

Supporting Statement for Form SSA-454-BK
Continuing Disability Review Report
20 CFR 404.1589 & 416.989
OMB No. 0960-0072

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a) and 1631(e)(1)(A) of the *Social Security Act (Act)* provide the Commissioner of the Social Security Administration (SSA) with the authority to make rules and regulations, establish procedures, and adopt reasonable and proper procedures governing the nature and extent of the evidence (as well as the methods of taking and furnishing the same) to determine whether an individual continues to be disabled. Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the *Act*, as amended, provide that claimants furnish such medical and other evidence the Commissioner requires to prove they continue to be disabled. Sections 221(i), 1614(a)(3)(H)(ii)(I) and 1633 (c)(1) of the *Act* require SSA to periodically review the cases of individuals who receive benefits under Title II or Title XVI of the *Act* based on disability, to determine if disability continues. As provided in 20 CFR 404.1589 and 20 CFR 416.989 of the *Code of Federal Regulations*, SSA may conduct a review to determine whether benefit entitlement or eligibility continues for individuals receiving disability benefits.

2. Description of Collection

SSA considers adults eligible for disability payments if they continue to be unable to do substantial gainful activity because of their impairments, and we consider Title XVI children eligible for disability payment if they have marked and severe functional limitations because of their impairments. To assess claimants' ongoing disability payment eligibility, SSA uses the information gathered through the Continuing Disability Review Report to complete a mandatory review for the continue disability review (CDR). SSA also uses the Continuing Disability Review Report to obtain information on sources of medical treatment; participation in vocational rehabilitation programs (if any); attempts to work (if any); and recipients' assessments when they believe their conditions improved. Title II or Title XVI disability recipients can complete the Continuing Disability Review Report using one of three modalities: 1) a paper application or fillable PDF (using Form SSA-454-BK); 2) a field office interview, during which SSA employees enter claimant's data directly into the Electronic Disability Collection System (EDCS); or 3) using an online system (i454). When SSA initiates a medical CDR, SSA sends a mailed notice to the individual with a disability informing that individual that SSA requires a CDR. The mailed notice provides instructions to the recipient on how to assist the agency with initiating the CDR and gives the individual the option to complete a paper SSA-454 or an i454 for adult only disabled individuals. When an individual requires a CDR, a claims representative (CR) mails the paper Form SSA-454-BK, and the respondent completes the form, and sends or brings it back to SSA; or the CR interviews the

respondent and enters the information into the appropriate EDCS screens; or adult disabled individuals can complete the SSA-454-BK electronically using the i454 Internet application. Regardless of the modality the respondent uses to complete the information (paper, EDCS, or Internet versions), SSA electronically stores the information provided in EDCS. The respondents complete the SSA-454-BK by themselves with self-help information available, or a representative may complete the paper form or electronic application on their behalf. The respondents generally do not need information from someone else to complete the form.

The following is a list and description of each modality SSA uses to collect information for these benefit applications:

Paper Application Form:

Title II and Title XVI recipients, or their representatives, can complete the paper SSA-454-BK, or they can download and complete the fillable PDF version of the form from our website. In either case, the respondents using the paper or fillable PDF version need to complete the form, and submit it to SSA either via USPS mail, or by bringing the completed form to an SSA field office. Once SSA receives the paper SSA-454-BK, and any supplemental information, if necessary, we process the information and store it in EDCS.

SSA no longer prints and delivers paper copies of these forms to field offices since printable and fillable versions are available on our website. However, local field offices often print the form in office to send it to respondents.

Interview/EDCS Screens:

EDCS mirrors the paper SSA-454-BK using an electronic collection method. Guided by the EDCS collection screens, the CR interviews the applicant either by phone or in person and inputs the information directly into EDCS. EDCS propagates information to other screens in the application, then prints an application summary for the claimant to review and sign either by attestation or wet signature. In contrast to the paper application, the interview/EDCS process offers the following advantages: 1) it improves accuracy in recording responses; 2) it reduces the overall interview time; and 3) it reduces the number of times we have to re-contact applicants to clarify responses.

