



# Federal Register

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**Monday,  
June 28, 2004**

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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 22, 2003.

**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 Martin J. Sussman, Regulations Officer, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-1767 or TTY (410) 966-5609.

**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 towards 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 an item to amend our regulations to reflect the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108-173). We will also be planning regulatory changes to reflect provisions of the Social Security Protection Act of 2004 (Pub. L. 108-203).

Included in our agenda are items that will amend our regulations to include more provisions of The Ticket to Work and Work Incentives Improvement Act of 1999, (Pub. L. 106-170), which was signed on December 17, 1999. Among the provisions still requiring regulations are provisions that will suspend continuing disability reviews based on work activity and expedited reinstatement of disability benefits terminated due to work activity. In addition, we expect to propose revisions to the existing rules that implement the Ticket to Work program.

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 2004 regulatory agenda for the Social Security Administration follows.

**Dated:** May 11, 2004.

**Martin J. Sussman,**  
*SSA Regulations Officer.*

**Social Security Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3745	Revised Medical Criteria for Endocrine Disorders (436P) .....	0960-AD78
3746	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P) .....	0960-AE48
3747	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
3748	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) .....	0960-AE78
3749	Privacy and Disclosure of Official Records and Information (711P) .....	0960-AE88
3750	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) .....	0960-AE89
3751	Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725P) .....	0960-AE93
3752	Revised Medical Criteria for Evaluating Genitourinary Disorders (802P) .....	0960-AF30
3753	Revised Medical Criteria for Evaluating Immune System Disorders (804P) .....	0960-AF33
3754	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826P) .....	0960-AF48
3755	Revised Medical Criteria for Evaluating Mental Disorders (886P) .....	0960-AF69
3756	Mandatory Exclusion of Health Care Providers, Representatives, and Representative Payees From Participation in SSA Programs (954P) .....	0960-AF85
3757	Revised Medical Criteria for Evaluating Hematological Disorders (974P) .....	0960-AF88

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## Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3758	Amendments to the Ticket to Work and Self-Sufficiency Program (967P) .....	0960-AF89
3759	Elimination of Parent-to-Child Deeming for Individuals Who No Longer Meet the Definition of Spouse of the Natural or Adoptive Parent (793P) .....	0960-AF96
3760	\$30 Private Insurance (794P) .....	0960-AF99
3761	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506P) .....	0960-AG00
3762	Medicare Prescription Drug Premium and Cost-Sharing (1024P) .....	0960-AG03

## Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3763	Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases (399F) .....	0960-AD67
3764	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
3765	Technical Changes to Supplemental Security Income (SSI) Regulations (664F) .....	0960-AE79
3766	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) .....	0960-AF28
3767	Revised Medical Criteria for Evaluating Impairments Affecting Multiple Body Systems (803F) .....	0960-AF32
3768	Revisions to the Medical-Vocational Guidelines (823F) .....	0960-AF47
3769	Amendments to Annual Earnings Test Regulations (866F) .....	0960-AF62
3770	Stepchild Entitlement and Termination Requirements (934P) .....	0960-AF78
3771	Representative Payment Under Titles II, VIII, and XVI of the Social Security Act (949F) .....	0960-AF83
3772	Elimination of Clothing From the Definitions of Income and In-Kind Support and Maintenance, Exclusions of One Automobile, and Household Goods and Personal Effects Under SSI From Resources (950F) .....	0960-AF84
3773	Continuation of Benefit Payment to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925F) .....	0960-AF86
3774	Evidence Requirement for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Students (960F) .....	0960-AF87
3775	Elimination of Deemed Military Wages (768F) .....	0960-AF90
3776	Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964I) .....	0960-AF92
3777	Exclusion of Military Pay for Combat Service from Deemed Income and Resources (978I) .....	0960-AF97

## Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3778	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P) .....	0960-AE50
3779	Medical Equivalence for Adults and Children (787P) .....	0960-AF19
3780	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790P) .....	0960-AF21
3781	SSI Trusts and Transfers of Resources (791P) .....	0960-AF22
3782	Revised Medical Criteria for Evaluating Special Senses and Speech Disorders (805P) .....	0960-AF34
3783	Revised Medical Criteria for Evaluating Neurological Disorders (806P) .....	0960-AF35
3784	Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (785F) .....	0960-AF39
3785	Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P) .....	0960-AF41
3786	Determining Disability for an Individual With Drug Addiction or Alcoholism (851P) .....	0960-AF57
3787	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P) .....	0960-AF58
3788	Revised Medical Criteria for Evaluating Growth Disorders (444P) .....	0960-AF67
3789	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F) .....	0960-AF80
3790	Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy, and Christian Science Practitioners (792P) .....	0960-AG01
3791	Liability of Representative Payees for Overpayments to Deceased Recipients (796P) .....	0960-AG02
3792	Recontacting Your Medical Source(s) (2241P) .....	0960-AG04

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Social Security Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3793	Medical and Other Evidence of Your Impairment(s) (2261P) .....	0960-AG05

