

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

PATRICE LONG	*	CIVIL ACTION NO. 16-5089
	*	
VERSUS	*	SECTION: I
	*	
CAROLYN W. COLVIN, ACTING	*	JUDGE LANCE M. AFRICK
COMMISSIONER OF THE SOCIAL	*	
SECURITY ADMINISTRATION	*	MAGISTRATE JUDGE
	*	JANIS VAN MEERVELD
*****	*	

**ORDER & REASONS**

Patrice Long and Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, both filed motions<sup>1</sup> for summary judgment in the above-captioned matter. The Magistrate Judge recommended<sup>2</sup> that Long's motion be denied and the motion filed by the Acting Commissioner be granted.

Among her findings, the Magistrate Judge found that the ALJ's determination that Long's depression is not severe is supported by substantial evidence.<sup>3</sup> Long objects<sup>4</sup> to the Magistrate Judge's conclusion with respect to this finding. Long argues that the Magistrate Judge erred by discounting the July 2013 depression screening conducted by her primary care physician, Dr. Lincoln Pranikoff, and further erred by finding that there was substantial evidence to support a determination that Long's depression is not a severe impairment.

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<sup>1</sup> R. Doc. No. 15 (Long); R. Doc. No. 18 (Acting Commissioner).

<sup>2</sup> R. Doc. No. 19.

<sup>3</sup> *Id.* at 26-27.

<sup>4</sup> R. Doc. No. 20-1, at 10-11.

Long devoted minimal discussion in her motion for summary judgment to the depression screening conducted by Dr. Pranicoff, relying instead on the report of examining licensed psychologist Dr. Christine Powanda, on referral by Disability Determinations Services.<sup>5</sup> In fact, Long’s brief never mentions the specific screening tool utilized by Dr. Pranicoff—the PHQ-9; Long simply referred to Dr. Pranicoff’s “depression screening.”<sup>6</sup>

“The PHQ-9 is a tool for assisting primary care clinicians in diagnosing depression as well as selecting and monitoring treatment.” *Luckett v. Astrue*, No. 09-5211, 2011 WL 336250, at \*3 (W.D. Ark. Jan. 31, 2011); *see also Lucero v. Colvin*, No. 15-434, 2016 WL 8230654, at \*6 n.12 (D.N.M. Aug. 17, 2016) (“The PHQ-9 (Patient Health Questionnaire 9) is a nine-item scale that is self-administered and is used to screen patients for depression.”). “[B]ased directly on the nine diagnostic criteria for major depressive disorder in the DSM-IV,” the PHQ-9 is considered “one of the most validated tools in mental health” and offers a “powerful tool to assist clinicians with diagnosing depression and monitoring treatment response.” *Lucero*, 2016 WL 8230654, at \*6 n.12 (quoting “PHQ-9 Depression Scale,” AIMS Center, University of Washington, <https://aims.uw.edu/resource-library/phq-9-depression-scale>); *see also* Kurt Kroenke et al., “The PHQ-9: Validity of a Brief Depression Severity Measure,” 16(9) *J. Gen. Internal Med.* 606 (2001) (concluding that the PHQ-9 is a reliable measure of depression severity).

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<sup>5</sup> *See* R. Doc. No. 15, at 4-5, 10-12.

<sup>6</sup> *See generally id.*

Thus, Long is correct that the PHQ-9 is a medically acceptable tool, which factually distinguishes this case from *Greenspan v. Shalala*, 38 F.3d 232 (5th Cir. 1994), which was cited by the Magistrate Judge. In *Greenspan*, the ALJ disregarded the treating physician's opinion that Greenspan was unable to perform any type of work because the opinion was conclusory and based on history, not clinical testing; and because the physician used "dubious medical techniques." 38 F.3d at 237-38. By contrast, the PHQ-9—although relying on subjective complaints and patient history—is not a dubious medical technique.

However, a PHQ-9 score is just one step in diagnosing and treating depression. As explained by a district court in New York, "the PHQ-9 test is a screening device and not to be used solely to make a depressive disorder diagnosis. . . . [T]he questionnaire 'relies on patient self-report,' so a definitive diagnosis must be verified by a clinician, taking into account how well the patient understood the questions, as well as other relevant information from the patient, his or her family, and other sources." *Hernandez v. Astrue*, 814 F. Supp. 2d 168, 175 n.8 (E.D.N.Y. 2011) (citing the claimant's medical records). As the Magistrate Judge noted here, there are no medical records indicating that Long sought or obtained treatment for depression with a mental health professional. Long's single PHQ-9 score was not followed up with a definitive diagnosis by a mental health practitioner, and the single PHQ-9 score did not result in treatment for depression by Dr. Pranicoff or anyone else. It appears that Long's next visit with Dr. Pranicoff was six months later in December 2013, at which time the records make no mention of depression other than to note

“311 Depressive disorder, not elsewhere classified” as the sixth of Ms. Long’s diagnoses that day.<sup>7</sup> The “Reason for Visit” was “routine evaluation” and migraine headache due to a steroid injection. Further, as the Magistrate Judge noted, the only licensed psychologist to examine Long, Dr. Powanda, found that her “mental health seems fair overall” and concluded that she exhibited overall adequate sustained attention, normal pace, and good persistence and effort.<sup>8</sup> Long denied depression and anxiety when she visited Dr. Rian Tanenbaum and Dr. Mark Juneau, Jr. after her depression screening with Dr. Prantikoff.<sup>9</sup> Moreover, Long and her husband both reported that she could follow instructions and pay attention for hours, and Long’s own testimony at the hearing did not indicate that her depression interfered with her ability to function.<sup>10</sup>

The Court, after considering the complaint, the record, the applicable law, the Magistrate Judge’s Report and Recommendation, and Long’s objections, hereby approves the Magistrate Judge’s Report and Recommendation and adopts it as its own opinion.

Accordingly,

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<sup>7</sup> R. Doc. No. 8-8, at 84.

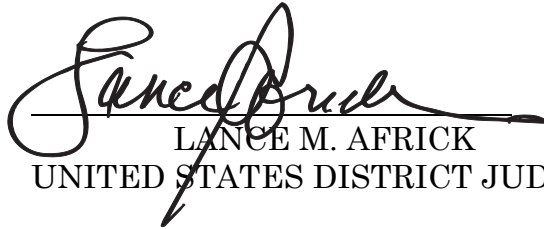
<sup>8</sup> R. Doc. No. 19, at 26

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 26-27.

**IT IS ORDERED** that that the motion<sup>11</sup> for summary judgment filed by Long is **DENIED**, and the motion<sup>12</sup> for summary judgment filed by the Acting Commissioner of the Social Security Administration is **GRANTED**.

New Orleans, Louisiana, June 7, 2017.

  
LANCE M. AFRICK  
UNITED STATES DISTRICT JUDGE

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<sup>11</sup> R. Doc. No. 15.

<sup>12</sup> R. Doc. No. 18.