# A. Justification

## 1. Circumstances Making the Collection of Information Necessary

Section 301 of the Public Health Service Act [1](42 U.S.C. § 241) is the authorizing law for data collections within the Department of Health and Human Services (HHS). Specifically, agencies within HHS should "collect and make available through publications and other appropriate means…research and other activities."

The March 3, 1998, White House Memorandum, "Conducting Conversations with America to Further Improve Customer Service[2]," directs agencies "to track customer service measurements, then take necessary actions to change or improve how the agency operates, as appropriate. Integrate what your agency learns from its customers with your agency's strategic plans, operating plans, and performance measures required by the Government Performance and Results Act of 1993, reporting on financial and program performance under the Chief Financial Officers Act of 1990, and the Government Management Reform Act of 1994."

Executive Order (E.O.) 12862[3] (September 11, 1993) is aimed at "ensuring the Federal Government provides the highest quality service possible to the American people." The E.O. discusses surveys as a means for determining the kinds and qualities of service desired by the Federal Government's customers and for determining satisfaction levels for existing service. These voluntary customer surveys will be used (1) to ascertain customer satisfaction with individuals attending group outreach and education events conducted by the State Health Insurance Assistance Program (SHIP) or the Senior Medicare Patrol (SMP) program and (2) to report on annual performance goals as described in Government Performance Results Act (GPRA; Pub.L. 103-62)-related documents. These results are used internally, and summaries are provided to the Office of Management and Budget (OMB) on an annual basis and are used to satisfy the requirements and spirit of E.O. 12862.

The Administration for Community Living (ACL) is adding the collection of sexual orientation and gender identity (SOGI) data to this extension of the SHIP-SMP Survey of Group Outreach and Education Events. An important gap in sociodemographic information on the group outreach and education survey is a lack of items collecting sexual orientation and gender identity.

[1] Attachment 1: Section 301 of the Public Health Service Act
[2] Attachment 2: Memorandum on Conducting Conversations with America to Further Improve Customer Service
[3] Attachment 3: Executive Order (E.O.) 12862

Adding sexual orientation and gender identity items to the group outreach and education survey is part of ACL's strategy to address "Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation."

Issued in January 2021, Executive Order 13988 called upon agencies to identify existing and new policies to promote equal treatment under the law and ensure that all persons are able to access healthcare and other essential services without being subjected to sex discrimination. To support alignment with Executive Order 13988, as well as Executive Orders 13985 and 14075, three items will be added to the group outreach and education survey to collect sexual orientation and gender identity. The first item will ask the individual if they think of themselves as gay/lesbian, straight, bisexual, or something else. This item has been fielded on the NHIS since 2013, where it has been closely monitored for comprehension and sensitivity. The second and third items are part of a two-step series to collect gender identity, which requires two items to accurately collect. Respondents are first asked to report their sex assigned at birth on their original birth certificate (male, female, don't know, prefer not to answer). Next, respondents are asked to report their current gender identity (male, female, transgender, I use a different term, prefer not to answer) This two-step series aligns with recommendations from the National Academies of Sciences, Engineering, and Medicine's (NASEM's) recent report, "Measuring Sex, Gender Identity, and Sexual Orientation." These items have also been cognitively tested for inclusion in the Medicare Current Beneficiaries Survey under the MCBS Generic Clearance and performed well.

## 2. Purpose and Use of Information Collection

The information obtained from this survey will be used by ACL federal and regional employees. Specifically, the information will be used to assess customer satisfaction with group outreach and education events that are conducted by the SHIP and SMP programs. The results of the survey could lead to overall agency improvements, including the reallocation of resources, revisions to certain agency processes and policies, and/or development of guidance related to the agency's customer services. The results of the survey could also lead to improvements for individual Medicare beneficiaries, as improved customer service by the agency will lead to more appropriate Medicare choices for individual citizens, leading to monetary savings for both the individual and the SHIP/SMP program. Ultimately, these changes should improve the services ACL provides to the public.

In addition, ACL will use this data to fulfill the requirements of the Government Performance and Results Modernization Act of 2010 (GPRAMA; Pub.L. 111-352). The GPRA Modernization Act requires ACL to report annually on their progress towards achieving specific performance goals. Results from this survey will help to determine new performance goals and assess existing goals.