Internet i454 Application:

The i454 is an online platform that mirrors the EDCS format. At this time, only individual adult claimants, or their representatives, can use the i454 to complete a medical Continuing Disability Review Report (please see our further explanation in the Addendum). Depending on their initial answers, the i454 presents applicants with different screens, ensuring they only respond to relevant questions. After completing the online application, claimants or their representatives can submit it electronically to SSA, avoiding the need to visit an SSA office. The i454 is more convenient for users and reduces their application completion time by eliminating the need for an office visit. This also saves time

and resources for SSA. Respondents using the i454 may have to submit supplementary supporting documents (e.g., medical evidence) to finalize the application. Once SSA receives the i454, and any supplemental information, if necessary, we process the information and store it in EDCS.

The respondents are Title II or Title XVI disability recipients or their representatives.

3. **Use of Information Technology to Collect the Information**

Under the agency's Government Paperwork Elimination Act plan, SSA created two electronic versions of the Form SSA-454-BK: the EDCS interview screens, and the i454 Internet application (which only disabled adult individuals, or their representatives may use at this time). Based on our data, we estimate approximately 50% of respondents under this OMB number use the electronic versions. SSA designed the electronic modalities to collect the same information as the paper form, however we formatted it differently for the requirements of each modality to include certain enhancements (e.g., instructions and help screens) to guide the interviewer or applicant through the application process.

- **EDCS SSA-454:**

Applicants call or visit an SSA Field Office to provide the information to a CR during an in-person interview. The CR interviews the claimant and enters the answers directly into the EDCS version of the SSA-454-BK. Approximately 35% of respondents use this option.

- **Internet 454 (i454):**

The i454 is a fully electronic, Internet application version of Form SSA-454-BK. Individual adults undergoing a medical continuing disability review, or their representatives, may access, complete, and submit the i454 electronically through the Internet-based application. SSA designed the i454 to walk first-time users through the information collection. It contains numerous help screens and explanations regarding why we ask certain questions on the form. We estimate about 15% of respondents will use this option.

Note: We will revise this estimate once we implement the screens and collect more management information data on the use of this modality.

SSA created a fillable PDF version of this form for respondents to download, complete, print, and submit to SSA. We do not require a signature on this form. In addition, as mentioned above, we offer two electronic modalities for respondents to use to submit this information to SSA: one which allows submission by mail or via an in-office interview, if completed with the local office; and one which allows for an electronic agreement via Internet submission.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. We collect some similar information on the SSA-455, Disability Update Report (OMB No. 0960-0511). However, since collecting the information on the SSA-454-BK is mandatory to complete the CDR, and we do not require respondents to complete both the SSA-455 and the SSA-454-BK in the same year, we still need to collect the same information on both applications.

5. Minimizing Burden on Small Respondents

This collection does not affect small businesses or other small entities.

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

If we did not collect the information on the Continuing Disability Review Report (using any of the modalities mentioned in #2 above), we would be unable to make a timely determination regarding if and when recipients should stop receiving disability payments (either because adults are able to work, or Title XVI children no longer have marked and severe functional limitations). Because we collect the 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 August 18, 2021, at 86 FR 46307, and we received one hundred and one public comments. Of those, we received and posted ninety-nine comments pertaining to this information collection. We did not post two of the comments, as we received one duplicate comment, and one comment pertaining to a different information collection outside the scope of 0960-0072. See the Addendum to the Supporting Statement for our responses to these comments.

The 30-day FRN published on August 18, 2022, at 87 FR 50909. If we receive any comments in response to this Notice, we will forward them to OMB.

In addition, we consulted with the Consortium for Citizens with Disabilities (CCD) and the general public when revising this form. We asked these groups for their thoughts on the questions, since we believed their experience gave them a unique perspective on the issues addressed by the form. Based on their feedback, we made several changes to the form.

Comments from the Public:

- **Comment:** We received comments from CCD stating that: The Consortium for Citizens with Disabilities (CCD) agrees that the Social Security Administration (SSA) is required by Congress to perform periodic Continuing

Disability Reviews (CDR) on recipients of Supplemental Security Income (SSI), or Title II Social Security benefits awarded on the basis of disability. However, they are concerned about the considerable burden SSA's current CDR review process, including its use of the SSA-454-BK form, places on claimants and the public. They not only think that SSA grossly underestimates the burden that responding to SSA-454-BK places on claimants and the public when it suggests the average burden is 60 minutes, but the CCD also believes SSA does not adequately consider the burden each inquiry places on claimants.