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3794	Administrative Wage Garnishment (To Repay a Debt Owed to the Social Security Administration) (724F) .....	0960-AE92
3795	OASDI and SSI; Administrative Review Process; Video Teleconferencing Appearances Before Administrative Law Judges of the Social Security Administration (737F) .....	0960-AE97
3796	Revised Medical Criteria for Evaluating Skin Disorders (801F) .....	0960-AF29
3797	Wage Reports and Pension Information (809P) .....	0960-AF38
3798	New Disability Claims Process—Roles of State Agency (816F) .....	0960-AF44
3799	Filing of Applications and Related Forms (797F) .....	0960-AF52
3800	Payment of Benefits to Aliens Residing Outside the United States (909F) .....	0960-AF70
3801	Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments, and Administrative Review Process (922F) .....	0960-AF72
3802	Interrelationship of Old-Age, Survivors, and Disability Insurance Program with the Railroad Retirement Program (943F) .....	0960-AF82

Social Security Administration (SSA)

Proposed Rule Stage

**3745. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)**

**Priority:** Substantive, Nonsignificant

**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
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AD78

**3746. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)**

**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), proposes to 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. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Stuart M. Besser, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-3194

Richard M. Bresnick, Paralegal Specialist, Social Security Administration, Office of Regulations,

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RIN: 0960-AE48

**3747. 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 (SSIPIA) 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 SSIPIA, 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 SSIPIA.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Eileen Inglesby-Houghton, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

RIN: 0960-AE63

**3748. 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	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

RIN: 0960-AE78

**3749. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 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 propose to 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
4. Add a new section to grant direct 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	09/00/04	

**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 Public Disclosure, Office of the General Counsel, 1508 Woodlawn Drive, Baltimore, MD 21235  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
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RIN: 0960-AE88

**3750. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383; 5 USC 5514

**CFR Citation:** 20 CFR 422

**Legal Deadline:** None

**Abstract:** This initiative would enable the Social Security Administration (SSA) to collect from Federal salaries qualifying, delinquent title II and title XVI overpayment debts, and

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administrative debts owed by individuals who are currently Federal employees. The debt collection would be accomplished by the partial reduction of the employee's disposable salary.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-0020

**RIN:** 0960-AE89

**3751. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 421(m)

**CFR Citation:** 20 CFR 404.903; 20 CFR 404.1574; 20 CFR 404.1575; 20 CFR 404.1590; 20 CFR 404.1594; 20 CFR 416.990; 20 CFR 416.994; 20 CFR 416.1403

**Legal Deadline:** None

**Abstract:** We are proposing to amend our regulations to explain how we will implement section 221(m) of the Social Security Act (the Act). Section 221(m) affects our rules for when we will conduct a continuing disability review if a beneficiary works and receives benefits under title II of the Act based on disability. (We interpret this section to include beneficiaries who receive both title II disability benefits and Supplemental Security Income (SSI) payments based on disability.) It also affects the way we evaluate work activity when deciding if a beneficiary has engaged in substantial gainful activity, and affects the standards we

use when we determine whether disability continues or ends.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kristine Erwin-Tribbitt, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AE93

**3752. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802P)**

**Priority:** Substantive, Nonsignificant

**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 revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate genitourinary impairments. We apply these criteria at step three of our sequential evaluation processes for adults and children who claim Social Security or Supplemental Security Income benefits based on disability under title II and title XVI of the Social Security Act. The revisions reflect advances in medical knowledge, treatment, and methods of evaluating genitourinary impairments.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**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, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1192

**RIN:** 0960-AF30

**3753. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)**

**Priority:** Substantive, Nonsignificant

**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 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 plan on revising 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 infection, other Immunoglobulin deficiency syndromes or deficiencies of cell-mediated immunity, System Lupus Erythematosus, Scleroderma, Polymyositis, Inflammatory Arthritis, and other connective tissue disorders.

**Timetable:**

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

**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, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
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**RIN:** 0960-AF33

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**3754. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826P)****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:** Listings 4.00 and 104.00 of appendix 1 to subpart P of our regulation (20 CFR 404.1501 through 404.1599) describe those cardiovascular 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 cause marked and severe functional limitations. We propose to revise the criteria that we use to evaluate cardiovascular impairments under the listings to reflect our program experience and advances in medical knowledge, treatment, and methods of evaluating these disorders. 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	09/00/04	

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

**Agency Contact:** Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-4172

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-9822

**RIN:** 0960-AF48**3755. 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; 20 CFR 404.1520a;

20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928

**Legal Deadline:** None

**Abstract:** We are planning 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 in sections 404.1520a and 416.920a of our regulations, and sections 12.00 and 112.00 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	03/17/03	68 FR 12639
ANPRM Comment	06/16/03	
Period End		
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Agency Contact:** Cathy Lively, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1180