The existing version of this survey only applied to the SMP program, but those results have been used to enhance state-specific services, as individual state/territory programs have been able to identify the level of satisfaction their customers have with the specific agency. In addition, one programmatic result has been the strong positive relationship between a respondent's view of the information they receive during an SMP event and his/her overall satisfaction. This result has placed an emphasis on the quality of information delivered to SMP event attendees.

### 3. Use of Improved Information Technology and Burden Reduction

This survey does not involve the use of electronic collection techniques, such as an internet-based survey. Letter-size (8.5" x 11") comment cards with large font types for easy review and visibility will be distributed to participants at the conclusion of randomly selected outreach and education events, where attendees will have the opportunity to voluntarily complete a survey. The ability to provide instant feedback on-site reduces the need for an electronic survey instrument.

### 4. Efforts to Identify Duplication and Use of Similar Information

This effort does not duplicate any other survey collection by HHS, ACL, or any other federal agency.

### 5. Impact on Small Businesses or Other Small Entities T

This information collection has no impact on small businesses or other small entities.

### 6. Consequences of Collecting the Information Less Frequent Collection

Without this information collection, ACL would not be able to measure satisfaction with group outreach and education events and would be limited in its ability to implement improvements. Assessing how beneficiaries value the services and information they receive will allow for the development of program enhancements. In addition, ACL would not be able to meet the legal requirements pertaining to data collection and continuous improvement, including the March 3, 1998 White House Memorandum, E.O. 12862, and the GPRA Modernization Act of 2010 (Pub. L. 111–352).

### 7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The collection of information is consistent with 5 CFR 1320.5(d)(2), and there are no special circumstances with respect to reporting.

### 8. Comments in Response to the Federal Register Notice/Outside Consultation

A 60-Day Federal Register Notice was published in the Federal Register on February 16, 2023, vol. 88, No. 32; pages 10115-10116. There were no public comments.

A 30-day Federal Register Notice published in the Federal Register on June 30, 2023, in vol.88, No. 125; pages 42371-42372.

In addition to conducting the survey and interacting directly with state presenters over the past three years, ACL collects more direct feedback during its annual SHIP-SMP conference, where contractors supporting this survey effort have worked directly with state officials to review survey findings, identify recommended improvements, and understand challenges. One of the primary pieces of feedback received from this consultation has been the importance of surveying events year-round. This feedback has been incorporated into this renewal package.

**9. Explanation of any Payment/Gift to Respondents**

The Agency will not provide payment or other forms of remuneration to participants.

**10. Assurance of Confidentiality Provided to Respondents**

There are no assurances of confidentiality.

**11. Justification for Sensitive Questions**

No questions will be asked that are of a personal or sensitive nature as defined by OMB.

**12. Estimates of Annualized Hour and Cost Burden**

For this project, ACL will establish a rolling nine-month data collection period, with three months in each year reserved for training, preparation, and survey reporting. During the nine-month collection period each state or territory will be required to survey at least one group outreach and education event conducted by its SHIP program, and one outreach and education event conducted by its SMP program. Those two events will only be counted if they occur at two separate locations and involve two separate presenters.

States/territories will have the option of collecting additional information throughout the nine-month period but will not be required to do so.

Each year, ACL expects to obtain an average of 1,200 completed surveys of beneficiaries that have attended a group education or outreach event (600 SHIP and 600 SMP). These completed surveys will represent a random sample of individuals attending group outreach and education events, with each survey response requiring five (5) minutes to complete. This time estimate is based on research performed by ACL with the existing survey instrument.

The target number 1,200 is a result of 54 states/territories conducting two events per year (one SHIP, one SMP), with each event resulting in 11 completed surveys[4] (54 x 2 x 11 = 1,188[5]). Multiplying the 1,200 responses by 5 minutes (5/60) results in a total of 100 burden hours per year to complete this data collection.

The survey will be repeated every year over three years to allow ACL to monitor trends in satisfaction from attendees of group outreach and education events.

All survey responses will come from individuals who attend group outreach and education events presented by the local SHIP or SMP program. Because there are no specific expectations in terms of employment status or experience, all individuals will be charged at the rate for “All Occupations,” which is $29.76/hour, as defined by the Bureau of Labor Statistics’ “Occupational Employment Statistics.”

As a result, ACL estimates an approximate aggregate cost to respondents of $2,976 each year. This estimate is based on the per hour valuations of respondents’ time noted above and the projected 100 burden hours.

