



# Federal Register

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**Monday,  
April 30, 2007**

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**Part XLIV**

## **Social Security Administration**

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**Semiannual Regulatory Agenda**

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**SOCIAL SECURITY ADMINISTRATION**

**Office of the Commissioner**

**20 CFR Ch. III**

**Semiannual Unified Regulatory Agenda**

**AGENCY:** Social Security Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Executive Order (E.O.) 12866 (as amended by E.O. 13258) entitled Regulatory Planning and Review, issued September 30, 1993, and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) require each Federal agency to publish semiannually a brief description of all regulatory actions under development or review, expected to be under development or review for the next 12 months, or completed since the previous publication of the agenda. Our last agenda of regulations was published December 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** For further information about a specific regulatory action, contact the person identified as the agency contact for that action. Comments or inquiries of a general nature should be directed to Paul Kryglik, Acting Regulations Officer, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-3735.

**SUPPLEMENTARY INFORMATION:** The Social Security Administration (SSA) administers the retirement, survivors, and disability insurance programs under title II of the Social Security Act (the Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and Special Benefits to Certain World War II Veterans under title VIII of the Act. Our regulations generally do not impose burdens on the private sector or on State, local, or tribal governments. Our regulations document the rules under which we make eligibility determinations and set forth both the responsibilities of the Agency toward the public and beneficiaries' rights and responsibilities under the programs we administer.

Our regulatory efforts can be placed into one of the following three categories: (1) Legislative implementation; (2) program changes to improve SSA service to the public; and (3) improvements or clarifications to enhance effective stewardship of SSA programs.

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of Agency adjudicative decisionmakers. Supporting regulations are often required. In some instances, Congress directs SSA to issue implementing

regulations. For other legislative provisions, SSA regulations provide program information to applicants for benefits, current beneficiaries, and their legal counsels.

Our regulatory agenda includes regulatory changes to reflect provisions of the Social Security Protection Act of 2004 (Pub. L. 108-203).

Also included in our agenda are items that will amend our Ticket to Work regulations originally published in December 2001. The proposed rules, published in September 2005, would expand beneficiary eligibility, increase beneficiary choice and flexibility of services available from both vocational rehabilitation agencies and employment networks, and modify the payment system to employment networks. Final regulations are anticipated in 2007.

We continue to work diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of interest groups concerned about Social Security programs. The remainder of our Unified Agenda reflects such improvements and clarifications.

The spring 2007 regulatory agenda for the Social Security Administration follows.

**Dated:** March 7, 2007.

**Paul Kryglik,**  
*Acting SSA Regulations Officer.*

**Social Security Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3270	Revised Medical Criteria for Evaluating Mental Disorders (886P) .....	0960-AF69
3271	Revised Medical Criteria for Evaluating Hematological Disorders (974P) .....	0960-AF88
3272	Elimination of Parent-to-Child Deeming From Stepparents (793P) .....	0960-AF96
3273	Exclusion of Military Pay for Combat Service From Deemed Income and Resources (978P) .....	0960-AF97
3274	Technical Updates to Applicability of the Supplemental Security Income (SSI) Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities (794P) .....	0960-AF99
3275	Liability of Representative Payees for Overpayments to Deceased Recipients (796P) .....	0960-AG02
3276	Recontacting Your Medical Source(s) (2241P) .....	0960-AG04
3277	Additional Insured Status Requirements for Certain Alien Workers (2882P) .....	0960-AG22
3278	Private Printing of Prescribed Applications, Other Forms, and Publications (530P) .....	0960-AG36
3279	Work Performed by Certain Nonresident Aliens (3316P) .....	0960-AG37
3280	Methods for Conducting Personal Conference When Waiver of Recovery of Title II or Title XVI Overpayment Cannot Be Approved (3320P) .....	0960-AG40
3281	Consultative Examination—Annual Onsite Review of Medical Examiners (3338P) .....	0960-AG41
3282	Improvements to the Ticket To Work and Self-Sufficiency Program (3377P) .....	0960-AG44
3283	SSI Trusts and Transfers of Resources (791P) .....	0960-AG45

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## Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3284	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
3285	Privacy and Disclosure of Official Records and Information (711F) .....	0960-AE88
3286	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) .....	0960-AF28
3287	Revised Medical Criteria for Evaluating Immune System Disorders (804F) .....	0960-AF33
3288	Administrative Review Process; Incorporation-by-Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964F) .....	0960-AF92
3289	Temp Ext of Atty Fee Payment System to Title XVI; 5-Year Demo Project Extending Fee Withholding and Payment Procedures to Eligible Non-Attorney Reps; . . . (3246F) .....	0960-AG35
3290	Technical Changes to the Title II Regulations (3342F) .....	0960-AG43

## Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3291	Revised Medical Criteria for Endocrine Disorders (436P) .....	0960-AD78
3292	Supplemental Standards of Ethical Conduct for Employees of the Social Security Administration (601F) .....	0960-AE48
3293	Title VI (Civil Rights Act (1964)), Title IX (Education Amend. (1972)), Rehabilitation Act (1973), and Age Discrimination Act (1975) in Programs/Activities Receiving Financial Assistance by SSA (617P) .....	0960-AE63
3294	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) .....	0960-AE78
3295	Revised Medical Criteria for Evaluating Neurological Impairments (806P) .....	0960-AF35
3296	Revisions to the Medical-Vocational Guidelines (823F) .....	0960-AF47
3297	Determining Disability for an Individual With Drug Addiction or Alcoholism (851P) .....	0960-AF57
3298	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P) .....	0960-AF58
3299	Stepchild Entitlement and Termination Requirements (934F) .....	0960-AF78
3300	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F) .....	0960-AF80
3301	Mandatory Exclusion of Health Care Providers and Representatives From Participating in Programs Administered by SSA, Including Representative Payment (954F) .....	0960-AF85
3302	Amendments to the Ticket To Work and Self-Sufficiency Program (967F) .....	0960-AF89
3303	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562F) .....	0960-AG14
3304	Revised Medical Criteria for Evaluating Hearing Loss (2862P) .....	0960-AG20
3305	New Medical Criteria for Evaluating Language and Speech Disorders (2962P) .....	0960-AG21
3306	Revised Medical Criteria for Evaluating Growth Impairments (3163P) .....	0960-AG28
3307	Age as a Factor in Evaluating Disability (3183F) .....	0960-AG29
3308	Revised Medical Criteria for Musculoskeletal Disorders (3318P) .....	0960-AG38

## Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3309	Optometrists as Acceptable Medical Sources To Establish a Medically Determinable Impairment (2261F) .....	0960-AG05
3310	Title II Cost-of-Living Increases in Primary Insurance Amounts (3346F) .....	0960-AG42

## Social Security Administration (SSA)

## Proposed Rule Stage

**3270. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 404.1520 to 404.1520a; 20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928**Legal Deadline:** None

**Abstract:** We propose to update and revise the rules that we use to evaluate mental disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are sections 12.00 and 112.00 in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as affective disorders, schizophrenic disorder, intellectual disabilities, and autistic disorders.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/03	68 FR 12639
ANPRM Comment Period End	06/16/03	
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1758

**RIN:** 0960-AF69**3271. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** Sections 7.00 and 107.00 (hematological disorders) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe hematological disorders that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, which causes marked and severe functional limitation. We are proposing to revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AF88**3272. ELIMINATION OF PARENT-TO-CHILD DEEMING FROM STEPPARENTS (793P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Sec 1614(f)(2) of the Social Security Act**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1202; 20 CFR 416.1851**Legal Deadline:** None

**Abstract:** We propose to change the Supplemental Security Income (SSI) parent-to-child deeming rules to no longer consider the income and resources of a stepparent when an

eligible child resides in the household with a stepparent, but not his or her natural or adoptive parent. We will clarify that a stepparent no longer meets the definition of a "parent" when his or her spouse dies or leaves the household. Thus, an eligible child would not be subject to deeming from a stepparent unless the child lives with both his or her natural or adoptive parent and the stepparent. We also propose changing the age at which an individual is no longer considered an ineligible child for purposes of deeming from 21 to 22. We believe this change will simplify our rules for both the public and our public contact employees.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Eric Skidmore, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235  
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**Related RIN:** Related to 0960-AF24**RIN:** 0960-AF96**3273. EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978P)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382 to 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1382 note; 42 USC 1383; 42 USC 1383b**CFR Citation:** 20 CFR 416.1161; 20 CFR 416.1202**Legal Deadline:** None

**Abstract:** These proposed rules would provide for excluding additional military pay for combat service from

## SSA

## Proposed Rule Stage

countable income and resources when we determine the eligibility of children and spouses of military personnel for Supplemental Security Income (SSI). The exclusions ensure that the SSI benefits of children and spouses of military personnel are not adversely affected by the deployment of their family members to a combat zone.

Under these rules, in determining an individual's eligibility for SSI, we would not count the following types of income of an ineligible parent or spouse:

Any additional increment in pay, other than any increase in basic pay, received while serving as a member of the uniformed services, if:

1. The spouse or parent received the pay as a result of deployment to or while serving in a combat zone; and
2. The spouse or parent was not receiving the additional pay immediately prior to deployment to or service in a combat zone.

