

Medical Listings Immune System Disorders

We are revising the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving immune system 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 revisions reflect our program experiences and advances in medical knowledge, treatment, and methods of evaluating immune system disorders. There are listings for adults (part A) and for children (part B). If an individual is age 18 or over, we apply the listings in part A when we assess the claim, and we never use the listings in part B. If an individual is under age 18, we first use the criteria in part B of the listings. If the listings in part B do not apply, and the specific disease process (es) has a similar effect on adults and children, we then use the criteria in part A. These revisions will remain in effect for 8 years after the date they become effective, unless we extend them, or revise and issue them again.

SSA's regulations provide for sequential evaluation processes for evaluating disability. We apply the listings at step three of the sequential evaluation processes for adults and for children. First, we must determine that the claimant is not engaging in substantial gainful activity, and, second, that he or she has a medically determinable impairment or combination of impairment(s) that is "severe". Then, at step 3 of both processes, we use the listings to determine if the claimant has an impairment(s) that meets or equals in severity the criteria of a listed impairment.

We reviewed the existing listings for immune system disorders and determined that they needed to be revised in light of medical advances in evaluation and treatment. We first published final rules in the FEDERAL REGISTER on July 2, 1993 (58 FR 36008) and have not comprehensively revised them since. However, on November 19, 2001, we published final rules in the Federal Register adding listings 14.09 and 114.09, for inflammatory arthritis, to the immune system listings, and adding introductory text for those listings in sections 14.00B6 and 114.00E (66 FR 58009). We also published minor technical changes to the immune system listings on February 24, 2002 (67 FR 20018).

We published a notice of proposed rulemaking (NPRM) in the FEDERAL REGISTER on August 4, 2006 (71 FR 44432, corrected at 71 FR 46983), proposing changes to the listings for immune system disorders in Part A, 14.00 and Part B, 114.00. We provided a 60-day comment period for this NPRM. None of the comments received addressed the public reporting burden. We published a final rule on March 18, 2008 at 73 FR 14570.

Part A, 14.00 and Part B, 114.00 list the types of evidence SSA needs to make a disability determination; e.g., laboratory test results, clinical findings, and summary of medical reports. SSA and State Disability Determination Services use various forms to collect medical documentation and evidence. These forms/requirements are cleared under individual OMB numbers. While SSA has revised Section 14.00 and 114.00, the information collection requirements/forms have not changed. In addition, we have not

increased the annual reporting burden for this collection because the burden is accounted for in the forms information collection requests (ICR).