

**Supporting Statement for
Continuation of Supplemental Security Income Payments for the Temporarily
Institutionalized – Certification of Period and Need to Maintain Home
20 CFR 416.212(b)(1)
OMB No. 0960-0516**

A. Justification

1. Introduction/Authoring Laws and Regulations

When Supplemental Security Income (SSI) recipients: (1) enter a public institution; or (2) enter a private medical treatment facility with Medicaid paying more than 50 percent of expenses, the Social Security Administration (SSA) reduces their SSI payments to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of 3 months), SSA may waive the reduction. Per sections 1611(e)(1)(G)-(H) of the *Social Security Act (Act)* and Section 20 CFR 416.212(b)(1) of the *Code of Federal Regulations*, before SSA can waive the SSI payment reduction, the agency must receive the following documentation: (1) a physician's certification that the SSI recipient will only be institutionalized for a maximum of three months; and (2) certification from the recipient or the recipient's representative payee confirming the recipient needs SSI payments to maintain the living arrangements to which the individual will return post-institutionalization.

2. Description of Collection

SSA collects this information to determine if institutionalized SSI recipients will only be in the institution or medical facility for three months maximum, and if they still need SSI payments. To do this, the recipient, the recipient's representative payee, or if the recipient does not have a representative payee, someone on their behalf typically calls SSA to provide the statement of need, and a signed physician's certification is sent via mail. In addition, SSA employees upon finding out about a recipient entering an institution can contact the recipient or recipient's representative payee to obtain the statement of need and a physician's certification. SSA accepts a certification or copy of a certification signed by the recipient's physician, attesting to the period of confinement. SSA accepts a signed statement or a verbal confirmation from the recipient, or from the representative payee, acting on behalf of the recipient, about the need to maintain a home. In addition, SSA created an official form, the SSA-186, Temporary Institutionalization Statement to Maintain Household and Physician Certification, that collects the signature of the SSI recipient, provides the statement of need, and the physician's signature providing the physician's certification with the time-period of confinement. The form asks the same questions that are on the SSI Claims System screens. The respondents are medical providers, and SSI recipients or their representative payees.

3. **Use of Information Technology**

SSA created a fillable PDF form, the SSA-186, to accompany the SSI Claims System screens respondents can use as part of a phone interview to submit this information. Respondents also have the option to create the certification in whatever format is easiest for them and send the documents to SSA. SSA then scans and includes the form or the documents provided by the recipient in the SSI recipient's electronic folder (entered via the in-office SSI Claims System Intranet screens). This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this is unconnected to the PRA approval lifecycle.

In the interim, we evaluated this collection for conversion to a submittable PDF and intend to make this conversion within the next 3-6 years. Once we have the submittable PDF ready for implementation, we will submit a Change Request to OMB for prior approval.

4. **Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.
5. **Minimizing Burden on Small Respondents**

This collection does not significantly affect small business or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently**

If SSA did not collect this information, we would have no means of confirming if institutionalized SSI recipient's payments should continue. In addition, this would not only be a violation of Sections *1611(e)(1)(G)-(H)* of the *Act* and Section *20 CFR 416.212(b)(1)* of the *Code of Federal Regulations*, but it can also lead to recipient's unfair receipt or unfair denial of SSI payments. Since SSA only requests this information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.
7. **Special Circumstances**

There are no special circumstances that would cause SSA 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**

The 60-day advance Federal Register Notice published on June 23, 2021 at 86 FR 33007, and we received no public comments. The 30-day FRN published

on September 29, 2021 at 86 FR 54007. If we receive any comments in response to this Notice, we will forward them to OMB.

The SSA Advocates Workgroup informed SSA that many of their customers had a hard time creating the documents needed to qualify for Temporary Institutionalization Benefits. Therefore, SSA created the SSA-186 that can be used by recipients, representative payees, and institutions to obtain the statement of need and the physician’s certification on one document.

9. Payment of Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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

Please see the burden chart below:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time for Teleservice Centers (minutes)**	Total Annual Opportunity Cost (dollars)***
Statement from other Respondents	26,793	1	5	2,233	\$10.95*	19**	\$117,351***
Physician’s Certifications	26,793	1	5	2,233	\$41.30*	0**	\$92,223***
Totals	53,586			4,466			\$209,574***

* We based these figures on the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>), and the average Healthcare Practitioners and Technical Occupations hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes290000.htm>).

** We based this figure on the average FY 2021 wait times for teleservice centers, based on SSA’s current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **4,466** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$209,574**. SSA does not charge respondents to complete our applications. We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that the 5 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burdens on the respondents.

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$192,721. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-11 employee x # of responses x processing time	\$189,301
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*

Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$192,721

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. We have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this collection in 2018, the burden was 5,000 hours. However, we are currently reporting a burden of 4,466 hours. This change stems from a decrease in the number of responses from 60,000 to 53,586. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

16. Plans for Publication Information Collection Results

SSA will not publish the results of this information collection.

17. Displaying the OMB Approval Expiration Date

SSA is not requesting an exception to the requirement to display an expiration date.

18. Exceptions to Certification Statement

SSA is not requesting an exception to the certification requirements at 5 *CFR* 1320.9 and related provisions at 5 *CFR* 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.