Under these rules, we also would exclude from deemed resources for 9 months following the month of receipt, the unspent portion of any retroactive payment of:

1. Special pay (hostile fire and imminent danger pay) received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 U.S.C. 310; and
2. Family separation allowance received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 U.S.C. 427 as a result of deployment to or while serving in a combat zone.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AF97

**3274. TECHNICAL UPDATES TO APPLICABILITY OF THE SUPPLEMENTAL SECURITY INCOME (SSI) REDUCED BENEFIT RATE FOR INDIVIDUALS RESIDING IN MEDICAL TREATMENT FACILITIES (794P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382 note; 42 USC 1382a to 1382c; 42 USC 1382f; 42 USC 1382h(a); 42 USC 1382h note; 42 USC 1382j; 42 USC 1383; 42 USC 1383b; 42 USC 1383c; 48 USC 1681 note

**CFR Citation:** 20 CFR 416.201; 20 CFR 416.211 to 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.708; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to implement two provisions of the Balanced Budget Act of 1997 that affect the payment of benefits under title XVI of the Social Security Act (the Act). One of the provisions extended temporary institutionalization benefits to children who enter private medical treatment facilities and who otherwise would be subject to a reduced benefit because of private insurance coverage. The other provision replaced obsolete terminology in the Act that referred to particular kinds of medical facilities and substituted a broader yet more descriptive term.

**Timetable:**

Action	Date	FR Cite
NPRM	03/26/07	72 FR 14053
NPRM Comment	05/27/07	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**Related RIN:** Previously reported as 0960-AF25

**RIN:** 0960-AF99

**3275. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS (796P)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** PL 106-169, sec 201; 42 USC 404(a); 42 USC 1383(b)

**CFR Citation:** 20 CFR 404.501; 20 CFR 416.537

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to reflect section 201 of Public Law 106-169 that amended 42 U.S.C. sections 404(a) and 1383(b) to make a representative payee personally liable for repayment of a title II/title XVI overpayment to the representative payee on behalf of an individual after the individual's death.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AG02

**3276. RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 405(a) TO 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421; 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h;

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42 USC 1382h note; 42 USC 1383(a); 42 USC 1383b; 42 USC 1838(c) to 1383(d)(1); PL 98-460; PL 104-193

**CFR Citation:** 20 CFR 404.1512; 20 CFR 416.912

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to clarify when we will and will not recontact the individual's treating source(s) or other medical source(s) for additional evidence or clarification when evidence from such source(s) is insufficient or inconsistent, as discussed in sections 404.1527(c) and 416.927(c). We also propose to revise our regulations to explain that we will not recontact the individual's treating source(s) or other medical source(s) if there is sufficient evidence for us to decide whether the individual is disabled.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mike O'Connor, Office Director, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 966-7813

**RIN:** 0960-AG04

**3277. ADDITIONAL INSURED STATUS REQUIREMENTS FOR CERTAIN ALIEN WORKERS (2882P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 414(c); 42 USC 423(a)(1)(C); PL 108-203, sec 211

**CFR Citation:** 20 CFR 404.110; 20 CFR 404.120; 20 CFR 404.130; 20 CFR 404.315; 20 CFR 404.1912; 20 CFR 404.1931

**Legal Deadline:** None

**Abstract:** The proposed rule will revise our regulations on insured status to include an additional insured status requirement under section 211 of

Public Law 108-203—the Social Security Protection Act of 2004 (SSPA)—for an alien worker who was originally assigned a Social Security number (SSN) on or after January 1, 2004. Under this law, an alien worker must meet either of the following additional requirements to be fully or currently insured and to establish entitlement to any title II benefits based on his/her earnings:

\* At the time that SSA issues the SSN or later, the alien worker must be authorized by the Department of Homeland Security to work in the United States; or

\* The alien worker must have been admitted to the United States at any time as a nonimmigrant visitor for business (immigration category "B-1") or as an "alien crewman" (immigration category "D-1" or "D-2").

If an alien worker whose SSN was originally assigned on or after January 1, 2004, does not meet either of these requirements, then he/she is not fully or currently insured; thus entitlement is precluded. This is true even if the alien worker appears to have the required number of quarters of coverage (QCs) in accordance with the other insured status provisions. The additional insured status requirement affects the entitlement of certain alien workers, and any person seeking a benefit on the record of an alien who is subject to this law.

An alien worker who was properly assigned a SSN before January 1, 2004, is not subject to section 211 of the SSPA.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	
Final Action	04/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jessica Burns, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1758

**RIN:** 0960-AG22

**3278. PRIVATE PRINTING OF PRESCRIBED APPLICATIONS, OTHER FORMS, AND PUBLICATIONS (530P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1320b-10(a)(2)(A)

**CFR Citation:** 20 CFR 422.527

**Legal Deadline:** None

**Abstract:** The current regulation at 20 CFR 422.527 requires persons to obtain approval from the Social Security Administration (SSA) prior to reproducing, duplicating, or privately printing any application or other form prescribed by the Administration. Such approval is required whether or not the person intends to charge a fee. Section 1140(a)(2)(A) of the Social Security Act (the Act) (42 U.S.C. 1320b-10(a)(2)(A)) prohibits persons from charging a fee to reproduce, reprint, or distribute any SSA application, form, or publication unless authorized by the Commissioner of Social Security in accordance with such regulations as he may prescribe. This proposed rule would amend the current regulation to require SSA pre-approval to reproduce SSA's forms, applications, and publications only if the person intends to charge a fee and prescribe the procedures for obtaining such approval.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Renee Williams, Social Security Administration, Forms Management Team, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG36

