

**Justification for Non-Substantive Changes for SSA-1691**  
**Social Security Administration Eligible Non-Attorney Representative**  
**20 CFR 404.1717, 404.1745 - 404.1799, 416.1517, and 416.1545 - 416.1599**  
**OMB No. 0960- 0699**

**Background**

Form SSA-1691 is completed by non-attorneys who wish to receive direct payment of fees from SSA for their representational services before the agency. To qualify for the Eligible for Direct Payment, Non-Attorney (EDPNA) program, non-attorneys must meet the qualifications set forth in our regulations at *20 CFR 404.1717* and *416.1517*.

OMB approved the current form SSA-1691 on April 29, 2004, which we submitted for clearance in January 2020. Since the approval, we have identified changes in EDPNA management processes that require further minor revisions to Form SSA-1691. We have provided the description of each proposed change accompanied by an explanation of our business requirement in the revisions section below.

**Revisions to the Information Collection**

***SSA is making the following revisions to the instructions of the form:***

- **Change #1:** We are changing all the links from the appointed rep webpage to the EDPNA specific webpage.

**Justification #1:** We are making the change because we now house all pertinent information for EDPNA program participants on a dedicated page through [ssa.gov](http://ssa.gov).

- **Change #2:** We are revising the language under the Application fee section, first sentence, page 1:

**Old Language:** The Commissioner may assess applicants a reasonable, non-refundable fee to cover the costs of administering the prerequisites process. We only accept checks from a U.S. financial institution and money orders. Visit <http://www.ssa.gov/representation> to find out where to pay this fee and other guidelines about this application fee.

**New Language:** The Commissioner may assess applicants a reasonable fee to cover the costs of administering the prerequisites process. Visit <http://www.ssa.gov/representation> to find out where to pay this fee and other guidelines about this application fee.

**Justification #2:** We are revising the language because the fee is only non-refundable under certain situations.

- **Change #3:** We are revising the language under the Application fee section, second sentence, page 1

**Old Language:** We only accept checks from a U.S. financial institution and money orders. Visit <http://www.ssa.gov/representation> to find out where to pay this fee and other guidelines about this application fee.

**New Language:** Visit <http://www.ssa.gov/representation> to find out where to pay

**Justification #3:** We are revising our policy on acceptable payment formats. We have ensured the current instructions are on the website.

- **Change #4:** Application fee (second paragraph): We removed the last sentence and will add a revised version to section 6.

**Old language:** If you fail the examination, or we find you ineligible to take the examination because you do not meet the educational requirement, you may reapply in any future application period, but must pay the full fee again. If we find you ineligible to take the exam because you failed the background check, you cannot reapply in any future application period

**New Language:** If you fail the examination, or we find you ineligible to take the examination because you do not meet the educational requirement, you may reapply in any future application period, but must pay the full fee again,

**Justification #4:** In discussions with leadership, we agreed that a person may be able to pass the criminal background check at a future date.

- **Change #5:** We are revising the under the Examination section, page 1:

**Old Language:** You are required to pass an examination testing your knowledge of the relevant provisions of the Act and the most recent changes in Agency regulations and court decisions affecting Titles II and XVI of the Act.

**New Language:** You are required to pass an examination testing your knowledge of the relevant provisions of the Act and the most recent changes in Agency regulations and court decisions affecting Titles II and XVI of the Act. The examination should be held online only. For more information about the details of the examination, visit <https://www.ssa.gov/representation/>

**Justification #5:** We are changing the examination location from in-person to online because of the COVID-19 National Emergency. We will continue with the new format as it poses an overall lower cost and because of the applicants' lack of interest for travelling for the examination.

- **Change #6:** Section 2 – Educational or equivalent professional work experience information: We are updating the relevant professional experience for clarification.

**Old language:** You must possess either a bachelor's degree from an accredited U.S. postsecondary institution or a high school diploma or general equivalency diploma (GED) plus four years of relevant professional experience that we determine to be equivalent to a bachelor's degree. You must meet these requirements prior to the date the application period begins. Relevant professional experience means training or work through which you demonstrate familiarity with medical reports and an ability to describe and assess mental or physical limitations or both. Such experience may be in the fields of: teaching, counseling or guidance, social work, personnel management, public employment service, nursing or other health care services. Professional work involving evaluating or adjudicating claims for benefits under Title II or Title XVI of the Act also qualifies as relevant professional experience.

