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## *How Your Doctor Can Make or Break Your Disability Case:*

### *"The Treating Physician Rule"*

When our office first meets with a new client, one of the main questions we ask is: "Do you have doctor who you have been seeing for a while? And what is your relationship like with that doctor?" The reason this is such an important question is because Social Security has a rule called the "The Treating Physician Rule" which basically holds that the medical opinion of your own treating doctor will hold more weight than the opinions of other doctors that Social Security may send you to for a one-time consultative exam.



So when we are pushing our clients to develop a good treating relationship with one of their doctors, what our firm is looking for is a doctor who has been treating our client for a significant period of time (more than two to three visits). Then we will contact that doctor and ask him/her to write a statement, or fill out a form that we have prepared, that asks the doctor for his/her opinion about our client's day to day limitations, severity of the disability, symptoms, and diagnosis and prognosis. If the opinion is favorable to our client's case, we will then use it to help prove our legal case for disability benefits.

But there are some legal parameters around the treating physician rule.

First, the opinion has to be made by a physician, psychologist, or psychiatrist, or other acceptable medical sources. The opinion of nurses, counselors, physician's assistants, physical therapist will not receive the same level of legal value as that of the doctor.

Next, more evidentiary weight will be given to the opinion of a doctor who is a specialist in the impairment that you are alleging. For instance, Social Security will not give much weight to the opinion of a primary care physician who is making a medical opinion about their patient's mental health. However, if that same client is able to get their psychiatrist to write an opinion about their patient's mental health then that will be an opinion that will get substantial weight from Social Security. Social Security will also examine the duration of your relationship with your doctor and how frequently you see your doctor. The longer a doctor has seen you and the more often a doctor has seen you, then the more likely that the doctor has a better understanding of your medical impairments. Probably one of the most important aspects of the "Treating Physician Rule" is that the opinions that your doctor makes about your medical condition is supported by the doctor's treatment notes. There is no use in a doctor writing a statement that claims their patient is completely bed ridden and unable to work, if that doctor's own treating notes does not contain any information that would support such an opinion.

At the end of the day, if your doctor, who you have a long treating relationship with, is willing to make a statement on behalf of your disability case, and that doctor specializes in your medical condition, then you will have the advantage of Social Security basing their decision on your own doctor's medical opinion of your disability case rather than the opinion of a doctor you have never met. And that is an advantage that every Social Security claimant should strive for.

*ANNOUNCING:*

**KHAKI**  
**UNIVERSITY**

*"We Grow So You Can Grow"*

We are so thrilled to share with all of you that we have launched a training program for our staff and referral sources that will help educate our staff and referral sources on all issues that impact our clients.

The Khaki University is based on the same foundation that the Khaki Law Firm is based on, and that is to improve the human experience. The mission of the Khaki University is to enrich the work environment of our legal team so that they can further help improve the life experience of our clients'

and our community. We are committed to inviting various experts and leaders to hold in-depth training sessions for our staff and referral sources on various topics that impact our clients lives so that we can better serve our clients and community at large.

## **March Khaki University Workshop: Vocational Expert Training with Larry Underwood**



Mr. Larry Underwood is absolutely one of our favorite vocational experts who often testifies as an impartial expert witness at Social Security hearings in Atlanta. On March 14th, as part of our Khaki University training, we invited Larry over to our office to give our legal team some training on how to better analyze vocational data. Larry truly enriched us with a wealth of information on jobs that exist in the national economy and at what physical and mental strength level these jobs are performed at. We had the privilege of asking Larry a ton of questions on how certain medical limitations would affect ability to work. We all left the meeting feeling better equipped to fight Social Security for our clients. Thank you Larry!!!

Stay tuned for next months Khaki University session, and feel free to give us tips on what other topics you would like for our staff to learn more about so that they can better help you!

### *Client Satisfaction Surveys:*

*Check your email March 31!*



It's that time of year again! We value our clients feedback and are always seeking for ways to improve our services. Keep an eye on your inbox on March 31st for our quarterly survey. Please take 5 minutes to tell us what

## *Happy Spring:*

### *Nowruz, Easter Egg Hunt, and Allergies!*

I am so excited that Spring is finally here since now my view from my office window is only getting greener and prettier. Of course I am also now only functional with my daily dose of Claritin thanks to my insane allergies. Despite the sneezing and watery eyes, the coming of Spring is a big celebration in my Persian family since part of our heritage is to celebrate the Spring Solstice as a symbol of nature's rebirth. Actually in ancient Persian culture, Spring is the coming of the New Year (not January). We call the Spring Solstice, Nowruz (means "New Day"). We celebrated this year with a family gathering and our traditional Nowruz spread. And of course, we had to complete the Spring celebrations by having my son do a proper Easter Egg Hunt in the front yard (courtesy of his dear Aunt Linda and Nataly).



## *Calendar of Events:*

### **March 2016**

March 4th: In Court, Savannah, GA

March 8th: In Court, Covington, GA

March 9th: In Court, Covington, GA

March 10th: In Court, Atlanta, GA

March 13th: Daylight Savings

March 14th: Khaki University Session: Vocational Expert workshop with Larry Underwood

March 15th: In Court, Atlanta, GA

March 17th: St. Patrick's Day

March 18th: In Court, Albany, GA

March 20th: First Day of Spring (Nowruz)

March 21st: In Court, Albany, GA

March 22nd: In Court, Atlanta, GA

March 23rd: In Court, Atlanta, GA

March 24th: In Court, Augusta, GA



**Contact Us!**

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Sara G. Khaki, Esq.

"We help people get through  
the Social Security Disability process  
with personalized legal care."