## SSA

## Proposed Rule Stage

**3279. WORK PERFORMED BY CERTAIN NONRESIDENT ALIENS (3316P)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 404.1036**Legal Deadline:** None

**Abstract:** We propose to revise our regulations on work performed by certain nonresident aliens. We want to clarify that for nonimmigrant aliens with certain types of visas, the critical factor in determining whether the work is covered for Social Security purposes is whether the work is authorized under Department of Homeland Security regulations, not the specific nature of the work. We also propose to add language to explain the difference between "covered work" and "authorized work." Finally, we propose to substitute the word "coverage" for "employment" because "employment" has a specific meaning under the Social Security Act and its use could be confusing in the context of the revisions we propose to make to this regulation section.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** John Love, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG37**3280. METHODS FOR CONDUCTING PERSONAL CONFERENCE WHEN WAIVER OF RECOVERY OF TITLE II OR TITLE XVI OVERPAYMENT CANNOT BE APPROVED (3320P)****Priority:** Other Significant

**Legal Authority:** 42 USC 404; 42 USC 405(a); 42 USC 902(a)(5); 42 USC 1320b-17; 42 USC 1381; 42 USC 1381a; 42 USC 1382(c) and (e); 42 USC 1383(a)

to 1383(d); 42 USC 1383(g); 31 USC 3720A

**CFR Citation:** 20 CFR 404.506; 20 CFR 416.557**Legal Deadline:** None

**Abstract:** We propose to revise our title II regulation and add a title XVI regulation regarding personal conferences when waiver of recovery of an overpayment cannot be approved to allow for the conferences to be conducted face-to-face, by telephone, or by video conference.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/07	72 FR 9709
NPRM Comment Period End	05/04/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Robin Strauss, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG40**3281. CONSULTATIVE EXAMINATION—ANNUAL ONSITE REVIEW OF MEDICAL EXAMINERS (3338P)****Priority:** Other Significant**Legal Authority:** 42 USC 421(a)(1)**CFR Citation:** 20 CFR 404.1519s; 20 CFR 416.919s**Legal Deadline:** None

**Abstract:** We are amending our regulations to reflect the impact of inflation since 1991 when they were implemented. We propose to change the threshold amount to require the State disability determination services (DDSs) to perform an onsite review of consultative examination (CE) providers from \$100,000 to \$150,000.

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/07	72 FR 13053

Action	Date	FR Cite
NPRM Comment Period End	05/21/07	
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

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**RIN:** 0960-AG41**3282. • IMPROVEMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (3377P)**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 411.166; 20 CFR 411.171(b); 20 CFR 411.180; 20 CFR 411.192 (new); 20 CFR 411.195; 20 CFR 411.200; 20 CFR 411.210; 20 CFR 411.225; 20 CFR 411.226 (new)

**Legal Deadline:** None

**Abstract:** We are proposing to revise our regulations for the Ticket to Work and Self-Sufficiency Program (Ticket to Work program), authorized by the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work program provides beneficiaries with disabilities expanded options for access to employment, vocational rehabilitation, and other support services. The program is an important part of the comprehensive SSA work opportunity initiative which is focused on helping beneficiaries with disabilities who want to work do so.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No

## SSA

## Proposed Rule Stage

**Government Levels Affected:** None

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**RIN:** 0960-AG44

**CFR Citation:** 20 CFR 416

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to reflect sections 205 and 206 of Public Law 106-169, the Foster Care Independence Act of 1999. Section 205 generally provides for counting certain trusts as resources in the SSI program. Section 206 generally provides for a period of ineligibility for SSI benefits as a result of transferring resources for less than fair market value.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Related to 0960-AF22

**RIN:** 0960-AG45

### 3283. • SSI TRUSTS AND TRANSFERS OF RESOURCES (791P)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 1382a(a); 42 USC 1382b(c); 42 USC 1382b(e); PL 106-169, sec 205; PL 106-169, sec 206;

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### 3284. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 3720A; 42 USC 902(a)(5); 42 USC 1320b-17; 42 USC 1381 to 1381a; 42 USC 1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)

**CFR Citation:** 20 CFR 416.545 to 416.546; 20 CFR 416.640

**Legal Deadline:** Final, Statutory, November 22, 1996, Interim Final Rules were published on December 20, 1996 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) only). Interim Final Rules were published on December 20, 1996.

**Abstract:** These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Section 213 requires the establishment of accounts in financial institutions for the payment of past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement (IAR) exceeding 6

months, benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past due benefits. Section 221 requires past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement that equals or exceeds 12 months, benefits to be paid in installments with certain exceptions.