Martin J. Sussman, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
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**RIN:** 0960-AF69**3756. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS, REPRESENTATIVES, AND REPRESENTATIVE PAYEES FROM PARTICIPATION IN SSA PROGRAMS (954P)****Priority:** Substantive, Nonsignificant**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 proposed rule would 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 five years, but exclusions can be permanent.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AF85**3757. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)****Priority:** Substantive, Nonsignificant**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 (hemic and lymphatic system) 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	12/00/04	

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

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**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  
 Phone: 410 965-2289  
**RIN:** 0960-AF88

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**RIN:** 0960-AF89

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 Kenneth A. Brown, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
 Phone: 410 965-9772

**3758. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967P)**  
**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.  
**Legal Authority:** 42 USC 902(a)(5); 42 USC 1320b-19; PL 106-170, sec 101  
**CFR Citation:** 20 CFR 411.115; 20 CFR 411.125 to 411.140; 20 CFR 411.150 to 411.155; 20 CFR 411.171; 20 CFR 411.350 to 411.375; 20 CFR 411.385 to 411.395; 20 CFR 411.500 to 411.510; 20 CFR 411.525 to 411.565; 20 CFR 411.575 to 411.585

**Legal Deadline:** None  
**Abstract:** These proposed rules are intended to amend the final rules implementing the Ticket to Work and Self-Sufficiency Program under section 1148 of the Social Security Act: to expand beneficiary eligibility to receive tickets under this program; to clarify the rules for assignment of a beneficiaries' ticket to a State vocational rehabilitation (VR) agency; to 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, to revise the rules for milestone and outcome payments to ENs, in order to increase the incentives for providers of employment and other support services to participate in this program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** Undetermined  
**Agency Contact:** Geoffrey Funk, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

**3759. ELIMINATION OF PARENT-TO-CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (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 is not 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	09/00/04	
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401

Richard M. Bresnick, Paralegal Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-1758  
**Related RIN:** Related to 0960-AF24  
**RIN:** 0960-AF96

**3760. • \$30 PRIVATE INSURANCE (794P)**  
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.  
**Unfunded Mandates:** Undetermined  
**Legal Authority:** 42 USC 1382(e)  
**CFR Citation:** 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

**Legal Deadline:** None  
**Abstract:** These proposed rules make technical and conforming updates to the title XVI regulations based on section 5522(c) of the Balanced Budget Act of 1997 (Public Law 105-33). Section 5522(c) eliminated obsolete terminology in section 1611(e)(1) of the Social Security Act that specified particular kinds of medical facilities where the \$30 reduced benefit rate could apply. Section 5522(c) also amended section 1611(e)(1)(G) of the Social Security Act to extend applicability of 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** Undetermined



## SSA

## Proposed Rule Stage

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Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**Related RIN:** Previously reported as 0960-AF25

**RIN:** 0960-AF99

### 3761. • RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (506P)

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 20 CFR 416.1180; 20 CFR 416.1181; 20 CFR 416.1226

**Legal Deadline:** None

**Abstract:** We are proposing to amend our regulations to explain how we implement Section 203 of the Social Security Independence and Program Improvements Act of 1994 (Pub. L. 103-296). Section 203 of this Law requires us to establish regulations regarding time limits for plans to achieve self-support (PASS). The law requires that the time limits take into account the length of time that a person needs to achieve his or her employment goal, within a reasonable period. A plan to achieve self-support (PASS) allows some people who receive or are eligible for

Supplemental Security Income (SSI) payments to set aside part of their income and/or resources to meet an occupational goal. The income and/or resources set aside under a plan to achieve self-support (PASS) will not be counted in determining the amount of the person's supplemental Security Income (SSI) payment.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mary Hoover, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**Related RIN:** Previously reported as 0960-AE17

**RIN:** 0960-AG00

### 3762. • MEDICARE PRESCRIPTION DRUG PREMIUM AND COST-SHARING (1024P)

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 108-173

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Medicare Prescription Drug, Improvement, and Modernization

Act of 2003 provides a new, voluntary prescription drug coverage program under part D of Medicare. It provides prescription drug coverage to Medicare beneficiaries who are entitled to or enrolled in Medicare. Part D requires the beneficiary to pay monthly premiums and cost-sharing for covered prescription drugs. Medicare beneficiaries with limited income and resources may be eligible for subsidies of some or all of their premium and cost-sharing expenses under part D. These proposed rules would describe; how we determine who is eligible for premium-amount and cost-sharing subsidies, how we redetermine eligibility for a subsidy, how to file for subsidies, how we evaluate income and resources, when eligibility for premium-amount and cost-sharing subsidies terminates, and how to file an appeal on the amount of subsidy or if we deny an application for a subsidy or terminate eligibility.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 0960-AG03

## Social Security Administration (SSA)

## Final Rule Stage

### 3763. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)

**Priority:** Substantive, Nonsignificant

**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 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those 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

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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	11/27/01	66 FR 59305
NPRM Comment Period End	01/28/02	
NPRM Comment Period End Extended	04/18/02	67 FR 19138
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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Phone: 410 965-1769

RIN: 0960-AD67

**3764. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381; 42 USC 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; 20 CFR 416.546; 20 CFR 416.640; 20 CFR 416.1210; 20 CFR 416.1247**Legal Deadline:** Final, Statutory, November 22, 1996, Interim Final Rules were published on December 20, 1996. 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. 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 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.

