

ACTD Level A Disability Guidelines

What are the levels of compensation for ACTD?

- * Disability Level A – \$50,000 – Death or Total Disability
- * Disability Level B – \$20,000 – An individual shall be considered 35% disabled if she demonstrates a loss of functional capacity which renders her unable to perform some of her usual activities of vocation, avocation and/or self-care or she can perform them only with regular or recurring severe pain.
- * Disability Level C – \$10,000 – An individual shall be considered 20% disabled if she demonstrates a loss of functional capacity which renders her unable to perform some of her usual activities of vocation, avocation and/or self-care or she can perform them only with regular or recurring moderate pain.

The compensation amounts for approved ACTD claims are based solely on the claimant's level of disability.

Premium Payments for ACTD

If Premium Payments are approved by the District Court, approved ACTD claimants could receive an additional payment of up to 20% of their approved compensation amount.

Level A – Premium Payment of up to \$10,000 (Class 5)

Level B – Premium Payment of up to \$4,000 (Class 5)

Level C – Premium Payment of up to \$2,000 (Class 5)

QMD Statements on Disability

If your file contains more than one QMD letter, the letter with the latest date will be used to determine your disability level, this letter reflects your most current disability status.

Example: Your file contains three (3) QMD letters with the following information: In 1994 the QMD assigned Level B, in 1999 the QMD assigned Level A, in 2000 the QMD assigned Level C. The Level C assignment will be used to determine your current disability status.

Level A – Death, \$50,000 (U.S.)

One way to qualify for Level A is based on a claimant's death. To do this, you must submit ONE of the following:

- * A death certificate that indicates the primary or secondary cause of death is related to ACTD or one of the approved symptoms; or
- * An autopsy report that indicates that the cause of death is related to ACTD; or
- * A letter from a QMD or the claimant's medical records directly relate the primary or secondary cause of death to ACTD or one of the approved ACTD symptoms.

Level A based on a claimant's death can be approved without a death certificate or autopsy report. The claimant's death cannot be caused by any other disease or condition.

Functional Disability Level A Claims

- * The SF-DCT's current standard for Disability Level A claims requires claimants to submit proof that you are disabled in both vocation **and** self-care.

Level A Total Disability: Vocation and Self-Care

The second way to qualify for a Level A payment in Disease Option 1 is to document that you are totally disabled, as defined in the Plan. There are several ways the QMD or Treating Physician can assign Level A total disability. Listed below are some acceptable examples of assignments for Level A disability provided that there is an adequate description of your limitations in performing both vocation and self-care, either in the QMD letter or the medical records.

- The physician can describe your limitations in performing both your vocation and self-care activities; or
- * The physician can simply state “Level A” disability and describe your vocation and self-care limitations; or
- * The physician can use other phrases such as “completely disabled” or “totally disabled” and then describe the vocation and self-care limitations.

NOTE: If you submit several disability letters with different dates, and only the most current letter states that you are now totally disabled, then you must submit the medical records supporting the most current disability letter that supports the Level A disability. The new disability rank cannot be based solely on a phone call the doctor had with you or a review of a questionnaire that you completed.

NOTE: If you are relying solely on a QMD letter, the SF-DCT may, in limited circumstances described in Section 5.04 of the Settlement Facility and Fund Distribution Agreement, request additional medical records to support a claim.

Level A Total Disability: Vocation

To be considered totally disabled in your vocation, you must show that you are unable to do one of the following because of the limitations from your credited symptom(s):

- If you work outside the home, you must show that you are unable to work in your primary occupation; or
- If you do not work outside the home and were attending school, you must show that you are either unable to go to school; or
- If you were doing volunteer work, you must show that you are unable to do volunteer work; or
- If you are a homemaker and this is your primary occupation, you must show that you are unable to perform your homemaking duties.

Note: If the physician adequately describes your limitations in performing your vocation and self-care, but indicates that you are able to perform your homemaking duties, the SF-DCT cannot approve your claim for level A total disability. Your ability to adequately and regularly perform your homemaking activities conflict with the description of your inability to perform your vocation and self-care.

Example: Ms. Jones is unable to work due to chronic fatigue; however, she is able to perform most of her household duties. Due to her severe joint pain she requires a home health aide at least 5 days a week to assist with dressing and grooming.

Examples of homemaking activities are cooking, washing dishes, cleaning, sweeping or vacuuming, washing windows, dusting, mopping, laundry, changing bed linens and/or shopping.