These final rules will also reflect amendments made by section 302 of the Social Security Protection Act of 2004, effective May 2005, which provides for the payment of attorney fees by SSA from past due benefits that are payable to an individual. Section 7502 of the Deficit Reduction Act of 2005, enacted February 8, 2006, changed the formula for the payment of SSI installments. The new formula states that when an SSI individual is eligible for past due benefits in an amount which (after reimbursement for IAR and attorney/nonattorney fees) equals or exceeds 3 times the individual Federal Benefit Rate, plus any federally administered State supplement, installment payments must be paid.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/20/96	61 FR 67203
Interim Final Rule Comment Period End	02/18/97	
Final Action	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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Phone: 410 965-1713

**RIN:** 0960-AE59



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**3285. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711F)****Priority:** Other Significant**Legal Authority:** 5 USC 552 to 552a; 42 USC 1306(a); 42 USC 902(a)(5)**CFR Citation:** 20 CFR 401.30; 20 CFR 401.45; 20 CFR 401.55; 20 CFR 401.150; 20 CFR 401.180**Legal Deadline:** None**Abstract:** We will revise our privacy and disclosure rules to:

1. More fully describe the role and function of the Privacy Officer;
2. Describe safeguards against inappropriate disclosure of personal information when individuals request information about themselves by electronic means (e.g., through the Internet);
3. Conform to special procedures on an individual's access to medical records and access to a minor's medical records by the minor's parent or legal guardian acting on the minor's behalf.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/06	71 FR 53994
NPRM Comment Period End	11/13/06	
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Chris W. Johnson, Social Insurance Specialist, Social Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

Phone: 410 965-1769

**RIN:** 0960-AE88**3286. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (804F)****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None**Abstract:** Sections 5.00 and 105.00, Digestive Disorders, of appendix 1 subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those digestive impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are revising these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.**Timetable:**

Action	Date	FR Cite
NPRM	11/14/01	66 FR 57009
NPRM Comment Period End	01/14/02	
NPRM Comment Period Reopened	11/08/04	69 FR 64702
Comment Period End	01/07/05	
Final Action	12/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tony Guirrerri, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9980Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769**RIN:** 0960-AF28**3287. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804F)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None**Abstract:** We will update and revise the rules that we use to evaluate

immune system disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we will revise are sections 14.00 and 114.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as HIV/AIDS, systemic lupus erythematosus, and inflammatory arthritis.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/09/03	68 FR 24896
ANPRM Comment Period End	07/08/03	
NPRM	08/04/06	71 FR 44431
NPRM Comment Period End	10/03/06	
Final Action	12/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1192Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769**RIN:** 0960-AF33**3288. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION-BY-REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964F)****Priority:** Other Significant**Legal Authority:** 42 USC 405(a) to 405(b); 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.953; 20 CFR 416.1453**Legal Deadline:** None**Abstract:** These rules will make final, interim final rules that allow an Administrative Law Judge (ALJ) to enter a wholly favorable, oral decision into the record of a hearing, and may

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subsequently issue a written decision that gives the findings and reasons for the decision by incorporating by reference the findings and reasons stated orally at the hearing, provided that the ALJ does not determine subsequent to the hearing that the oral findings and reasons should be changed.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61594
Interim Final Rule Effective	10/20/04	
Interim Final Rule Comment Period End	12/20/04	
Final Action	02/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AF92

**3289. TEMP EXT OF ATTY FEE PAYMENT SYSTEM TO TITLE XVI; 5-YEAR DEMO PROJECT EXTENDING FEE WITHHOLDING AND PAYMENT PROCEDURES TO ELIGIBLE NON-ATTORNEY REPS; . . . (3246F)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405(a); 42 USC 406(b); 42 USC 902(a)(5); 42 USC 1383(d); PL 101-508, sec 5106; PL 103-296, sec 321(f); PL 106-170, sec 406; PL 108-203, sec 301; PL 108-203, sec 302; PL 108-203, sec 303

**CFR Citation:** 20 CFR 404.1703; 20 CFR 404.1717 (new); 20 CFR 404.1720; 20 CFR 404.1730; 20 CFR 416.1503; 20 CFR 416.1517 (new); 20 CFR 416.1520; 20 CFR 416.1528; 20 CFR 416.1530 (new)

