

ADDENDUM TO THE SUPPORTING STATEMENT FOR FORM SSA-3380-BK

OMB NO. 0960-0635

Revision to the Information Collection Instrument

SSA requests that the revised SSA-3380 (Function Report – Adult - Third Party) OMB approved on 10/17/06 be rescinded and that the previous version of this form be reinstated. SSA has taken a new look at the kind of information disability adjudicators need to make a decision and how SSA collects that information. This new look raises policy, litigation, and usability concerns that lead SSA to request this rescission.

Policy and Litigation Concerns

In connection with the usability issues identified in the following section, SSA is examining its regulations and other policy guidance regarding collection of information from third parties in support of allegations claimants make about symptoms, including pain. To document a claimant's symptoms, SSA policy requires information about, among other things, any factors concerning the individual's functional limitations and restrictions due to pain or other symptoms. To this end, the version of form SSA-3380 OMB approved on 10/17/06 requests specific information about how a claimant's symptoms affect his or her ability to function. Unfortunately, many of these questions are structured similarly to the SSA-4734 (Physical Residual Functional Capacity Assessment) (0960-0431), which is the Agency's administrative assessment of the claimant's residual functional capacity (RFC). It is possible that these questions on the SSA-3380 have the appearance of asking a third party to assess a claimant's RFC. It is our belief that this appearance of similarity between the questions on the SSA-4734 and the SSA-3380 would leave the Agency at substantial risk of litigation when the third party's assessment of the claimant's RFC does not exactly match the Agency's findings on the SSA-4734.

As a result and in connection with the usability studies discussed below, the Agency is planning to revise the questions on the SSA-3380 so that they are not structured similarly to the SSA-4734. In the meantime, SSA does not want to expose itself to an additional cause for litigation, and so requests that the version of form SSA-3380 OMB approved on 10/17/06 be rescinded.

Usability Issues

SSA has recently acquired new information about differences in third party responses, depending on the type of format provided for the response.

In June 2007, SSA performed usability testing on a draft version of a similar form,¹ the SSA-454, with a third party. The results of this test indicate that the third party had difficulty with responses that must be entered in a check box format, that is, the third party didn't see them,

¹ The SSA-3380 is similar to the SSA-454 in that the target population is similar (i.e., beneficiaries and claimants) and the topic is similar (i.e., information related to a disabling impairment).

didn't understand them, and didn't complete them. The usability testing results indicate that third party response is more complete and accurate when the response is entered in a text box.

The SSA-3380 Function Report – Adult – Third Party) is used to collect information about a claimant's ability to perform the activities of daily living from third parties familiar with the claimant's ability to function, such as the claimant's spouse, relatives, neighbors, friends, clergy, teachers or employers. The most recently revised SSA-3380 that OMB approved on 10/17/06 marked a shift from the previous version of the SSA-3380 by including more questions in a check box format. That is, it consists of 2 pages of instructions and 14 pages containing 16 questions. There are a total of 299 check boxes and 52 text boxes. We believe that the previous version of the SSA-3380 will elicit more complete and accurate information since it relies less on check box format questions. It consisted of 2 pages of instructions and 8 pages containing 23 questions. There were a total of 100 check boxes and 58 text boxes.

As can be seen, we learned a great deal from usability testing of a major disability form in June 2007. We will now reevaluate the SSA-3380 with the idea of reducing the number of check boxes on the form. We will also conduct usability testing prior to resubmitting the form for OMB approval. We anticipate the revised form will improve our information collection capability, reduce the burden on the public, and better support the disability adjudication process in the future.

Symptoms Questions

The form that OMB approved on 10/17/06 included symptoms questions. The prior version of the SSA-3380 did not because the State DDSs were collecting this information under OMB No. 0960-0555. Because we are asking to temporarily reinstate the prior version of the SSA-3380, the DDS's will need to collect symptoms information using its forms while we work on developing and testing a better revised form. The revised form will include symptoms questions, so that we have a national standardized form. Upon OMB approval of the revised form, we will once again eliminate DDS collection of symptoms information under information collection 0960-0555.