

National Academies HMD – Adult Cancers Task Order

January 7, 2019



Background and basis for task order

- SSA evaluates adult disability claims in a 5-step sequential evaluation
- Once the presence of a severe medically determinable impairment is established, we evaluate whether the impairment **meets** or **medically equals** the criteria in the Listing of Impairments, generally using listing 13.00 for adult cancer (malignant neoplastic diseases)
- SSA seeks the most current information available on cancers in adults to inform our policy for evaluating adult cancer cases

Objective of Task Order

- Investigate and identify updated information on medical and technological advancements, treatments, and prognosis involving adult cancers
- Review should include – latest standards of care, technology for understanding disease processes, treatment modalities, and science demonstrating the effect of cancers on a person's health and functional capacity.

Social Security Disability Program Overview

The Social Security Act: Two Disability Programs

Social Security Disability Insurance (SSDI)	Supplemental Security Income (SSI)
Title II (Est. 1954)	Title XVI (Est. 1972)
Funded through FICA (Social Security) taxes	Funded through the General Fund
Benefits based on work	Benefits based on need
People who qualify are automatically enrolled in Medicare after being entitled to disability benefits for 24 months	People who qualify also qualify for Medicaid

Statutory Definition of Disability

The Social Security Act defines disability as:

- The inability to engage in any **substantial gainful activity** (2020 amount is **\$1260** per month)
- By reason of any medically determinable impairment(s) (MDI) (physical or mental or combination)
- Which can be expected to result in **death** or
- Which has lasted or can be expected to last for a continuous period of not less than **12 months**

Social Security Disability Program Overview

Sequential Evaluation

The disability determination for adults follows a sequential evaluation:

1. **Substantial Gainful Activity (SGA)** – The 2020 SGA amount is **\$1260**.
2. **Severe Impairment(s)** – The medically determinable impairment(s) (MDI) must significantly limit the ability to do basic work activities (e.g. walking, sitting, standing, lifting, or remembering). The MDI must last or be expected to last for a continuous period of at least 12 months, or be expected to result in death.
3. **Meets or medically equals a listing** – The listings describe impairments for 14 body systems for adults, including cancer (malignant neoplastic diseases).
4. **Prevents past relevant work** – We determine the claimant's residual functional capacity (RFC) based on the combination of work-related impairments resulting from the physical and mental work as the claimant actually performed it and how it is generally performed in the national economy.
5. **Prevents other work** – We compare the claimant's RFC and vocational factors (age, education, and past work experience) to work in the national economy.

Adult Cancers Listing (13.00) — Overview

Scope & Application of Adult Cancers Listing (13.00)

- **What impairments do these listings cover?**
 - All cancers (malignant neoplastic diseases)
 - Contains 28 listed cancers for adults
 - Most recently revised in July 2015
- **What do we consider when we evaluate cancer under these listings? We will consider factors including:**
 - Origin of the cancer
 - Extent of involvement
 - Duration, frequency, and response to anticancer therapy
 - Effects of any post-therapeutic residuals
- **How do we apply these listings?**
 - We apply the criteria in a specific listing to a cancer originating from that specific site.

13.00H. How long do we consider your impairment to be disabling?

- **Specified period identified in listing (13.00H.1)**

- Some listings will specify a minimum period for how long we will find an impairment disabling.
- We may consider the impairment to be disabling beyond the minimum period specified in the listing, when the medical and other evidence warrants.

- **No specified period (13.00H.2)**

- An impairment(s) that meets or medically equals a listing in this body system is disabling until at least 3 years after onset of complete remission when a listing does not contain a specified disabling period.
- When the impairment(s) has been in complete remission for at least 3 years, the impairment(s) will no longer meet or medically equal the criteria of a listing in this body system.

Adult Cancers Listing (13.00) — Overview

What are the specific cancers addressed in Listing 13.00?