**Legal Deadline:** None

**Abstract:** We are amending our regulations to conform the regulations to the provisions of sections 301, 302

and 303 of the Social Security Protection Act of 2004 (SSPA, Public Law 108-203); section 406 of the Ticket to Work and Work Incentives Improvements Act of 1999 (TWWIIA, Public Law 106-170); section 321(f) of the Social Security Independence and Program Improvements Act of 1994 (SSIPIA, Public Law 103-296); and section 5106 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990, Public Law 101-508). Section 5106 of OBRA 1990 and section 301(f) of the SSIPIA affected the way we define past-due benefits for the purpose of calculating the fees we pay directly for representation of claimants before the Social Security Administration (SSA). Section 406 of the TWWIIA established an assessment for the services required to determine and certify payments to attorneys from the benefits due claimants under title II of the Social Security Act (the Act). Section 301 of the SSPA amended the Act to cap the assessment and to adjust the cap annually based on the cost-of-living computation in section 215(i)(2)(A)(ii) of the Act. Section 302 of the SSPA amended the Act to temporarily extend the attorney fee withholding, payment and assessment procedures to claims under title XVI of the Act. Section 303 of the SSPA authorizes a 5-year, nationwide demonstration project, under both title II and title XVI of the Act, that extends fee withholding, direct payment and assessment procedures to non-attorney representatives who the Commissioner of Social Security determines have met prerequisites for participating in the project. We are amending our regulations to reflect these statutory changes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/05/07	72 FR 16720
Interim Final Rule Effective	04/05/07	
Interim Final Rule Comment Period End	06/04/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AG35

**3290. • TECHNICAL CHANGES TO THE TITLE II REGULATIONS (3342F)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 404.336; 20 CFR 404.339 to 404.340; 20 CFR 404.349; 20 CFR 404.364; 20 CFR 404.438; 20 CFR 404.762

**Legal Deadline:** None

**Abstract:** These rules would amend our regulations on the definition of child-in-care to include husbands and surviving divorced mothers and fathers as categories of beneficiaries who can be entitled to benefits based on having an entitled child of the worker in-care. We are including in the audience those who are filing for benefits as a husband or divorced widower (father). The child-in-care evidentiary regulation will be updated to refer to the age at which unreduced benefits are payable as "full retirement age" as defined in 20 CFR 404.409. These final rules also correct a cross-reference affecting entitlement to mother's or father's benefits and reintroduce an inadvertently deleted definition concerning dependency determinations for grandchildren and step grandchildren born during the one-year support period relevant to a child's entitlement on the basis of those relationships to insured persons.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0960-AG43

## Social Security Administration (SSA)

## Long-Term Actions

**3291. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** Sections 9.00 and 109.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those endocrine impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/11/05	70 FR 46792
ANPRM Comment Period End	10/11/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0960-AD78

**3292. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; 5 USC 7301; 5 USC 7353

**CFR Citation:** 5 CFR ch LXXXI (New)

**Legal Deadline:** None

**Abstract:** The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), will issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. This final rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/05	70 FR 7192
NPRM Comment Period End	03/14/05	
NPRM Comment Period Reopened	05/04/05	70 FR 23065
Comment Period End	06/03/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

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RIN: 0960-AE48

**3293. TITLE VI (CIVIL RIGHTS ACT (1964)), TITLE IX (EDUCATION AMEND. (1972)), REHABILITATION ACT (1973), AND AGE DISCRIMINATION ACT (1975) IN PROGRAMS/ACTIVITIES RECEIVING FINANCIAL ASSISTANCE BY SSA (617P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 1681; 29 USC 794; 42 USC 902(a)(5); 42 USC 2000d; 42 USC 6101

**CFR Citation:** 20 CFR 431

**Legal Deadline:** None

**Abstract:** Prior to March 31, 1995, SSA was an operating component of HHS and the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) based on section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). The Social Security Independence and Program Improvements Act (SSIIPIA) established SSA as an independent agency in the executive branch of the Federal Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated, or repealed by the Commissioner. SSA is promulgating regulations at 20 CFR part 431, which are based in large measure upon the HHS regulations at 45 CFR parts 80, 81, 84, 86, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures. Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIIPIA.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

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## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

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RIN: 0960-AE63

### 3294. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661P)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794; 42 USC 902**CFR Citation:** 20 CFR 432**Legal Deadline:** None

**Abstract:** These proposed regulations are intended to ensure that individuals are not subjected to discrimination on the basis of disability, race, color, national origin, sex, age, or religion in any program or activity conducted by SSA.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

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RIN: 0960-AE78

### 3295. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL IMPAIRMENTS (806P)

**Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules we use to evaluate neurological impairments of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are sections 11.00 and 111.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19356
ANPRM Comment Period End	06/13/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 0960-AF35

### 3296. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 405(a) to 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404, subpart P, app 2; 20 CFR 404.1564; 20 CFR 416.964

**Legal Deadline:** None

**Abstract:** This rule will make several clarifications to our medical-vocational guidelines. First, for individuals whose previous semiskilled or skilled work does not allow him or her to transfer skills to other semiskilled or skilled work within his or her residual functional capacity (RFC), we will treat

the past work experience as if it were unskilled. It will also clarify which medical-vocational rules apply to individuals who are illiterate or unable to communicate in English.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/03	68 FR 40213
NPRM Comment Period End	09/05/03	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 0960-AF47

