SOAR for Adults who have HIV/AIDS

As of the last study in 2015, an estimated 1.1 million people in the U.S. are living with HIV/AIDS (www.cdc.gov). With the introduction of antiretroviral therapy, many HIV affected people are able to work for longer periods of time than ever before. Despite treatment improvements, however, many people who have HIV/AIDS are unable to work. People who have HIV/AIDS often have multiple disabling conditions, such as serious mental illnesses, cognitive disorders, and other chronic physical health conditions. SSA disability benefits provide income and health insurance making it possible for many to gain access to housing, treatment and other supports. The SOAR curriculum focuses on individuals with mental illness and co-occurring disorders. However, SOAR critical components can also be used effectively for adults who have HIV/AIDS. Below you will find additional information that will be helpful when assisting this population.

# Disability Evaluation under Social Security (“The Listings”)

The following is a brief summary of the SSA listing for HIV infection. This is only a sample of infection categories from the listing and is not the complete listing. Please see the most recent and complete listing at Social Security’s website: <https://www.ssa.gov/disability/professionals/bluebook/14.00-Immune-Adult.htm#14_11>

**14.11 Human immunodeficiency virus (HIV) infection**. With documentation as described in 14.00F and one of the following:

1. Multicentric Castleman disease affecting multiple groups of lymph nodes or organs containing lymphoid tissue
2. Primary central nervous system lymphoma
3. Primary effusion lymphoma
4. Progressive multifocal leukoencephalopathy
5. Pulmonary Kaposi sarcoma
6. Absolute CD4 count of 50 cells/mm3 or less
7. Absolute CD4 count of less than 200 cells/mm3 or CD4 percentage of less than 14 percent, *and*one of the following (values do not have to be measured on the same date)
	1. BMI measurement of less than 18.5; or
	2. Hemoglobin measurement of less than 8.0 grams per deciliter (g/dL).
8. Complication(s) of HIV infection requiring at least three hospitalizations within a 12-month period and at least 30 days apart, and lasting 48 hours each.
9. Repeated manifestations of HIV infection, resulting in marked impairments in one of the following areas:
10. Limitation of activities of daily living.
11. Limitation in maintaining social functioning.
12. Limitation in completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace.

# Additional SSA Form: SSA-4814-UF Medical Report on Adult with Allegation of Human Immunodeficiency Virus (HIV) Infection

The SSA-4814 is completed in addition to the SSA-3368 Disability Report and SSA-827 Authorization to Disclose Information. This form aims at determining if the applicant meets the listing requirements set forth in the Adult Listings. The SSA-4814 can be completed by a physician, nurse or other member of a hospital or clinic staff who is able to confirm the diagnosis and severity of the HIV disease manifestations. For individuals with HIV, SSA is looking for severe infections that typically accompany an HIV diagnosis, and prevent the applicant from engaging in substantial gainful activity. SSA is also looking for information about the amount of infection in the person’s blood, referred to as CD4 levels and recent hospitalizations. If the information provided in this form meets Listing 14.11, the applicant may receive a Presumptive Disability Decision for up to six months while additional medical records are reviewed. It’s important to remember that SSA’s definition of disability may be different from the clinical definition of HIV/AIDS or related opportunistic diseases. SSA focuses on diagnosis and functional impairment.

# Presumptive Disability

Presumptive disability (PD) payments are payments for disability or blindness that are available for up to six months while a person is awaiting a decision from the DDS. PD decisions for HIV impairment require some medical evidence before payments can begin. SSA will consider the information provided in the SSA-4814 to determine if there is enough medical evidence to support a PD decision. When an applicant meets the specific criteria contained in Section C of the SSA-4814, Conditions Related to HIV Infection, and has supportive medical documentation, a PD decision may be made. However, many applicants' situations will fall under Section D of SSA-4814, where they've had diseases or other HIV-related health problems but do not meet the specific criteria contained in C. For these individuals, the functional impairment information and the rest of the information included in the Medical Summary Report are vital.

# Consideration of Side Effects

It is important to take note and document the side effects of medications, both acute and ongoing, for applicants who may not meet the specific listing requirements. Indicate the frequency of doses of medications. Also document the accumulation of effects from various treatments, the duration of those treatments, and the impact that it has on the applicant’s functioning.

# Resources

* Basic Statistics on HIV/AIDS from the Centers for Disease Control and Prevention: <https://www.cdc.gov/hiv/basics/statistics.html>
* SSA Guide for Providing Medical Evidence for Individuals with Human Immunodeficiency Virus (HIV) Infection: <https://www.ssa.gov/disability/professionals/documents/64-037.pdf>
* Social Security For People Living With HIV/AIDS: <https://www.ssa.gov/pubs/EN-05-10019.pdf>
* SSA Code of Federal Regulations on Presumptive Disability: <https://www.ssa.gov/OP_Home/cfr20/416/416-0933.htm>