

**Supporting Statement for Medicaid Use Report**  
**20 CFR 416.268**  
**OMB 0960-0267**

**A. Justification**

1. **Introduction/Authoring Laws and Regulations** - Section 1619 (b) of the Social Security Act (*Act*) and 20 CFR 416.268 of the *Code of Federal Regulations* require the Social Security Administration (SSA) to determine eligibility for (1) special Supplemental Security Income (SSI) payments and (2) special SSI eligibility status for a person who works despite a disabling condition. It also provides that to qualify for special SSI eligibility status, individuals must establish that termination of eligibility for SSI payments would seriously inhibit their ability to continue employment. This Information Collection Request is for the public reporting burdens contained in 20 CFR 416.268.
2. **Description of Collection** – During a personal or telephone interview with the SSI recipient, an SSA employee asks the following questions:
  - Have you used any medical care or services in the past 12 months that was paid for by Medicaid (or Medi-Cal, etc.)?
  - Do you expect to receive any medical care or services in the next 12 months that will be paid for by Medicaid?
  - Without Medicaid (Medi-Cal, etc.), would you be unable to pay your medical bills if you become ill or injured in the next 12 months?

We use this information to determine if an SSI recipient whose payments have stopped based on earnings, is entitled to special SSI payments and, consequently, to Medicaid benefits under Section 1619 (b) of the Act. The respondents are SSI recipients for whom SSA has stopped payments based on earnings.

3. **Use of Information Technology to Collect the Information** - Improved information technology that would reduce the burden is not available. The information is collected electronically during a personal or telephone interview using SSA's Modernized SSI Claims System for 98 percent of the claims. For the remainder, we use Form SSA-795, Statement of Claimant or Other Person (OMB No. 0960-0795).
4. **Why We Cannot Use Duplicate Information** - The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to collect similar data.
5. **Minimizing Burden on Small Respondents** - This collection does not affect small businesses or other small entities.

6. **Consequences of Not Collecting Information or Collecting it Less Frequently** – If SSA did not collect this information, we would be unable to determine an individual’s coverage under Section 1619 (b), which could result in termination of their Medicaid assistance. We collect this information on an as-needed basis; therefore, we cannot collect it less frequently. There are no technical or legal obstacles that would prevent burden reduction.
7. **Special Circumstances** - There are no special circumstances that would cause us 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** - SSA published the 60-day advance Federal Register Notice on November 16, 2011 at 76 FR 71105, and SSA received no public comments. SSA published the 30-day advance Federal Register Notice on January 31, 2012 at 77 FR 4854. If we receive any comments to the 30-day Notice, we will forward them to OMB. SSA had no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** - We provide no payment or gifts to the respondents.
10. **Assurances of Confidentiality** - We protect and hold confidential the information we request 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** - We will collect information from approximately 60,000 respondents annually. We estimate the average response time is 3 minutes, resulting in 3,000 burden hours. The total burden represents burden hours, and we did not calculate a separate cost burden.
13. **Cost to Respondents** - There is no known cost burden to the respondents.
14. **Annual Cost to the Federal Government** - The annual cost to the Federal Government is approximately \$92,400. This estimate is a projection of the costs for collecting and processing the information.
15. **Program Changes or Adjustments to the Information Collection** - There are no changes in the public reporting burden.
16. **Plans for Publication Information Collection Results** - We will not publish the results of the information collection.

17. **Displaying the OMB Expiration Date** - This information collection does not involve the use of any prescribed printed forms.
18. **Exception to Certification Statement** - We are not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

**B. Collection of Information Employing Statistical Methods**

SSA is not using statistical methods for this collection.