

**Addendum to Supporting Statement  
Non-Attorney Representative Demonstration Project Application  
Explanation of Revisions**

**20 CFR 404.1745-404.1799 and 20 CFR 416.1545-416.1599**

**OMB No. 0960-0699**

**Revision to the Collection Instrument**

**New Application Questions**

The Social Security Protect Act of 2004 requires that demonstration project participants meet certain prerequisites in order to receive direct payment of fees. Participants must pass a criminal background check to ensure their fitness to practice before the Commissioner. Based on experience gained during the application process, in order to identify non-attorney representatives who are not fit to practice before the Commissioner, the existing collection instrument must be revised to add additional questions that the applicant must negatively answer in order to be eligible for participation in the demonstration project. If the applicant answers affirmatively, he or she will also be required to provide additional information about the committed infraction and the current status.

The specific questions that are being added to the application are:

- Have you been admitted to practice law before a court of a State, Territory, District or island possession of the United States, or before the Supreme Court or a lower Federal court of the United States?
- Have you been, by reason of misconduct, disbarred or suspended from any court or bar to which you were previously admitted to practice?
- Have you been, by reason of misconduct, disqualified, sanctioned, or suspended from participating in any Federal program or appearing before the Social Security Administration or any other Federal Agency?
- Are you currently being investigated by reason of misconduct, by the Social Security Administration or any other Federal agency for possible disqualification, sanction or suspension?
- Have you had a judgment or lien assessed against you by a civil court for malpractice and/or fraud?
- Have you been convicted of a felony since the date you filed your application to participate in the demonstration project?
- Have you been determined to have fraudulently used or misused any Social Security benefits?

- Have you been determined to have violated any Social Security program rules (e.g. rules regarding the disclosure of evidence or representative payee rules)?
- Can you pass all aspects of the required criminal background check, including a Social Security records check?

In addition, to remain eligible, participants must maintain their liability insurance, attend required continuing education courses, and be of good character and continue to be able to pass a criminal background check.

### **Demonstration Project Annual Affirmations Worksheet -- New collection Activity**

As outlined above, when applicants initially submit their applications, they are required to answer a series of questions to ensure they meet all the eligibility requirements. Once in the demonstration project, participants must continue to meet the prerequisites, including be of good character and be able to pass a criminal background check. Consequently, participants annually, on or before the anniversary date of their eligibility determination, must reaffirm the answers to those questions (See “Demonstration Project Annual Affirmations Worksheet, attached).

The information collected on this new worksheet will be used to determine continued demonstration project eligibility. The worksheet will be available to applicants on fill-in paper if requested or may be completed and submitted electronically on-line to the contractor.

It should take applicants no more than 10 minutes to complete the worksheet. In FY 2007, this information will be collected from approximately 450 participants and in each of the remaining three years of the demonstration project we estimate that an additional 200 participants will be required to complete the worksheet.

### **Continuing Education Collection**

This collection is also being added to this clearance request and is currently approved under a separate OMB clearance number (0960-0737). This collection was inadvertently missed during the clearance process of the original Non-Attorney Representative Demonstration Project Application, but when discovered we sought and received OMB clearance to bring it into PRA compliance. Upon OMB approval of these revisions SSA will process an 83D to delete the stand alone CE collection activity.