The average number of 1,200 completed surveys will correspond with the number of individuals volunteering to complete a survey at select education events. The complete estimated, annualized burden can be seen in Table A-12-1:

| Table A-12-1. Total Estimated Annualized Burden Hours | | | |
|---|---|---|---|
| **Number of Respondents** | **Responses per Respondent** | **Average burden hours per response (hours)** | **Total Burden Hours** |
| 1,200 | 1 | 5/60 | 100 |

The Department of Labor website was used to determine appropriate wage rates for respondents (see Table A-12-2).

| Table A-12-2. Estimated Annualized Cost to Respondent for the Hour Burdens | | |
|---|---|---|
| **Total Burden Hours** | **Hourly Wage Rate*** | **Total Respondent Costs** |
| 100 | $29.76 | $2,976 |

[4]During the first three years of the SMP survey an average event generated 11 completed surveys.
[5] A final estimate of 1,200 is used by simply rounding up the actual calculation of 1,188 to the nearest 100.

*Source: U.S. Department of Labor, Bureau of Labor Statistics. Based on mean hourly rates for occupations closest to each category of respondent. Available at: http://www.bls.gov/oes/current/oes_nat.htm

## 13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs

ACL has not identified any capital, start-up, or maintenance of capital costs associated with this proposed collection of information.

## 14. Annualized Cost to Federal Government

This survey project will occur over a three-year period. Major fluctuations in cost are not expected. Costs to the Federal Government total $175,237.12 annually.

The total Federal burden hours for five staff members spent reviewing and analyzing the program data estimated to be 916 hours annually:

GS-15 step 1 hourly rate of $74.60 per hour[6] for 104 hours totals $7,758.40. Factoring in 100% benefits and overhead totals $15,516.80.

GS-14 step 1 hourly rate of $63.43 per hour[7] for 104 hours totals $6,596.72. Factoring in 100% benefits and overhead totals $13,193.44.

GS-14 step 1 hourly rate of $63.43 per hour[8] for 104 hours totals $6,596.72. Factoring in 100% benefits and overhead totals $13,193.44.

GS-14 step 1 hourly rate of $63.43 per hour[9] for 104 hours totals $6,596.72. Factoring in 100% benefits and overhead totals $13,193.44.

GS-12 step 1 hourly rate of $45.14 per hour[10] for 500 hours totals $22,570.00. Factoring in 100% benefits and overhead totals $45,140.00.

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[6] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx
[7] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx
[8] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx
[9] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx
[10] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx

ACL expects the survey's contractor costs to be approximately $75,000 annually. This amount includes all costs related to reporting, survey administration, survey development, and communication between the contractor and ACL. Contractor hour estimates are based on previous survey projects conducted by the contractor, including similar projects for HHS. Hourly labor charges are based on existing Mission Oriented Business Integrated Services (MOBIS) rates. The loaded rates for the contractor staff involved with this project vary from $150/hour to $285/hour.

**Table A-14-. Estimated Cost Analysis per FTE**

| Grade | Hours | Rate | Total Cost |
|---|---|---|---|
| GS 15 | 104 | $149.20 | $15,516.80 |
| GS 14 | 104 | $126.86 | $13,193.44 |
| GS 14 | 104 | $126.86 | $13,193.44 |
| GS 14 | 104 | $126.86 | $13,193.44 |
| GS 12 | 500 | $90.28 | $45,140 .00 |
| Total Fed Staff | 916 | | $100,237.12 |

| | |
|---|---|
| Total Fed staff costs | $100,237.12 |
| Contract for database | $ 75,000 |
| Total Cost to Federal Government | $ 175,237.12 |

## 15. Explanation for Program Changes or Adjustments

There are no burden changes.

This revision includes the addition of the collection of race and sexual orientation and gender identity (SOGI) information from beneficiaries. The purpose of doing so is to gain a better understanding of who is being served.

Executive Order 14075[11] directly addresses the importance of SOGI data collection, including a specific instruction to consider "ways to improve and increase appropriate data collection on sexual orientation and gender identity in surveys on older adults[.]" These questions are voluntary, and all results will be reported in the aggregate.

