

## **Criteria Revised for Determination of Social Security Disability Based on Hearing Loss**

The Social Security Administration (SSA) published a final rule revising and updating the disability criteria for evaluating hearing loss, effective August 2, 2010. The rule allows audiometric testing to be performed by, or under the direct supervision of, an otolaryngologist or a qualified audiologist. State licensure or registration determines qualified status. If there is no licensure/registration available, the audiologist must be certified by ASHA (CCC-A) or by the American Board of Audiology (ABA). The regulations are set forth in the Listing of Impairments (Sections 2.00 and 102.00--Special Senses and Speech--of Appendix 1 to Subpart P of Part 404, in Title 20 of the Code of Federal Regulations). The amended regulations were published in the [\*Federal Register, June 2, 2010\*](#).

The audiometric testing requirements are segmented between those with and without cochlear implants (CI) and by age. Without a CI, testing requirements are specified in four age groups through age 17. For those with CIs, a child is considered disabled until age 5 or for 1 year after initial implantation, whichever is later. After age 5, word recognition testing is required.

SSA included clarification in the rule's preamble regarding the provision in sections 2.00B1c and 102.00B1c that permits audiometric testing by a non-audiologist under the supervision of an otolaryngologist. SSA accepted the requirement that non-audiologists "conduct testing only under direct supervision, in accordance with Medicare regulations requiring the physician to be present in the office suite when the service is being performed and to assist if necessary." However, rather than include this statement in regulation, the SSA stated in the preamble that, "We will provide guidance to our adjudicators on how to apply the rule in our [SSA] instructions and training."

SSA rejected comments that the results of audiometric testing conducted independently by hearing aid specialists (also called Hearing Instrument Specialists - HIS) be accepted. SSA stated that the educational and other qualifications required for licensure or certification as an HIS are less comprehensive than those of otolaryngologists and audiologists and can vary from place-to-place. However, if an HIS conducts the testing under the direct supervision of an otolaryngologist, the evidence would be acceptable audiometric testing both for establishing a medically determinable impairment and for assessing its severity.

Previously, this rule stated that an otologic examination by a physician should precede audiometric testing. This has been revised to clearly allow the testing to occur before or after the complete otologic examination. Also, the regulation states that the audiometric testing "should," rather than "must" be performed within two months of the otologic exam. Thus, as stated in the preamble, SSA adjudicators would be allowed to use evidence that is outside the two-month period in appropriate cases.