**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	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

RIN: 0960-AE59

**3765. TECHNICAL CHANGES TO SUPPLEMENTAL SECURITY INCOME (SSI) REGULATIONS (664F)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 416.1236; 20 CFR 416, subpart K, app**Legal Deadline:** None

**Abstract:** We are amending the SSI regulations by making technical changes to our rules on income and resources. These technical changes update lists of exclusions from income and resources under the SSI program that are based on statutes other than the Social Security Act and make additional technical changes.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-0020

RIN: 0960-AE79

**3766. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)****Priority:** Economically 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:** Listings 5.00 and 105.00 of appendix 1 to the disability regulation at 20 CFR part 404, subpart P 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 are considered severe enough to result in marked and severe functional limitations.

Comprehensive revisions to these listings are being made to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medicine. 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	
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

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Suzanne DiMarino, Social Insurance Specialist, Social Security

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Administration, Office of Regulations,  
6401 Security Boulevard, Baltimore,  
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Phone: 410 965-1769

RIN: 0960-AF28

### 3767. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS AFFECTING MULTIPLE BODY SYSTEMS (803F)

**Priority:** Substantive, Nonsignificant

**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:** These final rules revise the criteria in the Listing of Impairments that we use to evaluate claims involving impairments affecting multiple body systems. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect current medical knowledge, treatment, and methods of evaluating impairments affecting multiple body systems.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/02	67 FR 78196
NPRM Comment Period End	02/21/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0960-AF32

### 3768. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405(a); 42 USC 423; 42 USC 1382c; 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	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Elaine Tocco, Vocational Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235  
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RIN: 0960-AF47

### 3769. AMENDMENTS TO ANNUAL EARNINGS TEST REGULATIONS (866F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403; 42 USC 403(a); 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); PL 106-182

**CFR Citation:** 20 CFR 404.415; 20 CFR 404.416

**Legal Deadline:** None

**Abstract:** The Senior Citizen's Freedom to Work Act of 2000, Pub. L. 106-182, enacted on April 7, 2000, eliminates the annual earnings test for retirement beneficiaries, starting from the month in which they reach full retirement age.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50985
NPRM Comment Period End	10/24/03	
Final Action	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0960-AF62

### 3770. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403(a); 42 USC 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 404.339; 20 CFR 404.352; 20 CFR 404.363; 42 CFR 404.364

**Legal Deadline:** None

**Abstract:** SSA proposes to amend its 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 propose to 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 proposed 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 stepgrandchildren born during the one-year support period relevant to a child's entitlement on the basis of those relationships to insured persons. 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	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sherry Pollack, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-0020

**RIN:** 0960-AF78

**3771. REPRESENTATIVE PAYMENT UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT (949F)**

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

**Legal Authority:** 42 USC 401(j); 42 USC 902(a)(5); 42 USC 1383(a)(2); 42 USC 1383(d)(1); 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421; 42 USC 425; 42 USC 1007; 42 USC 1010

**CFR Citation:** 20 CFR 404.902; 20 CFR 404.2011; 20 CFR 404.2021; 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 404.2025; 20 CFR 404.2030; 20 CFR 404.2040a; 20 CFR 404.2041; 20 CFR 404.2050; 20 CFR 404.2065; 20 CFR 416.611; 20 CFR 416.621; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630; 20 CFR 416.640a; 20 CFR 416.641; 20 CFR 416.650; 20 CFR 416.665; 20 CFR 416.1402; 20 CFR 408.601; 20 CFR 408.610; 20 CFR 408.611; 20 CFR 408.615; 20 CFR 408.620; 20 CFR 408.621; 20 CFR 408.622; 20 CFR 408.624; 20 CFR 408.625; 20 CFR 408.630; 20 CFR 408.635; 20 CFR 408.640; 20 CFR 408.641; 20 CFR 408.645; 20 CFR 408.650; 20 CFR 408.655; 20 CFR 408.660; 20 CFR 408.665

**Legal Deadline:** None

**Abstract:** Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries judged incapable of managing or directing someone else to manage their benefits. Congress determined that improvements to the representative payment procedures were needed to assure program integrity. These regulations are required to further our program integrity efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/03	68 FR 55323
NPRM Comment Period End	11/24/03	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Betsy Byrd, Social Insurance Specialist, Social Security

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**RIN:** 0960-AF83

**3772. ELIMINATION OF CLOTHING FROM THE DEFINITIONS OF INCOME AND IN-KIND SUPPORT AND MAINTENANCE, EXCLUSIONS OF ONE AUTOMOBILE, AND HOUSEHOLD GOODS AND PERSONAL EFFECTS UNDER SSI FROM RESOURCES (950F)**

**Priority:** Other Significant

**Legal Authority:** Sec 1612 of the Social Security Act; Sec 1613(a)(2)(A) of the Social Security Act

**CFR Citation:** 20 CFR 416.1102 to 416.1104; 20 CFR 416.1121; 20 CFR 416.1124; 20 CFR 416.1130; 20 CFR 416.1133; 20 CFR 416.1140; 20 CFR 416.1142; 20 CFR 416.1144 to 416.1145; 20 CFR 416.1147 to 416.1149; 20 CFR 416.1157; 20 CFR 416.1210; 20 CFR 416.1216; 20 CFR 416.1218

**Legal Deadline:** None

**Abstract:** We propose to make the following changes to our rules on determining income and resources under the Supplemental Security Income (SSI) program.

