

SOCIAL SECURITY ADMINISTRATION (SSA)

Statement of Regulatory Priorities

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 the Special Veterans Benefits program under title XVIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program. Our regulations codify the requirements for eligibility and entitlement to benefits and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments.

The 14 entries in SSA’s Regulatory Plan (the Plan), represent issues of major importance to the agency. One of our 14 entries recently published in the Federal Register and will appear in the Completed Actions section of the Unified Agenda. We describe the individual initiatives more fully in the attached Plan.

Improving the Disability Process

Because the continued improvement of the disability program is a vital concern to us, we have 12 initiatives in the Plan addressing disability-related issues. They include:

- A proposed rule providing that we identify claimants with serious medical conditions as soon as possible, allowing us to grant benefits expeditiously to those claimants who meet SSA disability standards;
- A final rule clarifying that we may set the time and place for a hearing before an administrative law judge (ALJ);
- A proposed rule reestablishing Uniform National Disability Adjudication provisions in our Boston Region;
- Two proposed rules allowing certain SSA employees to issue fully favorable decisions on disability hearing level requests; and,
- Seven initiatives updating the medical listings used to determine disability—two final rules evaluating hearing loss and malignant neoplastic diseases, and five proposed rules on evaluating respiratory system disorders, mental disorders, hematological disorders, immune (HIV) system disorders and endocrine disorders. The final rule on evaluating

Malignant Neoplastic Diseases published on October 6, 2009. The revisions reflect our adjudicative experience, advances in medical knowledge, diagnosis, and treatment.

Enhanced Public Service

We are proposing to revise our rules about the representation of claimants and other parties before the agency. These rules include recognizing entities as representatives, expanding the use of electronic services, and modifying our rules on representative sanctions.

SSA

PROPOSED RULE STAGE

163. REVISED MEDICAL CRITERIA FOR EVALUATING ENDOCRINE SYSTEM DISORDERS (436P)

Priority:

Other Significant

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 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)

CFR Citation:

20 CFR 404.1500, app 1

Legal Deadline:

None

Abstract:

Sections 9.00 and 109.00, Endocrine System, of appendix 1 to Subpart P of part 404 of our regulations describe endocrine system disorders that are considered severe enough to prevent an individual from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. 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.

Statement of Need:

These proposed regulations are necessary to update the Endocrine System listings to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine system disorders. The changes would ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment

through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that proposing these revisions is preferable because of the medical advances that have been made in treating and evaluating these types of disorders.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

None.

Timetable:

Action	Date	FR Cite
ANPRM	08/11/05	70 FR 46792
ANPRM Comment Period End	10/11/05	
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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RIN: 0960-AD78

SSA**164. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859P)****Priority:**

Other Significant. Major under 5 USC 801.

Legal Authority:

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

CFR Citation:

20 CFR 404.1500, app 1

Legal Deadline:

None

Abstract:

Sections 3.00 and 103.00, Respiratory System, of appendix 1 to Subpart P of part 404 of our regulations describe respiratory system disorders that are considered severe enough to prevent an individual from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. 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.

Statement of Need:

These proposed regulations are necessary to update the Respiratory System listings to reflect advances in medical knowledge, treatment, and methods of evaluating respiratory disorders. The changes would ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

We considered not revising the listings and continuing to use our current criteria. However, we believe that proposing these revisions is preferable because of the medical advances that have been made in treating and evaluating respiratory diseases and because of our adjudicative experience.

Anticipated Cost and Benefits:

Estimated costs - low.

Risks:

None.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19358
ANPRM Comment Period End	06/13/05	
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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SSA**165. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Priority:**

Other Significant

Legal Authority:

42 USC 401(j); 42 USC 402; 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 42 USC 405(h); 42 USC 405(j); 42 USC 416(i); 42 USC 421; 42 USC 421(a); 42 USC 421(i); 42 USC 421(m); 42 USC 422(c); 42 USC 423; 42 USC 423(i); 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382(c); 42 USC 1382(h); 42 USC 1383; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d); 42 USC 1383(i); 42 USC 1383(p); 42 USC 1383b

CFR Citation:

20 CFR 404.941; 20 CFR 404.1500, app 1; 20 CFR 404.1503; 20 CFR 404.1520 to 404.1520a; 20 CFR 404.1528; 20 CFR 404.1615; 20 CFR 416.903; 20 CFR 416.920a; 20 CFR 416.928; 20 CFR 416.1015; 20 CFR 416.1441