SSA Response: We agree with this suggestion and have made the following change based on these comments:

- o SSA is updating the burden estimate for the SSA-454-BK to an average of 8 hours to read the instruction, gather the data, and complete the form.

While the CCD suggests a revised time estimate of 15-20 hours based on the seven items the CCD listed in their comment, SSA notes that the individual does not need to obtain any medical records or contact their medical provider for assistance to complete the form. With the respondent's permission, SSA will request their- medical records. If the individual cannot complete the form, a Social Security Representative will assist them. Even so, we understand that the medical information is only a small part of the overall issue which the CCD notes for the burden estimate (i.e., reviewing the letter; time spent by those assisting the respondent; time spent securing an advocate/lawyer). To that end, we conducted an evaluation of the form and worked with internal and external partners to revise the form by streamlining the questions and instructions where appropriate with the overall goal of reducing the burden of completing the form.

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

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)**	Average Wait Time in Field Office (minutes) ***	Total Annual Opportunity Cost (dollars)****
SSA-454-BK (paper version)	189,350	1	480*	1,514,800	\$11.70**	24***	\$18,609,318****
Electronic Disability Collect System (EDCS)	270,500	1	480*	2,164,000	\$11.70**	24***	\$25,318,800****
i454 (Internet)	81,150	1	480*	649,200	\$11.70**		\$7,595,460****
Totals	541,000			4,328,000			\$51,523,578 ****

* The estimated time of 480 minutes to complete Form SSA-454-BK is an average for the respondents, who are Title II or Title XVI disability recipients or their representatives. Some of these respondents may take longer to complete the forms and submit the information, while others will complete the forms faster, which is why we use average time estimates to calculate time burdens for these information collections. These estimates were originally developed, and are still based on, our current management information data.

** We based this figure on the average DI payments based on SSA's current FY 2022 data (<https://www.ssa.gov/legislation/2022factsheet.pdf>).

*** We based this figure on the average FY 2022 wait times for field offices, based on SSA's current management information 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.**

In addition, OMB's Office of Information and Regulatory Affairs (OIRA) is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA's current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97 mile driving distance for one-way travel. We depict this on the chart below:

Total Number of Respondents Who Visit a Field Office	Frequency of Response	Average One-Way Travel Time to a Field Office (minutes)	Estimated Total Travel Time to a Field Office (hours)	Total Annual Opportunity Cost for Travel Time (dollars)*****
459,850	1	30	229,925	\$2,690,123*****

*****We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the 5 CFR 1320.8(a) (4), which requires us to provide “time, effort, or financial resources expended by persons [for]...transmitting, or otherwise disclosing the information,” as well as 5 CFR 1320.8(b)(3)(iii) which requires us to estimate “the average burden collection...to the extent practicable.” SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents’ mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total time and opportunity cost estimates in the paragraph below.

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 15 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is burden **4,328,000** hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$54,213,701**. 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 **\$15,375,557**. 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 (\$5,047) + Printing Cost (\$4,425)	\$9,472
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$575
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-11 employee x # of responses x processing time	\$14,823,400
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	\$542,110
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$15,375,557

* 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. First, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, 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 2019, the burden was 60 minutes. However, we are currently reporting a burden of 480 minutes. This change stems from an increase in the completion time from 60 minutes to 480 minutes. We updated the burden estimate for the completion time due to public comments we received regarding the burden for form completion, and the comments we heard during Usability Testing. In addition, we addressed public concerns to reduce this burden by focusing on ways to assist the public when completing this form. As explained in our Addendum, we removed free format narrative responses, added checkbox tables, simplified the language in the questions, clarified the instructions page and removed redundancy language from the original version of

the form, causing an overall decrease in completion time and the resulting change in burden. Please see the Addendum for more information regarding the revisions to the form.

However, we are also adding a new modality to this collection, the Internet-based application, i454. While we do not anticipate any change in the overall burden for the implementation of this new Internet modality, we will monitor the management information data for it after we implement it. We will revise our burden data via Change Request if we see any change once the new modality is in use. Please see the Addendum for more information regarding this new modality.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For the paper form SSA-454-BK, we will not publish the OMB approval expiration date. OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

For the **Internet and EDCS versions** of Form SSA-454-BK, 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.