1. We propose to remove clothing from the definition of income and from the definition of in-kind support and maintenance. As a result, we generally will not count gifts of clothing as income when we decide whether a person can receive SSI benefits or when we compute the amount of benefits.

2. We propose to simplify our rules on how we exclude an automobile in determining the resources of a SSI applicant or recipient. Specifically, we propose to exclude one automobile from resources if it is used for transportation, without consideration of its value.

3. We propose to change our resources counting rules in the SSI program by eliminating the dollar value limit for the exclusion of household goods and personal effects. As a result, we would not count household goods and

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personal effects as resources when we decide whether a person can receive SSI benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/04	69 FR 554
NPRM Comment Period End	03/08/04	
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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Phone: 410 965-0020

**RIN:** 0960-AF84

**3773. CONTINUATION OF BENEFIT PAYMENT TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 425(b); 42 USC 1383(a)(6)

**CFR Citation:** 20 CFR 404.316; 20 CFR 404.327 (New); 20 CFR 404.328 (New); 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1320; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

**Legal Deadline:** None

**Abstract:** These final rules revise the regulations that provide for the continuation of benefit payments to certain individuals who recover medically while participating in a vocational rehabilitation program with a State vocational rehabilitation agency. We are revising these regulations because of statutory amendments, which extend eligibility for these continued benefit payments to certain individuals who recover medically

while participating in another appropriate program of vocational rehabilitation services. These include individuals participating in the Ticket to Work and Self-Sufficiency Program or another program of vocational rehabilitation services, employment services, or other support services approved by the Commissioner of Social Security.

Prior to November 1991, the Social Security Act provided for the continuation of payment of Social Security Disability Insurance and Supplemental Security Income disability and blindness benefits to individuals whose disability or blindness ended for medical reasons while they were participating in an approved State vocational rehabilitation program under title I of the Rehabilitation Act of 1973, if the Commissioner of Social Security determined that completion or continuation of the program would increase the likelihood of the individual's permanent removal from the disability benefit rolls. The Omnibus Budget Reconciliation Act of 1987 extended eligibility for continued benefits to individuals who receive Supplemental Security Income benefits based on blindness. (We implemented this change by issuing operating instructions effective April 1, 1988, the effective date of the amendment.) The Omnibus Budget Reconciliation Act of 1990 extended eligibility for continued benefits to individuals participating in an approved non-State vocational rehabilitation program at the time their disability ended. (We implemented this change by issuing operating instructions effective November 1991, the effective date of the amendments.)

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45180
NPRM Comment Period End	09/30/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Geoffrey Funk, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

**RIN:** 0960-AF86

**3774. EVIDENCE REQUIREMENT FOR ASSIGNMENT OF SOCIAL SECURITY NUMBERS (SSNs); ASSIGNMENT OF SSNS TO FOREIGN STUDENTS (960F)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405

**CFR Citation:** 20 CFR 422.105; 20 CFR 422.107

**Legal Deadline:** None

**Abstract:** We propose to revise our rules for assigning Social Security Numbers (SSNs) to foreign academic students in Department of Homeland Security (DHS) classification status F-1. Specifically, we propose to add additional evidentiary requirements for F-1 students who apply for SSNs. In addition to meeting SSA's requirement to provide evidence of age, identity, legal alien status, and work authorization, an F-1 student who does not have a valid DHS issued Employment Authorization Document (EAD) will be required to present evidence that on-campus employment has been secured before we will assign an SSN.

**Timetable:**

Action	Date	FR Cite
NPRM	12/16/03	68 FR 69978
NPRM Comment Period End	02/17/04	
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF87

**3775. ELIMINATION OF DEEMED MILITARY WAGES (768F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-117

SSA

Final Rule Stage

**CFR Citation:** 20 CFR 404.1301**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to reflect a provision in Public Law 107-117 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/04	

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

**Agency Contact:** Gareth N. Dence, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9872

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF90

**3776. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964I)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405(a); 42 USC 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 interim final rules revise our regulations to provide that if an Administrative Law Judge (ALJ) enters a wholly favorable, oral decision into the record of a hearing, the ALJ

may 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	09/00/04	
Final Action	04/00/05	