### 3297. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)

**Priority:** Other Significant

**Legal Authority:** PL 104-121, sec 105; PL 105-33, sec 5525; PL 106-170, sec 401; 42 USC 405(j); 42 USC 422(e); 42 USC 423(d)(2)(C); 42 USC 425; 42 USC 1382(e); 42 USC 1382c(a)(3)(J); 42 USC 1383(a)(2); 42 USC 1383c; 42 USC 1383e

**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** We propose to revise our regulations that address drug addiction and alcoholism (DAA) under titles II and XVI of the Social Security Act. The proposed rules reflect provisions of section 105 of the Contract with America Advancement Act of 1996, Public Law 104-121; section 5525 of the Balanced Budget Act of 1997, Public Law 105-33; and section 401 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF57

**3298. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859P)**

Priority: Other Significant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

**Abstract:** We propose to update and revise the rules we use to evaluate respiratory disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act. The rules we plan on revising are sections 3.00 and 103.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19358
ANPRM Comment Period End	06/13/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF58

**3299. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934F)**

Priority: Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403(a) to 403(b); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.352; 20 CFR 404.363

Legal Deadline: None

**Abstract:** We will amend our regulations to incorporate the changes to the entitlement and termination requirements for stepchild's benefits introduced by the Contract with America Advancement Act of 1996. The statutory changes allow a stepchild to be considered dependent upon an insured stepparent for purposes of entitlement to benefits as a stepchild, only if he or she is receiving at least one-half support from the insured person (stepparent). The changes also require benefit termination when the stepchild's natural parent and the insured stepparent divorce. We propose to extend the termination requirement to include: (1) A divorce that ends the marriage between a stepchild's adoptive parent and the insured stepparent; and (2) a prospective annulment that ends the marriage between a stepchild's natural or adoptive parent and the stepparent. We also will include in the regulations our longstanding policy that a stepchild's benefits are terminated when the marriage between the stepchild's parent and the stepparent is annulled from the beginning (ab initio). These rules will reflect enacted legislation and provide accurate and complete guidelines for determining entitlement to benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/03	68 FR 47877
NPRM Comment Period End	10/14/03	
Final Action	10/00/08	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF78

**3300. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1320b-19 note

**CFR Citation:** 20 CFR 404.1630; 20 CFR 404.2101 to 404.2109; 20 CFR 404.2111 to 404.2127; 20 CFR 416.101; 20 CFR 416.110; 20 CFR 416.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2201 to 416.2209; 20 CFR 416.2211 to 416.2227

Legal Deadline: None

**Abstract:** These final rules remove regulatory provisions relating to the requirement to refer for vocational rehabilitation (VR) services those individuals who become entitled to or eligible for disability or blindness benefits under titles II and XVI of the Social Security Act (the Act). These changes are being made to reflect the repeal of section 222(a) and amendment of section 1615(a) of the Act. Prior to their repeal and amendment, these sections of the Act required the Commissioner of Social Security to refer disabled or blind beneficiaries to a State VR agency for necessary rehabilitation services. The final rules also remove regulatory provisions for referral of disabled or blind beneficiaries to alternate participants for VR services that have become obsolete.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**RIN:** 0960-AF80

**3301. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS AND REPRESENTATIVES FROM PARTICIPATING IN PROGRAMS ADMINISTERED BY SSA, INCLUDING REPRESENTATIVE PAYMENT (954F)**

**Priority:** Other Significant

**Legal Authority:** PL 106-169, sec 208; 42 USC 1320b-6

**CFR Citation:** 20 CFR 404.1503b; 20 CFR 416.903b

**Legal Deadline:** None

**Abstract:** This final rule will exclude representatives and health care providers who are convicted of violating certain criminal statutes involving fraud and other matters in the title II or title XVI programs administered by SSA, or who are assessed a civil monetary penalty for making false or misleading statements related to such programs, from participation in those programs. The minimum exclusion period is 5 years, but exclusions can be permanent.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/04	69 FR 40338
NPRM Comment Period End	08/31/04	
Final Action	06/00/09	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AF85

**3302. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967F)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1320b-19; PL 106-170, sec 101

**CFR Citation:** 20 CFR 411.110; 20 CFR 411.120 to 411.155; 20 CFR 411.165 to 411.166; 20 CFR 411.170 to 411.171; 20 CFR 411.175; 20 CFR 411.180; 20 CFR 411.190; 20 CFR 411.191; 20 CFR 411.210; 20 CFR 411.325; 20 CFR 411.350 to 411.370; 20 CFR 411.385 to 411.390; 20 CFR 411.500 to 411.515; 20 CFR 411.525 to 411.566; 20 CFR 411.575 to 411.590

**Legal Deadline:** None

**Abstract:** These final rules will revise our current rules that implement the Ticket to Work and Self-Sufficiency Program under section 1148 of the Social Security Act. The rules will expand beneficiary eligibility to receive tickets under this program; clarify the rules for assignment of a beneficiary's ticket to a State vocational rehabilitation (VR) agency; revise the rules for payment when a beneficiary receives services from both a State VR agency and an employment network (EN); and, consistent with the Commissioner's authority in section 1148(h) of the Act, revise the rules for milestone and outcome payments, in order to increase the incentives for providers of employment services, vocational rehabilitation services, and other support services to participate in this program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/05	70 FR 57222
NPRM Comment Period End	12/29/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**RIN:** 0960-AF89