Level A Total Disability: Self-Care

To be approved for limitations in performing your self-care activities, your medical records – when read together to reflect an overall [description](#) of your limitations -- must show that you are not able to perform two self-care activities listed below either by yourself or without assistance from another person or an assistive device.

1. Bathing
2. Dressing
3. Grooming
4. Feeding
5. Toileting

The need for assistance "means" a claimant is unable to perform an activity alone and requires help from others or a special device to complete a specific activity due to a credited symptom. The records or the physician's statement must indicate the need for assistance and taken as a whole must demonstrate that these self-care activities cannot be done without assistance or an assistive device. Assistance must be needed when performing the primary act of the self-care activity.

Level A - Total Disability (100%), \$50,000 (U.S.)

Examples of an approved ACTD Total Disability Level A Claim:

*Example 1: Claimant Jones, a homemaker, had breast implantation in 1976. Medical records from 1979 reflect that she had **joint pain** and **fatigue that lasted for three months**. Medical records from 1984 reflect that she had **dry eyes** and **muscle pain**. Her implants were removed in 1985 and the pathology report showed **chronic inflammation**. Records dated from 1994 reflect that Ms. Jones required assistance from family members to cook, clean, vacuum and grocery shop due to her joint pain, fatigue and muscle pain. Her daughter must assist with dressing and undressing, must take her to and from the toilet and assist her with getting on and off the toilet due to muscle pain in the legs and joint pain in the hands. All of her grooming is done by her daughter such as combing, brushing and blow drying her hair because she cannot lift her arms above her head to do these tasks by herself due to her severe shoulder pain.

*Example 2: Claimant Smith was implanted in 1985. She submitted a QMD letter from a Rheumatologist that noted that the Rheumatologist had reviewed Ms. Smith's medical records and found the following: **Polyarthritis** and **K-Sicca**. The letter also noted that Ms. Smith had to quit her job as a hair dresser because she was not able to stand for long periods of time due to pain in her ankle and feet joints from her polyarthritis, or raise her arms to cut or groom hair due to hand and wrist pain, and noted that her husband had to assist her to dress and undress and to bathe because she could not do these tasks by herself because of her painful finger and wrist joints from her Polyarthritis.

Note: Your claim can be approved for a level of disability; however, the SF-DCT cannot pay a disease claim until you qualify for both disease and a level of disability.

ACTD Level A Total Disability – Unacceptable Proof

The following are unacceptable examples of Level A total disability:

- Your records show that you continue to work in your job/employment.
- “Permanently disabled.” This is not the same as totally disabled.
- Your records show that your primary vocation is affected or limited by an ineligible symptom or condition, for example: work injury, car accident, heart attack, etc.
- The treating doctor or QMD letter states that you are totally disabled, but your medical records dated within the same time frame indicate that you are actively exercising.
- The QMD or treating doctor bases your total disability on a pre-existing symptom or condition.
- The treating doctor or QMD bases your Level A total disability rank on symptoms that were not eligible or approved. (Example: The QMD states that you are unable to work because of fatigue but you were not credited with the symptom of chronic fatigue.)
- If your file mentions homemaking then in order to qualify the records must reflect that you have difficulty performing this activity. (See example on page 144)
- The file does not provide any details or descriptions about your inability to perform both vocation and self-care.

ACTD Level A Total Disability – unacceptable proof continued

- The QMD increases your disability rank to level A total disability, but he or she does not perform a new examination or provide current medical records to support the new level assigned. The new disability rank cannot be based solely on a phone call with you or a review of a questionnaire that you have completed.
- The QMD describes severe limitations or an inability to dress, feed, groom and/or toilet yourself alone but the same physician or your medical records indicate that you are working full time.
- The file reflects detailed descriptions about your inability to perform vocation (job or homemaking) because of an approved ACTD symptom or condition, but it does not contain information about your self-care limitations.
- The file reflects conflicting information regarding either your vocation and/or self-care limitation. (Example: file reflects that you are either working or able to perform all or most of your self-care activities.)

ACTD Level A Total Disability – Assisted Living Home

Level A can be approved when a claimant's condition has deteriorated to the point that she is now in an assisted living home or requires 24-hour care due to ACTD or one of the credited symptoms or conditions.

Note: To ensure approval of your claim, it is best to submit all medical records available to support the statement.