Legal Deadline:

None

Abstract:

Sections 12.00 and 112.00, Mental Disorders, of appendix 1 to subpart P of part 404 of our regulations describe those mental impairments that are considered severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need:

These proposed regulations are necessary to update the listings for evaluating mental disorders to reflect advances in medical knowledge, treatment, and methods of evaluating these disorders. The changes would ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

We considered not revising the listings or making only minor technical changes. However, we believe that proposing these revisions is preferable because of the medical advances that have been made in treating and evaluating these types of disorders. We have not comprehensively revised the current listings in over 15 years. Medical advances in disability evaluation and treatment and our program experience make clear that the current listings do not reflect state-of-the-art medical knowledge and technology.

Anticipated Cost and Benefits:

Savings estimates for fiscal years 2010 - 2018: (in millions of dollars) OASDI - 315, SSI - 370.

Risks:

None.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/03	68 FR 12639
ANPRM Comment Period End	06/16/03	
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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SSA**166. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)****Priority:**

Other Significant

Legal Authority:

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

CFR Citation:

20 CFR 404.1500, app 1

Legal Deadline:

None

Abstract:

Sections 7.00 and 107.00, Hematological Disorders, of appendix 1 to subpart P of part 404 of our regulations describe hematological disorders that are considered severe enough to prevent a person from performing any gainful activity, or that cause marked and severe functional limitation for a child claiming SSI payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment

Statement of Need:

These proposed regulations are necessary to update the hematological listings to reflect advances in medical knowledge, treatment, and methods of evaluating hematological disorders. The changes ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that proposing these revisions is preferable because of the medical advances that have been made in treating and evaluating these types of impairments.

Anticipated Cost and Benefits:

Estimated savings - low.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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SSA**167. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE (HIV) SYSTEM DISORDERS (3466P)****Priority:**

Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates:

Undetermined

Legal Authority:

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

CFR Citation:

20 CFR 404.1500, app 1

Legal Deadline:

None

Abstract:

Sections 14.00 and 114.00, Immune System, of appendix 1 to subpart P of part 404 of our regulations describe immune system disorders that are considered severe enough to prevent an individual from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need:

This proposed regulation is necessary in order to update the HIV evaluation

listings to reflect advances in medical knowledge, treatment, and evaluation methods. It ensures that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that individuals who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

Undetermined at this time.

Anticipated Cost and Benefits:

Cost/Savings estimate - negligible.

Risks:

Undetermined at this time.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/08	73 FR 14409
ANPRM Comment Period End	05/19/08	
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

Undetermined

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SSA

168. REESTABLISHING UNIFORM NATIONAL DISABILITY ADJUDICATION PROVISIONS (3502P)

Priority:

Other Significant

Legal Authority:

42 USC 401(j); 42 USC 402; 42 USC 404(f); 42 USC 405; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d)-(h); 42 USC 405(j); 42 USC 405(s); 42 USC 405 note; 42 USC 416(i); 42 USC 421; 42 USC 421(a); 42 USC 421(i); 42 USC 421(m); 42 USC 421 note; 42 USC 422(c); 42 USC 423; 42 USC 423(i); 42 USC 423 note; 42 USC 425; 42 USC 432; 42 USC 902(a)(5); 42 USC 902 note; 42 USC 1320b-1; 42 USC 1320b-13; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383(p); 42 USC 1383b

CFR Citation:

20 CFR 404.970; 20 CFR 404.976; 20 CFR 404.1502; 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1519k; 20 CFR 404.1519m; 20 CFR 404.1519s; 20 CFR 404.1520a; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 404.1546; 20 CFR 404.1601; 20 CFR 404.1624; 20 CFR 405.1; 20 CFR 405.5; 20 CFR 405.10; 20 CFR 405.20; 20 CFR 405.240; 20 CFR 405.320; 20 CFR 405.360; 20 CFR 405.371; 20 CFR 405.372; 20 CFR 405.373; 20 CFR 405.381; 20 CFR 405.382; 20 CFR 405.383; 20 CFR 405.401; 20 CFR 405.405; 20 CFR 405.410; 20 CFR 405.415; 20 CFR 405.420; 20 CFR 405.425; 20 CFR 405.427; 20 CFR 405.430; 20 CFR 405.440; 20 CFR 405.445; 20 CFR 405.450; 20 CFR 405.501; 20 CFR 405.505; 20 CFR 405.510; 20 CFR 405.515; 20 CFR 405.701; 20 CFR 405.705; 20 CFR 405.710; 20 CFR 405.715; 20 CFR 405.720; 20 CFR 405.725; 20 CFR 416.902; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.919k; 20 CFR 416.919m; 20 CFR 416.919s; 20 CFR 416.920a; 20 CFR 416.924; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.946; 20 CFR 416.1001; 20 CFR 416.1024; 20 CFR 416.1470; 20 CFR 416.1476; 20 CFR 422.130; 20 CFR 422.140; 20 CFR 422.201

Legal Deadline:

None

Abstract:

We propose to eliminate the remaining portions of part 405 of our regulations, which we now use for disability claims in our Boston region. This proposal reinstates in the Boston region the same rules that we use for disability adjudications in the rest of the country. These rules apply to all levels of our administrative review process,

including the administrative law judge and Appeals Council levels.

Statement of Need:

To provide more consistent processing of appeals level claims for all regions.

Summary of Legal Basis:

Administrative - not required by statute or court order.

Alternatives:

Continue existing process.

Anticipated Cost and Benefits:

Cost estimates for fiscal year 2009 - 2018: (in millions of dollars) OASDI - 55, SSI - 7.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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RIN: 0960-AG80

SSA

169. DISABILITY DETERMINATIONS BY STATE AGENCY DISABILITY EXAMINERS (3510P)

Priority:

Other Significant. 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; 42 USC 421 note; 42 USC 421(a); 42 USC 421(i); 42

USC 421(m); 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; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383(p); 42 USC 1383b

CFR Citation:

20 CFR 404.1512; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1619; 20 CFR 416.912; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 416.1019

Legal Deadline:

None

Abstract:

We propose to amend our rules to permit disability examiners in our State agencies to make fully favorable determinations without requiring the input of a medical or psychological consultant in certain claims for disability benefits under title II (Social Security Disability Insurance) and title XVI (Supplemental Security Income) of the Social Security Act.

Statement of Need:

This proposal would allow us to improve service to a vulnerable section of the public by processing very specific disability claims faster.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

None.

Anticipated Cost and Benefits:

To be determined.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

URL For Public Comments:

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RIN: 0960-AG87

SSA

170. TEMPORARY AUTHORIZATION FOR FEDERAL DISABILITY EXAMINERS TO ADJUDICATE HEARING REQUESTS ON-THE-RECORD (3526P)

Priority:

Other Significant

Legal Authority:

42 USC 401(j); 42 USC 404(f); 42 USC 405(a) and 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 405 note; 42 USC 421; 42 USC 421 note; 42 USC 423(i); 42 USC 425; 42 USC 902(a)(5); 42 USC 902 note; 42 USC 1383; 42 USC 1383b

CFR Citation:

20 CFR 404.943; 20 CFR 416.1443

Legal Deadline:

None

Abstract:

We propose to modify, on a temporary basis, the prehearing procedures we follow in claims for Social Security disability benefits and SSI payments based on disability or blindness under titles II and XVI of the Social Security Act. This proposed rule would authorize Federal disability examiners to issue fully favorable decisions without review by an attorney advisor or administrative law judge (ALJ) and would expedite the processing of cases at the hearing level without infringing on the right to a hearing before an ALJ. This temporary modification would remain in effect for a period not to exceed 5 years, unless we terminate or extend it by publication of a final rule in the Federal Register.

Statement of Need:

The increased complexity and quantity of disability claims have reduced our ability to timely adjudicate disability appeals. This proposed rule would authorize Federal disability examiners to issue fully favorable decisions without review by an attorney advisor or ALJ and would expedite the processing of cases at the hearing level without infringing on the right to a hearing before an ALJ.

Summary of Legal Basis:

Discretionary. Not required by statute or court order.

