

**Addendum to the Supporting Statement for Social Security Administration (SSA)
COVID-19 Symptoms Screener for In-Person Hearings, and
VIPr Mobile Application and Telephone Screener for Office visits
20 CFR 404.929, 404.933, 416.1429, 416.1433, 418.1350, 422.103-422.110, and 422.203
OMB No. 0960-0824**

Revisions to the VIPr Mobile Application

SSA is making the following revisions to the VIPr Mobile Application:

- **Change #1:** We are moving the VIPr Mobile Application and Express Interview Pre-Screening questions to this OMB Clearance Package from OMB No. 0960-0066.

Justification #1: We are bringing all Covid-19 screeners under one OMB Clearance Package. Once approved, we will complete a Change Request under OMB No. 0960-0066 to remove the VIPr Mobile Application and Express Interview Pre-Screening questions as modalities.

Public Comments on the Information Collection

Emergency Clearance Federal Register Notice (FRN):

The Emergency Clearance FRN for the COVID-19 Symptoms Screener for In-Person Hearings published on December 3, 2021, at 86 FR 68717. We received a total of 7 public comments on the Emergency Clearance FRN. However, we did not receive any comments during the 60-Day comment period and have not yet received any during the 30-Day comment period. The following contains a summary of the comments we received during the emergency FRN period, and SSA's responses:

Overall Comments on the COVID-19 Symptoms Screener for In-Person Hearings:

- **Comment #1:** Multiple commenters pointed to the fact that many will lack Internet access to complete the questionnaire online or will be unable to do so due to disability. The alternative, completing the screening questionnaire by phone, may be effective for those who can get through on the phone in the short window prior to the hearing - and if language access is provided. Many advocates and claimants report being unable to get through to hearing offices by phone. Will dedicated phone lines be provided that are sufficiently staffed at each OHO to permit timely phone access? Will interpreter services be available timely? Will the notice with the information about the screening questionnaire provide information about the availability of interpreter services? Two recommendations were given:
 - On site kiosks or tablets offering the ability to complete the Screener upon arrival at the hearing office. This alternative would mitigate the issues arising from lack of digital access, OHO phone reliability, and if offered in multiple languages, lack of language access.

- Telephonic screening via calls initiated from SSA in the language appropriate to the claimant. Again, this will serve to mitigate language access issues as well as other issues raised above.

SSA Response #1:

We understand that there are hearing participants who lack Internet access or face other barriers to completing the COVID-19 Symptoms Screener online. We aim to provide equitable service to all hearing participants. As such, we offer the following options:

1. Hearing participants can call the hearing office for assistance completing the COVID-19 Symptoms Screener. If the hearing participant requires an interpreter, hearing office staff will contact the interpreter line for assistance. We do not anticipate that callers should experience any unusual difficulty in contacting the hearing offices for assistance.
2. Hearing participants who are unable to complete the screening online or over the telephone before the hearing can come to the hearing office on the day of their scheduled hearing and complete the COVID-19 Symptoms Screener questions in person. Each hearing office has posted signage that contains the COVID-19 Symptoms Screener questions. The security guard will ask the hearing participant to confirm that they did not answer “yes” to any of the questions. If the person is cleared to enter the hearing office, meaning that they did not answer “yes” to any of the screening questions, they can proceed to the reception window where a staff member will complete the COVID-19 Symptoms Screener online on their behalf. If the hearing participant is unable to read the posted questions, the security guard will direct them to the reception window for assistance, including use of the interpreter line, as appropriate. If the hearing participant is not cleared to enter the hearing office, meaning that they answered “yes” to any of the questions, posted signage instructs them to call the hearing office about rescheduling their hearing.

Use of on-site kiosks or tablets may alleviate some of the identified issues, but would present other concerns. For example, hearing participants who are hearing or visually impaired or who have limited manipulative skills might have difficulty utilizing such devices. As noted above, hearing participants who have arrived at the hearing office without completing the COVID-19 Symptoms Screener are assisted by a staff member.

We appreciate your suggestion regarding SSA-initiated telephone calls. Currently, there are procedures in place for hearing office staff to contact unrepresented claimants five days prior to their scheduled in-office hearings to review the procedures and options for completing the COVID-19 Symptoms Screener. We have instructed hearing office staff to explain the COVID Symptoms Screener during this call, including providing a description of the available methods by which the claimant can complete the COVID Symptoms Screener.

