adjudicators interpret and use the rules. By including a reference to standardized tests in the rule, the agency is sending a message to the adjudicators that there are tests that can measure B Criteria, when there are not. This could potentially result in the improper use of existing measures that while valid for clinical use are not appropriate for measuring a person's ability to function in a work situation.

Moreover, SSA will create confusion in its reference to test results using two or three standard deviations from the norm and its reference to a five-point scale when determining "marked" impairment. These two methods of indicating "marked" impairment would lead to very different results with fewer claimants meeting the two standard deviations level than a score of four on the scale.

Consequently, we once again repeat our earlier recommendation: SSA should eliminate the reference to the use of tests for measuring the functional abilities of people with mental illnesses until such tests have been developed, assessed and found to truly measure what SSA intends for them to measure.

Thank you for the opportunity to clarify our views and submit further comments on this important issue.

Sincerely,



Linda Rosenberg
President/CEO