Alternatives:

None.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For Public Comments:

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RIN: 0960-AG97

SSA**171. • ATTORNEY ADVISORY PROGRAM PERMANENT RULE (3578P)****Priority:**

Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority:

42 USC 401(j); 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 405 note; 42 USC 421; 42 USC 421 note; 42 USC 423(i); 42 USC 425; 42 USC 902(a)(5); 42 USC 902 note; 42 USC 1383; 42 USC 1383b

CFR Citation:

20 CFR 404.942; 20 CFR 416.1442

Legal Deadline:

None

Abstract:

On July 13, 2009, we published a final rule extending for two more years the authorization for attorney advisors to conduct certain prehearing procedures and to issue fully favorable decisions. The current rule is scheduled to expire on August 10, 2011. We are proposing to make this authorization permanent and no longer subject to the sunset date.

Statement of Need:

The attorney advisor initiative has helped reduce the high number of pending cases at the hearing level by permitting certain attorney advisors to issue fully favorable "on the record" decisions in appropriate cases earlier in the hearing process without the need for a hearing before an Administrative Law Judge. Since this initiative's inception in November 2007, attorney advisors have issued more than 54,000 fully favorable decisions. The most recent Office of Quality Performance post effectuation review found a 96% accuracy rating for these decisions.

We have reduced the number of cases awaiting a hearing for the last seven months. The attorney advisor initiative has contributed to this reduction by providing earlier decisions where the evidence supports making a fully favorable decision. The attorney advisor initiative is an important part of our effort to reduce the hearings backlog and prevent its recurrence.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

The alternative to making the rule permanent is to let it continue to be renewed every two years before the sunset provision expires. We need this additional tool to continue to reduce our hearings backlog, which will be compounded by the recent economic downturn in the economy.

Anticipated Cost and Benefits:

Undetermined at this time.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For Public Comments:

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SSA**FINAL RULE STAGE****172. REVISED MEDICAL CRITERIA FOR EVALUATING HEARING LOSS (2862F)****Priority:**

Other Significant

Legal Authority:

42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 42 USC 405(h); 42 USC 416(i); 42 USC 421(a);

42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)

CFR Citation:

20 CFR 404.1500, app 1

Legal Deadline:

None

Abstract:

Sections 2.00 and 102.00, Special Senses and Speech, of appendix 1 subpart P of part 404 of our regulations describe hearing loss that is considered severe enough to prevent a person from doing any gainful activity, or that causes marked and severe functional limitations for a child claiming Supplemental Security Income (SSI) payments under title XVI. We are revising these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment

Statement of Need:

These regulations are necessary to update the hearing loss listings to reflect advances in medical knowledge, treatment, and methods of evaluating hearing impairments. The changes ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of impairments. The current listings are now over 15 years old. Medical advances in disability evaluation and treatment and our program experience make clear that the current listings do not reflect state-of-the-art medical knowledge and technology.

Anticipated Cost and Benefits:

Cost estimates for fiscal years 2008 - 2018: (in millions of dollars) OASDI - 105, SSI - 10.

Risks:

None.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19353
ANPRM Comment Period End	06/13/05	
NPRM	08/13/08	73 FR 47103
NPRM Comment Period End	10/14/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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RIN: 0960-AG20

SSA**173. REVISIONS TO RULES ON REPRESENTATION OF PARTIES (3396F)****Priority:**

Other Significant

Legal Authority:

42 USC 405(a); 42 USC 406(a)(1); 42 USC 810(a); 42 USC 902(a)(5); 42 USC 1010; 42 USC 1383(d)

CFR Citation:

20 CFR 404.612; 20 CFR 404.901; 20 CFR 404.903; 20 CFR 404.909; 20 CFR 404.910; 20 CFR 404.933; 20 CFR 404.934; 20 CFR 404.1700 to 404.1799; 20 CFR 408.1101; 20 CFR 416.315; 20 CFR 416.1401; 20 CFR 416.1403; 20 CFR 416.1409; 20 CFR 416.1410; 20 CFR 416.1433; 20 CFR 416.1434; 20 CFR 416.1500 to 416.1599; 20 CFR 422.203; 20 CFR 422.515

Legal Deadline:

None

Abstract:

We will revise our rules on representation of parties in parts 404, 408, 416, and 422 to reflect changes in the way claimants obtain representation and in representatives' business practices. These new rules will also improve our efficiency by increasing the use of electronic services. These rules will:

- Recognize entities as representatives;
- Mandate the use of Form SSA-1696 during the appointment process;
- Mandate the use of Form SSA-1696 to waive a fee or to waive direct payment of a fee;
- Require certain representatives to use our electronic services as they become available, including Internet Appeals;
- Require certain representatives to keep paper copies of certain documents that we may require;
- Require representatives and certain individuals to register with us and to provide attestations;
- Add new affirmative duties and prohibited actions for representatives;
- Add new definitions or revise existing definitions for: "disqualify," "electronic media," "Federal agency," "Federal program," "fee petition," "initial disability claim," "person," and "representative"; and
- Change references in the representative sanctions rules to reflect a recent delegation of authority and recent agency reorganization.