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

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF92

**3777. EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978I)**

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

**Legal Authority:** Sec 1614(f) of the Social Security Act

**CFR Citation:** 20 CFR 416.1161; 20 CFR 416.1202

**Legal Deadline:** None

**Abstract:** These interim final rules provide for excluding additional military pay for combat service from 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 nine 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 USC 310; and
2. Family separation allowance received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 USC 427 as a result of deployment to or while serving in a combat zone.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/04	

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

**Agency Contact:** Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9835

**RIN:** 0960-AF97

## Social Security Administration (SSA)

## Long-Term Actions

**3778. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1166**Legal Deadline:** None

**Abstract:** This rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as "pass-through deeming," we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, "pass-through" deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Agency Contact:** Martin J. Sussman, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1767**RIN:** 0960-AE50**3779. MEDICAL EQUIVALENCE FOR ADULTS AND CHILDREN (787P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1525; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 416.925; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929**Legal Deadline:** None**Abstract:** This notice of proposed rulemaking will clarify that we will

consider the medical severity of the individual's impairment, based on all relevant evidence in the case record when we make a finding regarding medical equivalence. These rules will clarify our medical equivalence policy in light of the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jane Deweib, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9878**Robert J. Augustine**, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020**RIN:** 0960-AF19**3780. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 423(i); 42 USC 1383(p)**CFR Citation:** 20 CFR 404.1592b to 404.1592f; 20 CFR 416.999 to 416.999d**Legal Deadline:** None

**Abstract:** Individuals with disabilities face multiple barriers in attempting to return to work. Section 112 of Public Law 106-170 provides a new statutory work incentive by providing for expedited reinstatement of SSDI and SSI benefits terminated due to work activity, when the former beneficiary requests reinstatement within 60 months of termination because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits for up to six months until SSA makes a determination on the requester's entitlement to reinstated benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61162
NPRM Comment Period End	12/26/03	
Comment Period Extended	01/05/04	69 FR 307
Comment Period End	01/16/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** John Nelson, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5114**Suzanne DiMarino**, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769**RIN:** 0960-AF21**3781. SSI TRUSTS AND TRANSFERS OF RESOURCES (791P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1382a(a); 42 USC 1382b(c); 42 USC 1382b(e); PL 106-169, sec 205; PL 106-169, sec 206**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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Albert Fatur, Social Insurance Specialist, Social Security Administration, Office of Income

SSA

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Security Programs, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9855

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Phone: 410 965-0020

RIN: 0960-AF22

**3782. REVISED MEDICAL CRITERIA FOR EVALUATING SPECIAL SENSES AND SPEECH DISORDERS (805P)**

**Priority:** Substantive, Nonsignificant

**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 revise the criteria in the Listing of Impairments that we use to evaluate claims involving special senses and speech disorders. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating special senses and speech disorders.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**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  
Phone: 410 965-2289

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF34

**3783. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL DISORDERS (806P)**

**Priority:** Substantive, Nonsignificant

**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 revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving neurological disorders at the third step of our sequential evaluation processes for adults and children under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating neurological disorders.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9104

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

RIN: 0960-AF35

**3784. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2672; 31 USC 3721

**CFR Citation:** 20 CFR 429.101 to 429.110; 20 CFR 429.201 to 429.211; 28 CFR 14

**Legal Deadline:** None

**Abstract:** These final rules will establish a new subpart B in part 429 that will prescribe the procedures SSA

follows when claims are filed by employees against SSA for personal property damage or loss incident to their service with SSA. We will also make corrections and clarifications to our current procedures and practices on claims against the Government for damage to or loss of property or personal injury or death that is caused by the negligent or wrongful act or omission of an SSA employee.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/02	67 FR 77942
NPRM Comment Period End	02/18/03	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Jonathan R. Cantor, General Attorney, Social Security Administration, General Law Division, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-3166

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF39

**3785. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 434

**CFR Citation:** 20 CFR 404.1599

**Legal Deadline:** None

**Abstract:** One of SSA's most important initiatives is to ensure that Social Security Disability Insurance (SSDI) beneficiaries with disabilities who want to work have the opportunity to do so. Section 301 of Public Law 106-170 provides the Commissioner of Social Security the authority to develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative



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## Long-Term Actions

methods of treating the work activity of individuals entitled to disability insurance benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AF41

**3786. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry P. Spain, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9139

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1769

**RIN:** 0960-AF57

**3787. 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 revise the criteria in the Listing of Impairments that we use to evaluate claims involving respiratory system disorders. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating respiratory disorders.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9104

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF58

**3788. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH DISORDERS (444P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 416, subpart I

**Legal Deadline:** None

**Abstract:** Section 100.00 of part B of appendix 1 to subpart P of part 404 of the Disability Regulations describes growth impairments considered severe enough to cause marked and severe functional limitations in a child under

age 18. We are proposing revisions to the growth impairment listings. The revisions contained in these regulations reflect advances in medical knowledge, treatment, and methods of evaluating growth 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Regina Connell, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1891

