

suggestions for updating and revising those rules as we begin the rulemaking process. We are also asking for your comments and ideas about how we can improve our disability programs in the future for people with mental disorders.

### Who Should Send Us Comments and Suggestions?

Anyone who has an interest in the rules that we use to evaluate mental disorders of adults and children should comment. We are interested in getting comments and suggestions from people who apply for or receive disability benefits from us, members of the general public, advocates and organizations who advocate for people who have mental disorders, experts in the evaluation of mental disorders, researchers, people who make disability determinations for us, and any other people who have ideas for us to consider.

### Will We Respond to Your Comments From This Notice?

No, we will not respond directly to comments you send us because of this notice. However, after we consider your comments in response to this notice, along with other information such as medical research and our program experience, we will decide how to revise the rules we use to evaluate mental disorders. When we propose specific revisions to the rules, we will publish an NPRM in the **Federal Register**. In accordance with the usual rulemaking procedures we follow, you will have a chance to comment on the revisions we propose when we publish the NPRM, and we will summarize and respond to the significant comments on the NPRM in the preamble to any final rules.

### Which Rules Are We Considering for Updating and Revision?

We are considering two regulations sections and two sections of our listings for revision. The two regulations sections are §§ 404.1520a and 416.920a, and are both titled, "Evaluation of mental impairments." These rules discuss the special technique we use to evaluate all claims of adults who have mental disorders. The two sections of our listings are sections 12.00 and 112.00. These are the listings for mental disorders for adults (Part A, 12.00) and children (Part B, 112.00).

### Where Can You Find These Rules on the Internet?

You can find all of these rules on our Internet site.

- § 404.1520a is at [http://www.ssa.gov/OP\\_Home/cfr20/404/404-1520a.htm](http://www.ssa.gov/OP_Home/cfr20/404/404-1520a.htm).

- § 416.920a is at [http://www.ssa.gov/OP\\_Home/cfr20/416/416-0920a.htm](http://www.ssa.gov/OP_Home/cfr20/416/416-0920a.htm).

- Sections 12.00 and 112.00 are in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations at [http://www.ssa.gov/OP\\_Home/cfr20/404/404-ap09.htm](http://www.ssa.gov/OP_Home/cfr20/404/404-ap09.htm).

- You can also look up sections 12.00 and 112.00 at this site: <http://www.ssa.gov/disability/professionals/bluebook/>.

If you do not have Internet access, you can find the Code of Federal Regulations in some public libraries, Federal depository libraries, and public law libraries.

### Why Are We Updating and Revising Our Rules for Evaluating Mental Disorders?

- The current listings for mental disorders for adults (12.00) and children (112.00) will no longer be in effect on July 2, 2003, unless we extend them or revise and promulgate them again, so we must consider now whether to update and revise them.

- Although we have made some changes to the listings since we first published them, including changes to the listings in 2000 (65 FR 50746, corrected at 65 FR 60584), we have not comprehensively revised the adult listings since 1985 and the childhood listings since 1990.

- Many of our rules for adults are based on the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, Third Edition (Washington, DC: APA, 1980), also called the DSM-III. That manual has been updated three times over the years since we first published comprehensive revisions of the adult mental disorders listings. Our childhood listings are based on the revision of the Third Edition (the DSM-III-R), which has been updated twice since we first published comprehensive revisions of those listings. We want to update the terms in our listings so they are consistent with current medical terminology. (The current edition is the *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision, Washington, DC, American Psychiatric Association, 2000, also called the DSM-IV-TR.)

- There is also new information about mental retardation (MR) that we need to consider. We recently funded research through the National Research Council (NRC) that assessed our current criteria for evaluating MR in the context of state-of-the-art scientific knowledge and clinical practice. In its final report,

*Mental Retardation: Determining Eligibility for Social Security Benefits*, the NRC made a number of recommendations to us for revising our rules, and we are considering the recommendations now. If you would like to review the report and send us comments on the recommendations, you can find it at <http://www.nap.edu/books/0309083230/html/>.

- We will also be considering information from other sources, including the following recent documents, for relevance to our policy for evaluating MR:

- Schroeder, Stephen R.; Gerry, Martin; Gertz, Gabrielle; and Velazques, Fiona, *Usage of the Term "Mental Retardation"; Language, Image, and Public Education* (Kansas University Center on Developmental Disabilities, Center for the Study of Family, Neighborhood and Community Policy, The University of Kansas, June 14, 2002). You can find this report online at <http://www.ssa.gov/disability/MentalRetardationReport.pdf>.

- *Mental Retardation: Definition, Classification, and Systems of Supports*, 10th Edition (American Association on Mental Retardation, Washington, DC, 2002).

### What Should You Comment About?

We are interested in any comments and suggestions you have for revising any or all parts of §§ 404.1520a and 416.920a and sections 12.00 and 112.00 of our listings. For example, we are interested in knowing if:

- You have concerns about any of the current listings provisions for adults or children; such as whether you think we should change any of our criteria or whether you think a listing is difficult to use or understand.

- You would like to see our listings include something that they do not include now.

You can also comment about the recommendations in the NRC report and about information in the other two sources we cite above and make any other comments or suggestions to help us improve our rules for evaluating whether adults and children who have mental disorders qualify for benefits.

In addition to your comments about our regulations, we are also interested in any ideas you have about how the disability requirements of the Act and our regulations affect people who have mental disorders and:

- Need access to treatment or rehabilitation,
- Want to work, or
- May benefit from some employment.