## 16. Plans for Tabulation and Publication and Project Time Schedule

All 54 states and/or territories will be surveyed each year, as this is a national survey with an annual reporting period. Assuming this project has been approved and is ready to begin on August 1, 2023, the following timeline would be applicable (any shifts to the approval date will have a corresponding impact on the dates listed in Table A-16-1):

**Table A-16-1: SMP Survey Project Time Schedule**

| Survey Phase | # | Task | Year 1 | Year 2 | Year 3 |
|---|---|---|---|---|---|
| **Preparation** | **1** | **Announcement letter sent to State/Territory Directors** | 8/10/2023 | 8/9/2024 | 8/8/2025 |
| | **2** | **Survey training call** | 8/19/2023 | 8/18/2024 | 8/17/2025 |
| **Administration Period 1** | **3** | **Notification email to Q1 states/territories** | 9/7/2023 | 9/6/2024 | 9/5/2025 |
| | **4** | **Training week** | 9/14/2023 | 9/13/2024 | 9/12/2025 |
| | **5** | **Begin surveying events** | 9/21/2023 | 9/20/2024 | 9/19/2025 |
| **Administration Period 2** | **6** | **Notification email to Q2 states/territories** | 11/30/2023 | 11/29/2024 | 11/28/2025 |
| | **7** | **Training week** | 12/7/2023 | 12/6/2024 | 12/5/2025 |
| | **8** | **Begin surveying events** | 12/14/2023 | 12/13/2024 | 12/12/2025 |
| **Administration Period 3** | **9** | **Notification email to Q3 states/territories** | 3/1/2024 | 2/28/2025 | 2/27/2026 |
| | **10** | **Training week** | 3/8/2024 | 3/7/2025 | 3/6/2026 |
| | **11** | **Begin surveying events** | 3/15/2024 | 3/14/2025 | 3/13/2026 |
| **Analysis** | **12** | **Data Analysis Start** | 5/3/2024 | 5/2/2025 | 5/1/2026 |
| | **13** | **Data Analysis End** | 5/14/2024 | 5/13/2025 | 5/12/2026 |
| **Reporting** | **14** | **Report Creation Start** | 5/17/2024 | 5/16/2025 | 5/15/2026 |
| | **15** | **Report Creation Delivery** | 6/9/2024 | 6/8/2025 | 6/7/2026 |
| | **16** | **Report Briefing** | 6/16/2024 | 6/15/2025 | 6/14/2026 |
| | **17** | **SHIP-SMP Conference Presentation** | 7/25/2024 | 7/25/2025 | 7/25/2026 |

[11] Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals | The White House

Each 12-month survey period will begin with preparation and training activities and end with the submission of a national report and summary briefing to ACL Headquarters staff in June, followed by a presentation to all state/territory directors at the annual SHIP-SMP Conference (typically held in July). The report, briefing, and presentation will be used for internal program management purposes, including performance monitoring and the adoption of recommended actions.

Aside from providing each state/territory with training at the beginning of the year (Task 2), ACL will track events throughout the year to monitor state/territory progress. ACL will use a rolling administration process, collecting data during three separate Administration Periods, each of which will include 18 randomly selected states/territories. In addition to period-specific notification and training, ACL and its contractual support will be available to provide technical assistance as needed.

Blank surveys will be made available at the conclusion of pre-selected group outreach and education events, and attendees will have the ability to voluntarily complete comment card surveys with the OMB control number presented at the top of the page. Presenters will notify attendees about the opportunity to complete a survey but will not pass out the surveys to individual attendees or monitor survey progress. The presenter will leave blank surveys in a common area and ask respondents to leave their completed surveys in the same area once they are finished. These steps will be taken to maintain anonymity in the survey process. Presenters will be available to answer questions or provide assistance if requested but will not otherwise interact with the respondents while they are completing the surveys. If a potential respondent requires special assistance, such as the presenter reading the questions aloud, the presenter will be available to do so, but will not supply or suggest answers to the respondent.

All materials related to survey completion (comment cards and pencils) will be provided by the ACL presenter. After the event, ACL will scan and send the completed surveys to a third-party contractor. The contractor will collect and aggregate the survey results, which will assist with ACL's ongoing provision of technical assistance.

## 17. Reason(s) Display of OMB Expiration Date is Inappropriate

ACL will display OMB's expiration date on the survey. ACL will notify respondents that this is an approved collection and will identify the OMB approval expiration date.

## 18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.