

**Justification for Non-Substantive Changes for Evidence From Excluded Medical
Sources of Evidence (RIN 0960-AH92)
20 CFR 404.1503b, 416.903b
OMB No. 0960-0803**

Background

The Social Security Administration (SSA) created a notice to notify medical providers when they fail to comply with the Bipartisan Budget Action (BBA), Section 812. Medical providers must self-identify as violators of BBA 812 if the Department of Health and Human Services (HHS) identifies them on the List of Excluded Individual Entities (LEIE) excluding their participation in Federal health care programs, if they were convicted of a felony, or have an imposed civil monetary penalty.

Revisions to the Information Collection

Change #1: SSA created the BBA 812 notice to fulfill the requirements outlined in Section 812 of the 2015 BBA. Per Section 812, SSA must inform Medical providers who do not comply with the statutory reporting requirements that they must provide a written statement of exclusion. In addition, this notice also provides these excluded Medical providers with the items they need to include in their written statement.

Justification #1: This change complies with SSA's regulations, found at 20 C.F.R. §§ 404.1503b, 416.903b, which require medical providers to notify SSA when presenting evidence if they have been: (1) convicted of a felony under section 208 or 1632 of the Social Security Act (Act); (2) excluded from participating in any Federal health care program under section 1128 of the Act; or (3) imposed with a civil monetary penalty (CMP), an assessment, or both, for submitting false evidence under section 1129(l) of the Act.

Justification for Resubmission of the Collection within One Year of OMB Approval

Notifying medical providers failing to comply with BBA 812 is a critical element in implementing Phase I of the Act. SSA needed to establish a business process that could support details of the notice, and ensure the notice provided all the necessary information before we could implement it. Because it took us time to establish the proper supports for this notice, we were unable to provide it when we initially submitted the information collection request for 0960-0803. That is why we are submitting it for approval now.

This action does not affect the public reporting burden.