- **Comment #2:** Multiple commenters stated that there are disability claimants whose chronic impairments overlap with COVID-19 symptoms, such as headaches or diarrhea. Barring such people from in-person hearings because of their disabilities would violate Section 504 of the Rehabilitation Act. SSA should develop reasonable modifications, such as showing a recent negative covid test result, for such situations and include information about how to

request modifications on the screener. Because symptoms of COVID-19 are similar to those of other conditions, including some that are not contagious, the question about symptoms should be followed by one asking about exposure. "Have you been exposed to someone with COVID-19 within the past 14 days?" Someone experiencing COVID-19 symptoms who has not been exposed is unlikely to have the virus.

SSA Response #2:

We understand the concern regarding hearing participants whose chronic impairments overlap with COVID-19 symptoms and have taken steps to prevent such individuals from receiving a "not cleared" result. The first question in the COVID-19 Symptoms Screener is designed to prevent such individuals from answering "yes." The first question asks:

1. Do you have any new or worsening symptoms of COVID-19 including:

- Fever (100.4 degrees or higher);
- Cough or sore throat;
- Shortness of breath or difficulty breathing;
- Fatigue;
- Muscle pain or body aches;
- Headache;
- New loss of taste or smell;
- Congestion or runny nose; or
- Nausea, vomiting, or diarrhea?

A hearing participant with a pre-existing chronic impairment would not have **new** symptoms. Thus, unless a hearing participant with a pre-existing condition had worsening symptoms, they would be able to answer "no" and proceed through the questionnaire. Additionally, hearing office staff have been instructed to be mindful that many hearing participants have chronic conditions that are not related to COVID-19, but may result in them answering "yes" to a screening question about symptoms. Individuals who do not clear the COVID-19 Symptoms Screener are instructed to call the hearing office to reschedule the in-office hearing. If a hearing participant calls the hearing office because they have not been cleared to enter and they report that their symptoms are not new and not COVID-related, staff will discuss the hearing participant's specific situation with hearing office management and the Administrative Law Judge holding the hearing to determine how best to proceed.

- **Comment #3:** Multiple commenters were concerned about what, if any, provisions SSA has made for those claimants who are unable to complete the survey in advance. These commentors questioned what would happen if individuals attempted to enter a hearing office at the time of their scheduled hearing, will they be allowed to complete the survey in person? These commenters noted that it would be extremely inconvenient and inefficient for all involved to turn claimants away and reschedule hearings. They encourage SSA to develop safe alternatives to the advance questionnaire, including a screening option available at the OHO, as well as screening calls initiated by SSA in advance of the scheduled hearing. SSA should also have COVID-19 rapid tests available to avoid unnecessarily postponing hearings in situations where claimants may have possible symptoms or been exposed to COVID-19.

SSA Response #3:

All hearing participants may complete the screening in advance by using the online COVID-19 Symptoms Screener or by contacting their local hearing office and completing the screening by telephone. SSA also has an option for hearing participants who arrive at the hearing office or SSA facility without completing the COVID-19 Symptoms Screener in advance. Hearing participants who arrive at a hearing office or SSA facility on the day of their scheduled in-office hearing will see posted signage containing the COVID-19 Symptoms Screener questions. The security guard will ask the hearing participant to confirm that they did not answer “yes” to any of the questions. If the person is cleared to enter the hearing office, meaning that they did not answer “yes” to any of the screening questions, they can proceed to the reception window where a staff member will complete the COVID-19 Symptoms Screener online on their behalf. If the hearing participant is unable to read the posted questions, the security guard will direct them to the reception window for assistance, including use of the interpreter line, as appropriate. If the hearing participant is not cleared to enter the hearing office, meaning that they answered “yes” to any of the questions, posted signage instructs them to call the hearing office about rescheduling their hearing.

- **Comment #4:** Some commenters noted that the question about travel is illogical. An individual who has traveled by plane is not necessarily more at risk of getting COVID-19 than one who has used another mode of transportation. Planes have increased ventilation systems that lessen the spread of many airborne diseases. There are claimants and other members of the public who have no choice but to fly to their nearest hearing office and this question would prevent such a traveler from ever having an in-person hearing. More important than the type of travel are the other passengers. A person is at less risk of contracting COVID-19 in a carrier with fewer other passengers. As with symptoms, the timeframe for travel is important, as travel over 14 days ago should pose no current risk. A better question would be "If you answered yes to question 1 [the question about symptoms], have you traveled by public transportation within the past 14 days, sitting in close proximity to someone who might have COVID-19?"

SSA Response #4:

The relevant portion of Question #2 on the COVID-19 Symptoms Screener asks the following:

Have you:

Within the last 5 days:

- Traveled outside the country by means other than land travel, such as car, bus, ferry, or train?