**New Language:** You must possess either (1) a bachelor's degree from an accredited U.S. postsecondary institution or (2) four years of relevant professional experience that we determine to be equivalent to a bachelor's degree, plus either a high school diploma or general equivalency diploma (GED). You must meet these requirements prior to the date the application period begins. We will consider relevant professional experience for the EDPNA program to be four years of full-time work, or the equivalent, through which the applicant reviewed and analyzed medical reports and demonstrated the ability to describe and assess mental or physical limitations. We will continue to consider relevant professional experience to include work involving claims for benefits under title II or XVI of the act. Types of work may qualify as relevant professional experience may be in fields such as teaching, counseling or guidance, social work, personnel management, public employment service, nursing or other health care services professions when that experience meets the requirements above.

**Justification #6:** We are revising the language to provide clarity.

- **Change #7:** We are renaming the title on Section 4 Page 2 and removing the language referring to location from the instructions:

**Old Language:** We administer the examination(s) on a single day each year at designated locations across the country. We may cancel the examination(s) scheduled for any designated location if enrollment is insufficient. In that event, we will notify you at least 20 days prior to the examination date, so you can make appropriate travel arrangements to an alternate examination location. See <http://www.ssa.gov/representation/> for a list of examination locations.

You must select a first and second choice for your preferred examination location when applicable. If you submit your application timely but do not select a second choice, we will return your applications as incomplete. We will send detailed information concerning the specific location of the examination site by mail to

those applicants we deem eligible to sit for the examination

**New Language:** Section 4- Reasonable Accommodation Request

Use this section to describe your need for reasonable accommodation while participating in the examination. You must provide supporting documentation from a qualified health professional. Visit

<https://jwww.ssa.gov/representation/nonattyrep.htm> for more information.

**Justification #7:** We are revising the language, because the examination will be held only online and instructions for choice of in-person examination locations are no longer applicable. However, we are keeping the reasonable accommodation portion of this section.

- **Change #8:** We are revising the language under Section 6-Criminal Background Check, page 2:

**Old language:** Complete all fields. We use this information to ensure your fitness to practice before us. Visit <https://www.ssa.gov/representation/>

**New Language:** Complete all fields. If you do not pass our criminal background check or if you provide us with false or misleading information, we will find you ineligible for direct payment to review the requirements or our criminal background check.

**Justification #8:** We are revising the language to add a sentence about not passing the background check agreed to by leadership.

***SSA is making the following revisions to the form:***

- **Change #9:** We are removing language under Section 1- Applicant's Information on page 3

**Old Language:** Other Names Used (with reason)

**New Language:** Other Names Used

**Justification #9:** We are removing the language because with reason is too vague.

- **Change #10:** We are adding Option for Permanent U.S. Resident and Non-Resident with Employment Authorization Document

**Justification #10:** We are adding the language, because we have no specific requirement for citizenship. However, we still need the information, as we collect it for the criminal background check.

- **Change #11:** We are removing the options for different types of post-secondary degrees received under Section 2 page 3 and are revising the language:

**Old Language:** U.S. postsecondary degree received Doctorate Degree Graduate Degree Bachelor's Degree

**New Language:** You must possess either a bachelor's degree from an accredited U.S. college or university or a high school diploma or GED certificate and equivalent qualifications from work experience

**Justification #11:** We are revising the language, because we require a bachelor's degree regardless of other degrees or certifications.

- **Change #12:** We are changing the title on Section 4 – Examination Location page 6, and are removing the choice for in-person locations:

**Old Language:** Section 4 - Examination Location

**New Language:** Section 4 - Reasonable Accommodation Request"

**Justification #12:** We are revising the language, because we are no longer offering in-person examinations.

- **Change #13:** We are removing the non-refundable fee from Section 5 – Acknowledgements on page 6.

**Justification #13:** We are removing this section, because the fee is only non-refundable under certain situations.

- **Change #14:** We are making the signature field fillable.

**Justification #14:** We are making the signature field fillable, SSA agrees with OMB's request to provide options for electronic signature, however, we currently have no policy in place to accept these signatures. We will add the capability to do so as soon as possible.

SSA will implement the changes above upon OMB approval. These actions do not affect the public reporting burden.

### **Justification for Resubmission of the Information Collection Within a Year of Approval**

Due to the increased workload and potential time delay in the previous approval, the agency did not submit any changes to Form SSA-1691 that may have delayed the OMB approval process. However, because of the non-substantive nature of several of the EDPNA program process changes, we must revise Form SSA-1691 now to reflect policy

changes within SSA and our better understanding of the regulations. These changes will also assist applicants in understanding updated rules within the EDPNA program. Since these changes are non-substantive, we waited until after we received OMB approval to reassess them and then submit this Change Request.