**3303. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (2562F)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552 to 5 USC 552a; 42 USC 1306(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 401 app A(b)(3)(c)(4); 20 CFR 402.45(e)

**Legal Deadline:** None

**Abstract:** We plan to revise our privacy and disclosure rules to:

1. Add a new section to set out detailed procedures to further preserve the anonymity and protect the physical well-being of employees in abusive relationships or who fear for their physical well-being because of threats from others;
2. Conform SSA's Freedom of Information Act regulations in this respect more closely to Office of Personnel Management (OPM) regulations; and
3. Develop procedures for the protection in the electronic environment of personally identifiable information for at-risk employees.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/06	71 FR 32494
NPRM Comment Period End	08/07/06	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AG14

### 3304. REVISED MEDICAL CRITERIA FOR EVALUATING HEARING LOSS (2862P)

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules we use to evaluate hearing loss in adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are in section 2.00 and 102.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19353
ANPRM Comment Period End	06/13/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 0960-AG20

### 3305. NEW MEDICAL CRITERIA FOR EVALUATING LANGUAGE AND SPEECH DISORDERS (2962P)

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We are considering whether to propose new rules for evaluating language and speech disorders by adding a new body system to the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings) for these disorders. The new rules would apply to adults and children who apply for, or receive, disability benefits under titles II and XVI of the Social Security Act (the Act).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19351
ANPRM Comment Period End	06/13/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0960-AG21

### 3306. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH IMPAIRMENTS (3163P)

**Priority:** Other Significant

**Legal Authority:** 42 USC 402; 42 USC 405(a) to 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules we use to evaluate

growth impairments of individuals under age 18 who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are in section 100.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/05	70 FR 53323
ANPRM Comment Period End	11/07/05	
NPRM	06/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AG28

### 3307. AGE AS A FACTOR IN EVALUATING DISABILITY (3183F)

**Priority:** Other Significant

**Legal Authority:** 42 USC 221(a); 42 USC 221(i); 42 USC 222(c); 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416i; 42 USC 423; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382(h); 42 USC 1382b(a); 42 USC 1382b(c); 42 USC 1382c; 42 USC 1383(a); 42 USC 1383(c)

**CFR Citation:** 20 CFR 404.1562 to 404.1563; 20 CFR 404.1568; 20 CFR 404, subpart P, app 2; 20 CFR 416.962; 20 CFR 416.963; 20 CFR 416.968

**Legal Deadline:** None

**Abstract:** These final rules will revise the definitions of the age categories we use as one of the criteria in determining disability under titles II and XVI of the Social Security Act (the Act). The changes reflect our adjudicative experience, advances in medical

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treatment and healthcare, changes in the workforce since we originally published our rules for considering age in 1978, and current and future increases in the full retirement age under Social Security law. The changes will not affect the rules under part 404 of our regulations for individuals age 55 or older who have statutory blindness. They also will not affect our other rules that are dependent on age, such as the age at which you can qualify for early retirement benefits or for Medicare as a retired individual.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67101
NPRM Comment Period End	01/03/06	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 0960-AG29**3308. REVISED MEDICAL CRITERIA FOR MUSCULOSKELETAL DISORDERS (3318P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** Sections 1.00 and 101.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those musculoskeletal impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge,

treatment, and methods of evaluating musculoskeletal impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 0960-AG38

## Social Security Administration (SSA)

## Completed Actions

**3309. OPTOMETRISTS AS ACCEPTABLE MEDICAL SOURCES TO ESTABLISH A MEDICALLY DETERMINABLE IMPAIRMENT (2261F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1513; 20 CFR 416.913**Completed:**

Reason	Date	FR Cite
Final Rules	03/01/07	72 FR 9239
Final Action Effective	04/02/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 0960-AG05**3310. • TITLE II COST-OF-LIVING INCREASES IN PRIMARY INSURANCE AMOUNTS (3346F)****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 402(a); 42 USC 405(a); 42 USC 415; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 404.275(a)**Legal Deadline:** None

**Abstract:** We are revising section 404.275(a) that deal with automatic cost-of-living increases to primary insurance amounts under title II of the Social Security Act (the Act). The revision is necessary because, beginning with the Consumer Price Index (CPI) for January 2007, the Bureau of Labor Statistics will publish the CPI to three decimal places. The CPI is currently published to one decimal place as is now shown in our regulations. With this revision, section 404.275(a) will reflect the change in the reporting of the CPI.

**Timetable:**

Action	Date	FR Cite
Final Action	01/18/07	72 FR 2185
Final Action Effective	01/18/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 0960-AG42

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