**Related RIN:** Related to 0960-AD80

**RIN:** 0960-AF67

**3789. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-170, sec 101

**CFR Citation:** 20 CFR 404.1630; 20 CFR 404.2101 to 404.2109; 20 CFR 404.2111; 20 CFR 404.2112; 20 CFR 404.2114 to 404.2127; 20 CFR 416.101; 20 CFR 416.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2201; 20 CFR 416.2202; 20 CFR 416.2204; 20 CFR 416.2209; 20 CFR 416.2211 to 416.2227

**Legal Deadline:** None

**Abstract:** We are revising our regulations pertaining to the requirement to refer for vocational rehabilitation (VR) services those individuals who filed for disability benefits, thereby conforming them to provisions in the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work and Work Incentives Improvement Act of 1999 repealed the VR referral requirement effective January 1, 2001, in States in which the Ticket to Work and Self-Sufficiency program has been implemented. In States in which we have implemented the Ticket to Work

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program, we are no longer referring beneficiaries eligible for disability benefits to State vocational rehabilitation agencies.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Melvin Winer, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9175

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1769

**RIN:** 0960-AF80

**3790. • COVERAGE OF RESIDENTS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI); COVERAGE OF MINISTERS, MEMBERS OF THE CLERGY, AND CHRISTIAN SCIENCE PRACTITIONERS (792P)**

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

**Legal Authority:** 42 USC 402; 42 USC 402(v); 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 409; 42 USC 410; 42 USC 411; 42 USC 416(j); 42 USC 416(l); 42 USC 422(b); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 429(a); 42 USC 430; 42 USC 431; 42 USC 902(a)(5); 42 USC 1320a-8a; 48 USC 1801

**CFR Citation:** 20 CFR 404.2; 20 CFR 404.460; 20 CFR 404.1004; 20 CFR 404.1020; 20 CFR 404.1022; 20 CFR 404.1071; 20 CFR 404.1093; 20 CFR 404.1096; 20 CFR 404.1200; 20 CFR 404.1202(b)

**Legal Deadline:** None

**Abstract:** We propose to revise several sections of our regulations to reflect that, for purposes of the title II benefit program (title II of the Social Security Act), we consider the Commonwealth of the Northern Mariana Islands (CNMI)

to be part of the United States. The proposed revisions would take into account the status of the CNMI under current law and explain the coverage rules for work performed in the CNMI. The proposed revisions also explain that the alien nonpayment provisions, which generally place limits on the payment of title II benefits to aliens (i.e. non-United States citizens or nationals) who are outside the United States, do not apply to aliens in the CNMI. We also propose to revise our title II rules on coverage for ministers, members of religious orders, or Christian Science practitioners, to reflect a provision in the Ticket to Work and Work Incentives Improvement Act of 1999 that allows a duly ordained, commissioned or licensed minister, a member of a religious order, or a Christian Science practitioner who previously opted not to be covered under Social Security, a two-year window in which to make an irrevocable election to be covered.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/04	69 FR 18310
NPRM Comment Period End	06/07/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-0020

**RIN:** 0960-AG01

**3791. • 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

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

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to reflect a provision in Public Law 106-169 that makes a representative payee personally liable for repayment of a title II/title XVI overpayment caused by the receipt of

payment(s) after the death of a beneficiary/recipient.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thelma Allen, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-7966

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 966-9822

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**RIN:** 0960-AG02

**3792. • RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)**

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

**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 421; 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; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 98-460; PL 104-193

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

**Legal Deadline:** None

**Abstract:** Some courts have interpreted our regulations to require that we recontact a treating source when we do not adopt the treating source's medical opinion, even though we considered the opinion but found that the overall evidence was adequate to decide whether the individual was disabled. Accordingly, 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,

## SSA

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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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mike O'Connor, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1952

**RIN:** 0960-AG04

**3793. • MEDICAL AND OTHER EVIDENCE OF YOUR IMPAIRMENT(S) (2261P)**

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

**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 421 note; 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 104-193; PL 98-460

**CFR Citation:** 20 CFR 404, subpart P; 20 CFR 416, subpart I

**Legal Deadline:** None

**Abstract:** These rules will affect the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs by expanding the role of optometrists as acceptable

medical sources. We anticipate program administrative savings because we will be able to establish a medically determinable impairment with medical evidence of record from optometrists instead of having to purchase consultative examinations from ophthalmologists.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tessa Albright, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-7789

**RIN:** 0960-AG05

## Social Security Administration (SSA)

## Completed Actions

**3794. ADMINISTRATIVE WAGE GARNISHMENT (TO REPAY A DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (724F)**

**Priority:** Other Significant

**CFR Citation:** 20 CFR 404.527; 20 CFR 404.903; 20 CFR 416.590; 20 CFR 416.1403; 20 CFR 422.401 to 422.403; 20 CFR 422.405; 20 CFR 422.410; 20 CFR 422.415; 20 CFR 422.420; 20 CFR 422.425; 20 CFR 422.430; 20 CFR 422.435; 20 CFR 422.440; 20 CFR 422.445

