

**Justification for Non-Substantive Changes for Disability Case Development  
Information Collections By State Disability Determination Services On Behalf Of  
The Social Security Administration**

**20 CFR, Subpart P, 404.1503a, 404.1512, 404.1513, 404.1514, 404.1517, 404.1519; 20  
CFR Subpart Q, 404.1613, 404.1614, 404.1624; 20 CFR, Subpart I, 416.903a,  
416.912, 416.913, 416.914, 416.917, 416.919; and 20 CFR Subpart J, 416.1013,  
416.1024**

**OMB No. 0960-0555**

**Background**

Due to the current situation with COVID-19, HHS has relaxed enforcement of the HIPAA privacy rules to allow use of popular applications that allow video chats (e.g., FaceTime, Skype) to provide telehealth services without risk of penalty for noncompliance during the emergency period.

Prior to this amendment, only a few of the state Disability Determination Services (DDS) conducted psychological consultative examinations (CEs) via video, and they used only the SSA secure system. Our current guidance on video teleconferencing requires the DDSs who conduct psychological CEs via video to use secure broadband connections to maintain claimant privacy. In light of the current need to help the public remain in compliance with stay at home orders, we want to amend our guidance to the DDSs to permit CE providers to use noncompliant video technology to conduct psychiatric or psychological examinations if the client agrees to accept the associated privacy risk.

To accomplish this, we created a call script to explain the non-secure technology to claimants; offer it as an option to claimants; and include a waiver for claimants who need a psychiatric or psychological CE (without testing) that requires acknowledgement and agreement that they:

- Have access to FaceTime, Skype, or one of the other non-compliant video technology options;
- Are willing to participate in an exam with a CE provider via the chosen non-secure technology option; and
- Acknowledge the means used may not be secure, and agree to proceed with the exam using such technology.

Once we have the claimants' acknowledgement and agreement, we will document their files with the agreement.

**Justification for Non-Substantive Changes to the Collection**

- **Change #1:** We are including a new, one-time, call script to: (1) explain the option to participate in psychiatric or psychological CE using video teleconferencing technologies that may not be secure and may allow unauthorized third parties to access personal information; (2) list the non-secure telehealth platform(s); (3) ask claimants to confirm they understand the privacy risk, and confirm whether they are willing to participate in a CE using one of these video technology platforms in light of the risk; and (4) obtain claimant agreement to an examination via unsecure video

teleconference technology, if the claimant is willing.

**Justification #1:** Due to the COVID-19 situation, we cannot schedule our current in-person psychiatric and psychological examinations, nor do all of our CE providers have access to HIPAA-compliant video technology for remote exams. To ensure we can still hold necessary examinations for claimants, we are implementing this new call script to allow for the use of non-secure technologies during an emergency period when HHS has relaxed enforcement of the HIPAA privacy rule. We expect to use this call script only once per claimant, as needed, for psychological CE examinations, and only during the COVID-19 emergency.

**Updated Burden Information**

We expect it will take approximately 5 minutes for DDS staff to read the script to the claimants; for the claimants to give verbal acknowledgement and agreement; and for the claimants to indicate at least one non-secure video technology they are willing to use. Since the call script will increase the burden for this collection, we are updating the burden information for the CE examinations as follows:

**CE Claimant Telehealth CE Call Script**

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>	<b>Average Theoretical Hourly Cost Amount (dollars)*</b>	<b>Total Annual Opportunity Cost (dollars)**</b>
<b>CE Claimant Telehealth Call Script</b>	10,000	1	5	833	\$10.22*	\$8,513**

\* We based this figure on average DI payments, as reported in SSA’s disability insurance payment data.

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

This updated burden to include the new call script will increase the total burden for the information collection request for 0960-0555 from 4,501,166 hours to **4,501,999 hours**.