Statement of Need:

These revisions will reflect changes in representatives' business practices and improve our efficiency by enhancing use of the Internet.

Summary of Legal Basis:

Section 206 of the Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1990 (OBRA) and section 302 and 4303 of the Social Security Protection Act of 2004 (SSPA) Public Law 108-203.

Alternatives:

None.

Anticipated Cost and Benefits:

Negligible.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	09/08/08	73 FR 51963
NPRM Comment Period End	11/07/08	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For Public Comments:

www.regulations.gov

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RIN: 0960-AG56

SSA**174. SETTING THE TIME AND PLACE FOR A HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE (3481F)****Priority:**

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 401(j); 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 405 note; 42 USC 421; 42 USC 421 note; 42 USC 423(i); 42 USC 425; 42 USC 902(a)(5); 42 USC 902 note; 42 USC 1383; 42 USC 1383b

CFR Citation:

20 CFR 404.932; 20 CFR 404.936; 20 CFR 404.938; 20 CFR 404.950; 20 CFR 416.1432; 20 CFR 416.1436; 20 CFR 416.1438; 20 CFR 416.1450(b)

Legal Deadline:

None

Abstract:

We will amend our rules to clarify that the agency is responsible for setting the time and place for a hearing before an administrative law judge. This change will ensure greater flexibility in scheduling both in-person and video-conference hearings, increase efficiency in the hearing process, and reduce the number of pending hearings. The number of cases awaiting a hearing has reached historic proportions and greater efficiency is critical to addressing this problem.

Statement of Need:

We currently face a considerable challenge in processing a large backlog of requests for hearings at resource levels that have not kept pace with the rising level of receipts. This rulemaking will promote greater efficiency at the hearing level.

Summary of Legal Basis:

Administrative—not required by statute or court order.

Alternatives:

Undetermined at this time.

Anticipated Cost and Benefits:

Program benefit costs are estimated to increase for fiscal years 2008 - 2018 by \$1.2 billion for OASDI and SSI.

Risks:

Undetermined at this time.

Timetable:

Action	Date	FR Cite
NPRM	11/10/08	73 FR 66564
NPRM Comment Period End	01/09/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For Public Comments:

www.regulations.gov

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SSA

175. • AMENDMENTS TO REGULATIONS REGARDING MAJOR LIFE-CHANGING EVENTS AFFECTING INCOME-RELATED MONTHLY ADJUSTMENTS TO MEDICARE PART B PREMIUMS (3574F)

Priority:

Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority:

42 USC 902(a)(5); 42 USC 1395r(i)

CFR Citation:

20 CFR 418.1205; 20 CFR 418.1210; 20 CFR 418.1230; 20 CFR 418.1255; 20 CFR 418.1265

Legal Deadline:

None

Abstract:

We are modifying our regulations in order to clarify and expand events considered life-changing events for the purposes of Medicare Part B income-related monthly adjustments as well as the types of evidence required to support claims of such events.

Statement of Need:

The past year has seen the closure or reorganization of several major employers in the United States. As a

result, some companies are providing settlement payments to current and retired employees in lieu of periodic pension payments and/or extended health insurance coverage. These settlement payments unexpectedly increase a beneficiary's income for a tax-reporting year, resulting in an income-related monthly adjustment amount (IRMAA) above the beneficiary's ability to pay. This change will allow a beneficiary to claim a decrease in IRMAA by using a more representative tax year's modified adjusted gross income.

Summary of Legal Basis:

Discretionary. Not required by statute or court order.

Alternatives:

None.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

None.

Timetable:

Action	Date	FR Cite
Final Action	01/00/10	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

URL For Public Comments:

www.regulations.gov

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