**Completed:**

Reason	Date	FR Cite
Final Action	12/23/03	68 FR 74177
Final Action Effective	01/22/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Agency Contact:** Edward Johns  
Phone: 410 965-0392

Robert J. Augustine  
Phone: 410 965-0020

**RIN:** 0960-AE92

**3795. OASDI AND SSI; ADMINISTRATIVE REVIEW PROCESS; VIDEO TELECONFERENCING APPEARANCES BEFORE ADMINISTRATIVE LAW JUDGES OF THE SOCIAL SECURITY ADMINISTRATION (737F)**

**Priority:** Other Significant

**CFR Citation:** 20 CFR 404.929; 20 CFR 404.936; 20 CFR 404.938; 20 CFR 404.950; 20 CFR 416.1429; 20 CFR 416.1436; 20 CFR 416.1438; 20 CFR 416.1450

**Completed:**

Reason	Date	FR Cite
Final Rule	12/11/03	68 FR 69003
Final Rule Effective	03/05/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine  
Phone: 410 965-0020

**Related RIN:** Previously reported as 0960-AA05

**RIN:** 0960-AE97

**3796. REVISED MEDICAL CRITERIA FOR EVALUATING SKIN DISORDERS (801F)**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	06/09/04	69 FR 32260
Final Action Effective	07/09/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0960-AF29

**3797. WAGE REPORTS AND PENSION INFORMATION (809P)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 422.114

**Completed:**

Reason	Date	FR Cite
Withdrawn	05/04/04	

SSA

Completed Actions

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
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**RIN:** 0960-AF38

**3798. NEW DISABILITY CLAIMS PROCESS—ROLES OF STATE AGENCY (816F)**

**Priority:** Economically Significant. Major under 5 USC 801.  
**CFR Citation:** 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.926; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 416.1016

**Completed:**

Reason	Date	FR Cite
Withdrawn	11/14/03	

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

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**Related RIN:** Merged with 0960-AE73  
**RIN:** 0960-AF44

**3799. FILING OF APPLICATIONS AND RELATED FORMS (797F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 404.610; 20 CFR 404.611; 20 CFR 422.505

**Completed:**

Reason	Date	FR Cite
Final Action	01/06/04	69 FR 497
Final Action Effective	02/05/04	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 0960-AF52

**3800. PAYMENT OF BENEFITS TO ALIENS RESIDING OUTSIDE THE UNITED STATES (909F)**

**Priority:** Other Significant  
**CFR Citation:** 20 CFR 404.460  
**Completed:**

Reason	Date	FR Cite
Withdrawn	04/19/04	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 0960-AF70

**3801. SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS; REPORTING REQUIREMENTS, SUSPENSION AND TERMINATION EVENTS, OVERPAYMENTS, AND ADMINISTRATIVE REVIEW PROCESS (922F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 404.401; 20 CFR 408.101; 20 CFR 408.701; 20 CFR 408.704; 20 CFR 408.708; 20 CFR 408.710; 20 CFR 408.712; 20 CFR 408.714; 20 CFR 408.801 to 408.809; 20 CFR 408.810; 20 CFR 408.812; 20 CFR 408.814; 20 CFR 408.816; 20 CFR 408.818; 20 CFR 408.820; 20 CFR 408.900 to 408.905; 20 CFR 408.910 to 408.915; 20 CFR 408.918; 20 CFR 408.920; 20 CFR 408.922; 20 CFR 408.923; 20 CFR 408.930 to 408.933; 20 CFR 408.940 to 408.946; 20 CFR 408.950; 20 CFR 408.1000 to 408.1007; 20 CFR 408.1009; 20 CFR 408.1011; 20

CFR 408.1013 to 408.1016; 20 CFR 408.1020 to 408.1022; 20 CFR 408.1040; 20 CFR 408.1045; 20 CFR 408.1050; 20 CFR 408.1060; 20 CFR 408.1070; 20 CFR 408.1101; 20 CFR 408.1201; 20 CFR 408.1205; 20 CFR 408.1210; 20 CFR 408.1215; 20 CFR 408.1220; 20 CFR 408.1225; 20 CFR 408.1226; 20 CFR 408.1230; 20 CFR 408.1235; 20 CFR 416.570

**Completed:**

Reason	Date	FR Cite
NPRM	11/05/03	68 FR 62670
Final Action	05/10/04	69 FR 25949
Final Action Effective	06/09/04	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 0960-AF72

**3802. INTERRELATIONSHIP OF OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM (943F)**

**Priority:** Substantive, Nonsignificant.  
**CFR Citation:** 20 CFR 404.1401; 20 CFR 404.1402; 20 CFR 404.1404; 20 CFR 404.1405; 20 CFR 404.1413

**Completed:**

Reason	Date	FR Cite
Final Action	02/06/04	69 FR 5691
Final Action Effective	02/06/04	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
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**RIN:** 0960-AF82  
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