

Supporting Statement for Electronic Records Express (ERE)
20 CFR 404.1512 and 416.912
OMB No. 0960-0753

A. Justification

1. Introduction/Authoring Laws and Regulations

Electronic Records Express (ERE) allows medical and educational providers to request payments and electronically submit disability claimant data to the Social Security Administration (SSA). Both medical providers and other third parties with connections to disability applicants or recipients (e.g., teachers and school administrators for child disability applicants) can use this system. The agency collects this information in accordance with Sections 20 *CFR* 404.1512 and 416.912 of the *Code of Federal Regulations*.

2. Description of Collection

During the adjudication of some benefits applications and redeterminations, SSA may determine that the agency requires additional medical evidence to support development and adjudication of the claim beyond what the claimant initially provided. The ERE serves as a one-stop web application where the agency can notify registered medical sources that it is requesting additional medical evidence of records (MER) or a consultative examination (CE), and then registered medical sources can upload MER and CE results for the agency to review. Requests for payment for these services can also be conducted through the ERE.

New medical sources cannot register in ERE on their own. Rather, SSA identifies potential new participants through a variety of outreach and contact mechanisms including

1. Helpdesk forwards requests they get via email or phone inquiries.
2. Ad hoc Requests that are received by DDS or Regional Offices.
3. Lists of high-volume providers that have been compiled by DDS or Regional Offices who they would like to have SSA proactively reach out to and encourage enrollment.
4. Target lists generated from mining the SDR database for high volume paper and fax providers.

During the registration process SSA or state agency employees conduct the registration by phone or in person, and then keys the information into ERE. After completing the registration process, the registered user can provide evidence to the agency, and may request payment for providing evidence through the ERE website. SSA and state agency employees request the medical and educational records collected through the ERE website. The agency uses the information collected through ERE to make a determination on an Application for Benefits. We also use the ERE website to order and receive consultative examinations when we are unable to collect enough medical records to determine disability findings. The respondents are medical providers who evaluate or treat disability

claimants or recipients, and other third parties with connections to disability applicants or recipients (ex: teachers and school administrators for child disability applicants). Use of the ERE is voluntary. As of 2022 there are approximately 46,468 ERE users and there were 6,418 new ERE registrations in 2021. Additional discussion of the usability of ERE is included in the supplemental document *ERE Usability and Functionality Questions*.

In certain circumstances, a medical source may choose to not use the ERE. At the hearing adjudicative level, MER not submitted through the ERE can also be submitted via paper forms HA-66 or HA-67, which is covered under OMB No. 0960-0722.

3. Use of Information Technology to Collect the Information

ERE is a web-based program which SSA originally developed under the aegis of, and in accordance with, the Government Paperwork Elimination Act. We collect all information electronically online or by phone (in limited situations when the website is down). Based on our data, we estimate approximately 100% of respondents under this OMB number use the electronic version. However, not all respondents use the ERE to submit MER. Additionally, ERE account registration is not electronic and requires a phone or in-person interview.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection may affect small businesses or other small entities if they are medical practices seeking to register for ERE, or electronically request reimbursement. However, this impact is a positive one, since it will save these small business and entities the longer completion times required by paper mail processes. We minimize the burden by using the information we collect during registration to simplify the steps for providing evidence.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not conduct this information collection, we would have no means of: (1) registering medical providers and other users for ERE; or (2) allowing medical providers to request reimbursement electronically. Because we collect this information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 *CFR* 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on October 8, 2020 at 85 FR 63630, and we received no public comments. The 30-day FRN published on December 8, 2020 at 85 FR 79064. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974), and OMB Circular No. A-130.

11. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

The burden estimate for 0960-0753 only covers the respondent’s in-system interaction with the ERE. The actual burden associated with developing and uploading medical evidence is covered under a separate ICR, OMB No. 0960-0555 (Clearance of Information Collections Conducted by State Disability Determination Services on Behalf of SSA).

Please see the burden chart below:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
ERE (number of ERE visits)	6,183,548	1	10	1,030,591	\$38.46*	\$39,636,530*
ERE (account registrations)	7,037	1	35	4,105	\$38.46*	\$157,878**
Totals	6,190,585			1,034,696		\$39,794,408*

* We based this figure by averaging both the average Healthcare Practitioners and Technical Occupations (<https://www.bls.gov/oes/current/oes290000.htm>), and Elementary and Secondary School worker’s hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes250000.htm>).

** 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.**

The total burden for this ICR is **1,034,696** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$39,794,408**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$2,577,228. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$0
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$2,576,478
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$750
Quantifiable IT Costs	Any additional IT costs	\$0
Total		\$2,577,228

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. It is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2017, the burden was 896,166 hours. However, we are currently reporting a burden of 1,030,591 hours. This change stems from

an increase in the number of responses from 5,376,998 to 6,183,548. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

18. Exceptions to Certification Statement

SSA is not requesting an exception to the certification requirements at 5 *CFR* 1320.9 and related provisions at 5 *CFR* 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.