§ 4.88c Ratings for inactive nonpulmonary tuberculosis initially enti-
tled after August 19, 1968.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
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</table>
| 100    | For 1 year after date of inactivity, following active tu-
|        | berculosis |
|        | Following the total rating for the 1 year period after
date of inactivity, the schedule evaluation for re-
sidues of nonpulmonary tuberculosis, i.e., anky-
losis, surgical removal of a part, etc., will be as-
signed under the appropriate diagnostic code for the
residual preceded by the diagnostic code for tu-
berculosis of the body part affected. For exam-
ple, tuberculosis of the hip joint with residual anky-
losis would be coded 5001–5250. Where there are
existing residuals of pulmonary and nonpulmonary
conditions, the evaluations for residual separate
functional impairment may be combined.
Where there are existing pulmonary and nonpul-
monary conditions, the total rating for the 1 year,
after attainment of inactivity, may not be applied to
both conditions during the same period. However,
the total rating during the 1-year period for the pul-
monary or for the nonpulmonary condition will be
utilized, combined with evaluation for residuals of the
condition not covered by the 1-year total eval-
uation, so as to allow any additional benefit pro-
vided during such period. |

[34 FR 5062, Mar. 11, 1969. Redesignated at 59
FR 60902, Nov. 29, 1994]

§ 4.89 Ratings for inactive nonpulmonary tuberculosis in effect on
August 19, 1968.

Public Law 90–493 repealed section 356 of title 38, United States Code
which provided graduated ratings for inactive tuberculosis. The repealed sec-
tion, however, still applies to the case of any veteran who on August 19, 1968,
was receiving or entitled to receive compensation for tuberculosis. The use
of the protective provisions of Pub. L. 90–493 should be mentioned in the dis-
cussion portion of all ratings in which these provisions are applied. For use in
rating cases in which the protective provisions of Pub. L. 90–493 apply, the
former evaluations are retained in this section.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
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</table>
| 100    | For 2 years after date of inactivity, following active tu-
|        | berculosis, which was clinically identified during service or subsequently |
|        | Thereafter, for 4 years, or in any event, to 6 years after date of inactivity |
|        | Thereafter, for 5 years, or to 11 years after date of inactivity |
|        | Thereafter, in the absence of a schedular compen-
sable permanent residual |

[29 FR 6718, May 22, 1964, as amended at 34

§ 4.96 Special provisions regarding evaluation of respiratory condi-
tions.

(a) Rating coexisting respiratory condi-
tions. Ratings under diagnostic codes
6600 through 6817 and 6822 through 6847
will not be combined with each other.
Where there is lung or pleural involve-
ment, ratings under diagnostic codes
6819 and 6820 will not be combined with
each other or with diagnostic codes
6000 through 6817 or 6822 through 6847.
A single rating will be assigned under
the diagnostic code which reflects the
predominant disability with elevation
to the next higher evaluation where the
severity of the overall disability
warrants such elevation. However, in
cases protected by the provisions of
Pub. L. 90–493, the graduated ratings
of 50 and 30 percent for inactive tuber-
culosis will not be elevated.

(b) Rating “protected” tuberculosis cases. Public Law 90–493 repealed sec-
tion 356 of title 38, United States Code
which had provided graduated ratings
for inactive tuberculosis. The repealed