

Representative Payee Program Under Fire

Faulting the Social Security Administration for lax management of the representative payee program, Senator David Pryor, chairman of the Senate Aging Committee, has introduced legislation to address abuses. The agency maintains that these legislative changes are unnecessary, because it has undertaken its own efforts to curb abuses, and has already appointed an agency task force.

During hearings in June, Members of the Committee heard testimony of widespread problems in the program, especially prevalent when the beneficiary and the payee are unrelated. Senator Pryor's bill, S.1130, requires the agency to be more thorough in its screening potential payees; SSA would have to determine whether the proposed payee had been convicted of any crimes, and whether any prior services as a payee had been terminated. The legislation would also require more careful monitoring of payees, with updated files on their status and annual accounting for funds. In the event of agency negligence, SSA would be required to reimburse beneficiaries. And beneficiaries would receive formal notice of SSA's determination to appoint a payee and would have a right to appeal. In the event of agency negligence in these activities, SSA would be required to reimburse beneficiaries for losses.

SSA objects to the legislation because some provisions are too restrictive and would take from the agency the flexibility it needs to respond to needs in individual cases, and because some provisions are already current SSA policy.

Psychometric Assessment for Non-English Speaking Claimants

Editor's Note: The disability claimant is a mentally-impaired man who speaks only Spanish. He is originally from Puerto Rico, and has lived in the United States for the past twelve years. What are the appropriate psychometric tests for assessing his degree of disability?

In an unpublished decision from Massachusetts, the district court held that SSA was in error in using the E.I.W.A. (the Spanish version of the W.A.I.S.) to measure I.Q. The court finds that the applicable norm is the U.S. population norm, not the Puerto Rico norm. The issue is critical in the case because the claimant's argument for entitlement to disability benefits rests on Listing section 12.05(c). Sanchez v. Secretary of HHS, No. 84-00-24-F (W.D. Mass., January 21, 1988).

In response to a request for enlightenment from NOSSCR, Antonio E. Puente, Ph.D., University of North Carolina at Wilmington, has offered an analysis of the specific decision, and commented on this issue in a broader context. We very much appreciate his insight and perspective.

This case focuses on the general question of what type of psychological test should be used with a member of a minority group. This particular case addresses the question of what assessment is appropriate for a person who once was a majority group member and by reason of immigration has now joined a minority group.

Unfortunately, there is no easy answer to this interesting question. First, it is important to note that historically, minorities in the U.S. have been viewed with disdain and psychological measurement methods have mirrored this attitude. Presently, this attitude has, in my opinion, changed to confusion. In a comprehensive review of the literature (in press), I cannot with any certainty state that such factors as test bias, norms, and acculturation to a society are well understood. Despite the situation, individuals have to be and

are being tested, with Social Security evaluations being no exception.

However, several suggestions are proposed for your readers. These include:

- (1) Test bias is not well understood and experts provide contradictory data.
- (2) All things being equal, norms that reflect a person's demographic make-up is certainly better than national norms who often under-represent minorities.
- (3) Norms from one test are not transferable to another test even if it is a translation. The Spanish WAIS (EIWA) and the current WAIS-R do not contain the same items, tasks, etc.
- (4) WAIS and EIWA norms are both out dated. Nevertheless, raw scores convert into very different scale scores for the WAIS and EIWA.
- (5) WAIS-R norms are more conservative than WAIS norms and, as such, differences with minority populations, especially with "accompanying mental disorders," appear enhanced.
- (6) Acculturation is critical in determining whether a person is adjusted to the culture in which s/he resides. If a person is acculturated but is not bilingual, then a Spanish translation of the WAIS-R and not the EIWA would be more appropriate.
- (7) An alternative is to focus on Performance and not Verbal scores. Also, one could administer both the WAIS and EIWA and use the higher vocabulary scores.

If bias does exist, causing test results to be of questionable value, they are probably due to one or more of the following;

1. inappropriate items
2. inappropriate standardization samples
3. examiner and client barrier (e.g., language differences)
4. unequitable social consequences
5. measurement of different variables or behaviors
6. differential predictive validity.

The common denominator is whether the clients have had the opportunity to understand the item in question. If they have, the opportunity has been presented but the knowledge not assimilated, then bias does not exist.

I trust this addresses the issue raised in the Hector Sanchez case. Your readers may want to consult my chapter in Goldstein and Hersen's upcoming **Handbook of Psychological Assessment** or C.R. Reynolds and R. Brown, **Bias in Mental Tests** Plenum, 1984) for further information.

Social Security Advocates

Editor's Note: Given its broad mandate to review the adjudication process and recommend changes, the Disability Advisory Committee has received testimony on a broad range of issues. Because of our collective experience with years of claimants' representation, NOSSCR members furnish a valuable perspective, especially where many of the committee members have had few first-hand dealings with the disability programs' initial and appeals levels.

On behalf of the Social Security Advocates, Joel F. Friedman of Phoenix has prepared an excellent, comprehensive statement.

Phoenix Social Security Advocates is a group composed not only of attorneys in private practice and at legal services agencies, social workers, and other professionals regularly involved in the Social Security disability claims process, but