- Soft tissue cancers of the head and neck (13.02)
- Skin (13.03)
- Soft tissue sarcoma (13.04)
- Lymphoma (13.05)
 - Non-Hodgkin
 - Hodgkin lymphoma
 - Mantel cell lymphoma
- Leukemia (13.06)
 - Acute
 - Chronic myelogenous leukemia
- Multiple myeloma (13.07)
- Salivary glands (13.08)

- Thyroid gland (13.09)
- Breast (13.10)
- Skeletal system -- sarcoma (13.11)
- Maxilla, orbit, or temporal fossa (13.12)
- Nervous system (13.13)
- Lungs (13.14)
- Pleura or mediastinum (13.15)
- Esophagus or stomach (13.16)
- Small intestine (13.17)
- Large intestine (13.18)
- Liver or gallbladder (13.19)
- Pancreas (13.20)

- Kidneys, adrenal glands, or ureters -- carcinoma (13.21)
- Urinary bladder -- carcinoma (13.22)
- Cancers of the female genital tract (13.23) -- carcinoma or sarcoma
- Prostate gland -- carcinoma (13.24)
- Testicles (13.25)
- Penis (13.26)
- Primary site unknown (13.27)
- Cancer treated by bone marrow or stem cell transplantation (13.28)
- Malignant melanoma (13.29)

Adult Cancers Listing (13.00) — Highlight

Breast (except sarcoma) 13.10

- Locally advanced cancer (inflammatory carcinoma, cancer of any size with direct extension to the chest wall or skin, or cancer with metastases to the ipsilateral internal mammary nodes)

OR

- Carcinoma with metastases to the supraclavicular or infraclavicular nodes, to 10 or more axillary nodes, or with distant metastases

OR

- Recurrent carcinoma, except local recurrence that remits with anticancer therapy

OR

- Small-cell (oat cell) carcinoma)

OR

- With secondary lymphedema that is caused by anticancer therapy and treated by surgery to salvage or restore the functioning of an upper extremity. Consider under a disability until at least 12 months from the date of the surgery that treated the secondary lymphedema. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.

Adult Cancers Listing (13.00) — Highlight

Lungs 13.14

- Non-small-cell carcinoma – inoperable, unresectable, recurrent, or metastatic disease to or beyond the hilar nodes

OR

- Small-cell (oat cell) carcinoma

OR

- Carcinoma of the superior sulcus (including Pancoast tumors) with multimodal anticancer therapy (see 13.00E3c). Consider under a disability until at least 18 months from the date of diagnosis. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.

Social Security Disability – Additional Factors

How we evaluate an individual's symptoms

- We consider all of the person's symptoms, including pain, and the extent to which the symptoms can reasonably be accepted as consistent with the objective medical and other evidence in the person's record.
- **Two-Step Evaluation:**
 1. We determine whether the person has a medically determinable impairment (MDI) that could reasonably be expected to produce the individual's alleged symptoms.
 2. We evaluate the intensity and persistence of a person's symptoms such as pain and determine the extent to which a person's symptoms limit his or her ability to perform work-related activities.
- **Factors to Consider in Evaluating the Intensity, Persistence, and Limiting Effects of a Person's Symptoms**
 - Daily activities;
 - The location, duration, frequency, and intensity of pain or other symptoms;
 - Factors that precipitate and aggravate the symptoms;
 - The type, dosage, effectiveness, and side effects of any medication a person takes/has taken to alleviate pain or other symptoms;
 - Treatment, other than medication, a person receives or has received for relief of pain or other symptoms;
 - Any measures other than treatment a person uses or has used to relieve pain or other symptoms;
 - Any other factors concerning a person's functional limitations and restrictions due to pain or other symptoms.

Social Security Disability - Additional Factors

Failure to follow prescribed treatment (SSR 18-3p)

- **When we decide whether the failure to follow prescribed treatment policy may apply in a claim**
 - The person is otherwise entitled to disability benefits under Titles II or XVI.
 - There is evidence that a person's own medical source(s) prescribed treatment for the medically determinable impairment(s) upon which the disability finding is based.
- **How we will make a failure to follow prescribed treatment determination**
 1. We assess whether the prescribed treatment, if followed, would be expected to restore the person's ability to engage in substantial gainful activity (SGA).
 2. We assess whether the person has good cause for not following the prescribed treatment.

We make either assessment first:

- If we first assess that the prescribed treatment, if followed, would not be expected to restore the person's ability to engage in SGA, then it is unnecessary to evaluate for good cause.
- Similarly, if we first assess that a person has good cause for not following the prescribed treatment, then it is unnecessary for us to assess whether the prescribed treatment, if followed, would be expected to restore the person's ability to engage in SGA (e.g. religion, cost, incapacity, medical disagreement, intense fear of surgery, prior history, high risk of loss of life or limb, risk of addiction to opioid medication).

Q & A Session

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