



December 3, 2021

Sharon Block
Acting Administrator
Office of Information and Regulatory Affairs, OMB
Room 10235, New Executive Office Building
725 17th St. NW
Washington, D.C. 20503

Dear Acting Administrator Block,

The Social Security Administration (SSA) is seeking emergency approval from OMB under the Paperwork Reduction Act (PRA) for a COVID-19 symptoms screening questionnaire that appeals hearings participants would complete before entering a hearing office for in-person service, such as in-person hearings (“Social Security Administration (SSA) COVID-19 Symptoms Screener for Hearings,” OMB No. 0960-NEW). Emergency approval of this Information Collection Request (ICR) will enable SSA to resume limited in-person hearing service, while also ensuring the health and safety of the public and our employees. Further details follow.

Background

During the recent COVID-19 pandemic, SSA conducted its services almost exclusively online or by telephone, to protect the health of both the public and our employees. We took these measures in accordance with relevant Centers for Disease Control COVID-19 pandemic guidance, and to comply with existing Occupational Safety and Health Act provisions regarding workplace safety.

While in-person appeals hearings have not been available since March 2020, Social Security claimants, beneficiaries, or their appointed representatives who wished to appeal a redetermination could choose to participate in an online video hearing or phone hearing instead.

Resumption of In-Person Hearings; Overview of Emergency ICR

In recent months, SSA field offices have offered in-person appointments by appointment only. Similar to the limited appointments SSA has offered for some services, we will soon also offer in-person appeals hearings on a limited-capacity basis. We plan to keep the number of in-person hearings to an average of three separate hearings per hearing office per day, to ensure the continued health and safety of the public and SSA employees.

Because of COVID-19 health and safety considerations, we plan to require all members of the public entering an SSA hearing office to participate in an in-person hearing or other in-person service, including claimants or payees, their representatives, and witnesses, to complete a brief screener questionnaire designed to identify COVID-19 symptoms within 24 hours of the day of the hearing. The questionnaire will ask questions relating to personal experience of any COVID symptoms; exposure to someone diagnosed with COVID; or travel outside of the country by means other than land travel, such as car, bus, ferry, or train. Completion of the questionnaire will be mandatory for entering an SSA hearing office. Demonstrating that the hearing participant does not present with any symptoms of COVID-19, has not been exposed to someone with COVID, and has not traveled outside of the country means other than land travel, such as car, bus, ferry, or train will be a prerequisite for the in-person hearing to proceed.

ICR Business Process

When SSA sends a notice confirming hearing scheduling, we will include a COVID-19 Visitor Procedures Notice insert. This insert will ask in-person hearing attendees to review the COVID-19 health-screening checklist and to complete an electronic check-in questionnaire within 24 hours in advance of the hearing. to an SSA website with the screening questions. The website will also include a link to the screening questionnaire, which the participant can complete and submit to SSA online.

Hearing participants may complete the questionnaire up until just before the hearing (including outside the hearing office). If they are experiencing technological complications, or if they prefer not to complete the questionnaire online, they can call the hearing office number on their notice of scheduled hearing and complete the questionnaire by phone with an SSA employee.

SSA will use the screener responses to determine if the in-person hearings participant is “cleared” or “not cleared” to enter an SSA hearing office. If participants answer “no” to all questions, they are “cleared” to participate. If they answer “yes” to any part of the screener, they will be “not cleared.” Persons who are not cleared may seek to be rescheduled for the next in-person hearing date that is at least 14 days after the COVID-19 symptoms first presented, or 14 days after they tested positive for COVID-19. Or, they may choose to request an online video hearing or telephone hearing instead. Claimants may obtain Social Security payments regardless of the hearing method they choose.

Need for Emergency Clearance

Advocacy groups representing the interests of Social Security claimants and professional organizations from the representative community have requested that we resume in-person hearings. To increase our level of service while maintaining the health and safety of the public and our employees, SSA needs the COVID-19 symptoms screener in place as soon as possible. The length of the standard PRA process would hinder our ability to increase our service. We are requesting emergency clearance with approval to be granted no later than **December 12, 2021**. We will invite the public to submit comments if they wish to do so. Given the nature of the ICR, it has been conveyed to us that PRA approval does not depend on resolution of or response to public comments.

We understand that an emergency PRA approval is effective for six months. If we need to continue using the screener after six months, we will seek full PRA approval, which would include two standard public comment periods.

We appreciate your collaboration on this important ICR. Please contact me with questions at (202) 358-6030 or at eric.skidmore@ssa.gov.

Sincerely,

Eric Skidmore
Deputy Commissioner
for Legislation and Congressional Affairs