Because the question is related to international travel, we do not expect that it will impact/screen out more than a very minimal number of hearing participants. Hearing participants needing to travel domestically by air to reach a hearing would not be impacted by this question.

SSA follows the Centers for Disease Control and Prevention (CDC) and the Department of

Homeland Security (DHS) guidance concerning international travel. The CDC continues to make updates to their guidance. SSA followed the CDC guidance at the time the COVID-19 Symptoms Screener was updated. The CDC currently recommends a 5-day quarantine after international travel for those who are not up to date with their COVID-19 vaccines including booster doses. However, CDC refers individuals to DHS guidance for international land travel. DHS does not recommend a quarantine after international land travel. Therefore, we have applied the CDC recommended 5-day quarantine to international travel, but not to international land travel. Additionally, it might be difficult or impossible for claimants living in Canada or Mexico who cross the border by land daily to remain in the United States long enough to complete a 5-day quarantine and, thus, a quarantine period might present a barrier to service.

- **Comment #5:** A commenter recommended to add a question to ask the vaccination status of an individual. This can help the screener assess the risk someone may pose. Example: "Have you been fully vaccinated against COVID-19? Fully vaccinated means at least 2 weeks have passed since the second dose of a two-dose vaccine such as Pfizer or Moderna or 2 weeks after one dose of a one dose vaccine such as Johnson & Johnson." An individual who has been fully vaccinated but who has symptoms or may have been exposed to COVID-19 should present a negative COVID-19 test taken within the past 3 days or take a rapid test before entering the hearing office.

SSA Response #5:

The governmentwide Safer Federal Workforce Task Force has indicated that individuals entering a Federal building or Federal land to obtain a public service or benefit do not need to attest to their vaccination status or show documentation of a negative COVID-19 test result. To be consistent with this guidance, hearing participants are not required to be vaccinated to enter SSA facilities, and SSA employees will not inquire about a hearing participant's vaccination status. Rather, we have protocols in place, such as self-screening, mask wearing and social distancing, to help ensure employee and hearing participant safety.

- **Comment #6:** Multiple commenters stated that the burden estimate of 10 minutes is an underestimate. They are concerned that the estimate fails to consider the following:
 - The burden if a claimant has to resort to telephonic screening. In our extensive experience trying to call hearings offices during the pandemic, one is rarely able to reach a live person in ten minutes. Often there are long holds and frequent disconnections, which would take substantially more than ten minutes to get through, without accounting for the additional time it would take for someone to complete the screening.
 - Additional time required for limited English proficiency (LEP) claimants to navigate either the online or telephonic screening system.
 - Additional time that it will take claimants with cognitive limitations or other disabilities to complete the screening.
 - The additional burden placed on claimants who are unable to complete the screener or are disqualified by the screener, preventing their access to an in-person hearing, as well as likely long waits for a rescheduled hearing.

SSA Response #6:

The burden estimate is based upon a hearing participant completing the COVID-19 Symptoms Screener online. Some hearing participants will take less than the estimated 10 minutes to do so, while other individuals, such as individuals with limited English proficiency or cognitive or mobility impairments, may take longer. Regarding the last bullet, it is important to note that the burden estimate is the estimated amount of time to complete the COVID-19 Symptoms Screener, and does not include any time that may be involved in rescheduling the hearing. Additionally, if a hearing participant is not cleared to enter the hearing office, hearing office staff will offer the claimant the opportunity to appear at a telephone or online video hearing, which may help reduce the wait for the rescheduled hearing.

- **Comment #7:** Multiple commenters requested to offer claimants an option to proceed with a remote hearing by phone or video if they are screened out of an in-person hearing to avoid further delays.

SSA Response #7:

If a claimant completes the COVID-19 Symptoms Screener before their scheduled in-office hearing and is “not cleared” to enter the SSA facility, the Administrative Law Judge may offer the option to appear at a hearing by telephone or online video, allowing the hearing to proceed as scheduled. If this is not possible, and the hearing cannot proceed as scheduled, hearing office staff will work with the claimant and/or appointed representative to reschedule the hearing to a later date. Hearing office staff will make every possible attempt to reschedule the hearing as soon as practicable and will offer claimants who have previously declined virtual hearing options to consent to a telephone and/or online video hearing to allow for timelier rescheduling. A change in the manner of appearance may require the claimant to waive their right to an amended notice of hearing mailed at least 20 days in advance of the rescheduled hearing.