

Appendix J--The Social Security Administration's New "HIV Infection Listing"
for Use in Disability Determinations

Human Immunodeficiency Virus (HIV) Infection Listing¹

The following conditions and symptoms of HIV infection will prevent a person from performing any gainful activity.

(Conditions with a * to the left are also included in whole or in part in the CDC's 1987 case definition of AIDS):

A. If there is no documentation of HIV Infection:

- *1. Candidiasis of the esophagus, trachea, bronchi, or lungs (demonstrated by biopsy microscopy of a "wet" preparation or culture); or
- *2. Cryptococcosis, extrapulmonary (demonstrated by culture, antigen detection in the cerebrospinal fluid (CSF), India ink preparation of the CSF, or by biopsy); or
- *3. Cryptosporidiosis with diarrhea for over 1 month (documented by intestinal biopsy or fecal microscopy); or
- *4. Cytomegalovirus disease of an organ other than liver, spleen, or lymph nodes (demonstrated by culture or histology); or
- *5. Herpes simplex virus infection causing a mucocutaneous ulcer that persists longer than 1 month; or bronchitis, pneumonitis, or esophagitis for any duration (demonstrated by culture, histology, or cytology); or
- *6. Lymphoma of the brain (primary) affecting a patient less than 60 years of age; or
- *7. *Mycobacterium avium* complex or *M. kansasii* disease, disseminated (at a site other than or in addition to lungs, skin, or cervical or hilar lymph nodes) demonstrated by culture; or
- *8. *Pneumocystis carinii* pneumonia (documented by lung biopsy, microscopy of a "touch" preparation, bronchial washings, or induced sputum); or
- *9. Progressive multifocal leukoencephalopathy; or
- *10. Toxoplasmosis of the brain.

¹ For ease of presentation, the format of the listing has been changed and therefore designations of sections may differ from original.

OR

- B. Documentation of HIV Infection (e.g., serum specimen that contains HIV antibodies detected by a screening test (e.g., ELISA) and confirmed by a more definitive test (e.g., Western blot, immunofluorescence assay); and
- *1. Intestinal cryptosporidiosis (documented by intestinal biopsy or fecal microscopy) that has caused diarrhea for 1 month or more;
 - *2. *Pneumocystis carinii* pneumonia (documented by lung biopsy, microscopy of a "touch" preparation, bronchial washings, or induced sputum); or
 - *3. Toxoplasmosis (documented by histology or microscopy of a "touch" preparation) with involvement of an organ other than the liver, spleen, or lymph nodes; or
 - *4. Isosporiasis (documented by intestinal biopsy or fecal microscopy) that has caused diarrhea for a month or more; or
 - *5. Extra-intestinal strongyloidiasis;
 - *6. Candidiasis, disseminated (beyond the skin, urinary tract, intestinal tract, or oral or vulvovaginal mucous membranes) or involving the esophagus, trachea, bronchi, or lungs (and demonstrated by microscopy of a "wet" preparation, or observation on endoscopy of white plaques on an erythematous base); or
 - *7. Cryptococcosis, disseminated (beyond the lungs), or involving the central nervous system and demonstrated by culture, antigen detection in the CSF, India ink preparation of the CSF, or by biopsy); or
 - *8. Disseminated histoplasmosis (beyond the lungs or or lymph nodes and demonstrated by culture or biopsy); or
 - *9. Disseminated coccidioidomycosis (beyond the lungs or lymph nodes and demonstrated by culture or histology); or
 - *10. Mycobacterial infection, disseminated (beyond the lungs, lymph nodes, or skin) and demonstrated by culture or by microscopy showing acid fast bacilli of a species not identified by culture; or
 - *11. Cytomegalovirus, causing infection of organs other than the liver, spleen, or lymph nodes demonstrated by culture or histology; or
 - *12. Herpes simplex virus, causing chronic continuous (longer than 1 month) mucocutaneous infection or infection of the pulmonary gastrointestinal tracts or encephalitis or disseminated infection demonstrated by culture, histology, or cytology; or

- *13. Progressive multifocal leukoencephalopathy; or
- *14. Recurrent non-typhoid salmonella bacteremia; or
- 15. Norcardiosis (demonstrated by culture); or
- *16. HIV encephalopathy; or
- *17. HIV wasting syndrome, characterized by involuntary weight loss (more than 10 percent of baseline body weight) and either chronic diarrhea (2 or more loose stools per day for 2 months or more) or chronic weakness and documented fever (greater than 100.4°F for the majority of 2 months or longer) in the absence of a concurrent illness that could explain the findings; or
- *18. Lymphoma of the brain; or
- *19. Other non-Hodgkin's lymphoma of B-cell or unknown phenotype and histology indicating either:
 - a. Burkitt's or other small noncleaved lymphoma; or
 - b. Immunoblastic sarcoma; or
- *20. Non-Hodgkin's lymphoma or Hodgkin's disease; or
- 21. Invasive carcinoma of the cervix, FIGO stage 11 and beyond; or
- 22. Anal squamous cell carcinoma; or
- 23. Cardiomyopathy as described under the criteria in Listing of Impairments sections 4.02, 4.04, or 4.05; or
- 24. Nephropathy as described under the criteria in Listing of Impairments sections 6.02, or 6.06.

C. Documentation of HIV Infection, as described in B, above, with the criteria listed below. (The level of severity is met when the requirements for both 1 and 4, both 2 and 4, or both 3 and 4 are satisfied.):

- 1. Impaired cellular immunity as manifested by a CD4⁺ (T4) lymphocyte count of less than or equal to 200 cells/mm³ (or 14 percent or less lymphocytes);
- OR**
- 2. Documentation of one or more of the following persistent and /or resistant to therapy:
 - a) Pneumonia; or
 - b) Pulmonary tuberculosis; or
 - c) Bacterial or fungal sepsis; or
 - d) Meningitis; or
 - e) Septic arthritis; or

- f) Endocarditis; or
- g) Peripheral neuropathy; or
- *h) Kaposi's sarcoma;

OR

3. Two or more of the following persisting over a two month period:
- a) Anemia (hematocrit (HCT) value less than 30 percent); or
 - b) Granulocytopenia (absolute neutrophil count less than or equal to $1000/\text{mm}^3$); or
 - c) Thrombocytopenia (less than or equal to $40,000/\text{mm}^3$); or
 - d) Documented fever (greater than or equal to 100.4°F or 38°C); or
 - e) Weight loss of greater than or equal to 10 percent of baseline body weight; or
 - f) Mucosal (including vulvovaginal) candidiasis other than listed in A.1 or B.6 above; or
 - g) Oral hairy leukoplakia; or
 - h) Recurrent or chronic herpes zoster; or
 - i) Persistent dermatological conditions such as eczema or psoriasis; or
 - j) Persistent, unresponsive diarrhea; or
 - k) Persistent or recurring radiographically documented sinusitis.

AND

4. At least two of the following:
- a) Marked restriction of activities of daily living; or
 - b) Marked difficulties in maintaining social functioning; or
 - c) Marked difficulties completing tasks in a timely manner due to deficiencies in concentration, persistence or pace; or
 - d) Repeated episodes of decompensation, averaging 3 times a year or once every 4 months, lasting 2 or more weeks each, which cause the individual to deteriorate (which may include a loss of adaptive functioning).

SOURCE: U.S. Department of Health and Human Services, Social Security Administration, "Federal Old Age, Survivors, and Disability Insurance; Determining Disability and Blindness; Revision of Part A and Part B of the Listing of Impairments; Endocrine and Multiple Body Systems; Immune System-Proposed Rules," 56 FR 65702.