

## A. Justification

### 1. Circumstances Making the Collection of Information Necessary

Section 301 of the Public Health Service Act<sup>1</sup> (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<sup>2</sup>,” 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<sup>3</sup> (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 receiving assistance from 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 the Government Performance Results Act Modernization Act of 2010 (GPRAMA). 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 SHIP-SMP Survey of One-on-One Assistance.

An important gap in sociodemographic information on the group outreach and education survey is a lack of items collecting sexual orientation and gender identity.

Adding sexual orientation and gender identity items to the SHIP-SMP Survey of One-on-One Assistance 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.”

---

<sup>1</sup> Attachment 1: Section 301 of the Public Health Service Act

<sup>2</sup> Attachment 2: Memorandum on Conducting Conversations with America to Further Improve Customer Service

<sup>3</sup> Attachment 3: Executive Order (E.O.) 12862

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 SHIP-SMP Survey of One-on-One Assistance 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 federal and regional employees of the Administration for Community Living (ACL), part of the Department of Health and Human Services. Specifically, the information will be used to assess customer satisfaction with one-on-one assistance services delivered by ACL's SHIP and SMP programs. The results of the survey will be used to assess the need for 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 SHIP program. 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 from

SHIP/SMP and his/her overall satisfaction. This result has placed an emphasis on the quality of information delivered by SHIP/SMP when providing one-on-one assistance to a Medicare beneficiary.

### **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. However, ACL will use computer-assisted telephone interviewing (CATI) software to ensure consistency in the interviews, increase the response rate, and improve the survey experience. In addition, use of ACL's existing data systems to collect consumer information such as date of initial contact, the name of the individual who conducted the one-on-one assistance session, and method of interaction (phone, in-person, etc.) improves potential respondent identification and reduces the length of the survey, thereby limiting the burden on individual respondents.

### **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**

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 will not be able to measure satisfaction with its one-on-one assistance services for Medicare beneficiaries and their families and will 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 GPRAMA (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 Thursday, February 16, 2023, in Vol. 88, No. 32; pages 10116-10117. There were no public comments.

In addition to conducting the survey and interacting with state representatives over the past three years, ACL collects direct feedback during its annual SHIP-SMP conference; where staff supporting this

survey effort have worked directly with state officials to review survey findings, identify recommended improvements, and understand challenges.

ACL has gathered additional feedback by monitoring trends in response rates for this survey project and phone surveys generally, while also connecting with phone bank officials to understand existing challenges and possible improvements.

A 30-Day Federal Register Notice published in the Federal Register on July 7, 2023, in Vol. 88, No. 129; pages 43357-43359.

#### **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 collect data twice per year, during both the open enrollment period (October 15 – December 7) and a non-enrollment period (spring/summer). ACL expects to collect 800 responses per year, split into four separate groups to account for timing and program.

- SHIP Open Enrollment Period = 200 Responses
- SHIP Non-Open Enrollment Period = 200 Responses
- SMP Open Enrollment Period = 200 Responses
- SMP Non-Open Enrollment Period = 200 Responses

Given that over 50,000 unique assistance sessions are entered every week, it should not be difficult to collect the necessary responses given a 3–4-week administration period.

ACL will sample without replacement each period, but will aggregate data for the entire year, meaning that no individual respondent will be asked to participate more than once per year.

The number of records sampled for each state or territory will be based on the state/territory's population.

For example, if California's population represents 10% of the total population of the 54 states and territories, then California records would represent 10% of the total sample, with the expectation that

these records would produce 10% of the completed surveys. This methodology will be used to obtain a representative sample.

The 800 completed surveys will form a random sample of individuals receiving one on one assistance services, with each survey response requiring six (6) minutes to complete. The target number of 800 is a result of each program generating 400 completed surveys in a single year. The survey totals were chosen to:

- a. Make comparisons between periods (open enrollment versus non), and
- b. Produce a representative result for each program each year.

The time estimate of six (6) minutes is based on the average length of completed survey calls over the past three years. Given that the questions asked has no significant additions the six-minute estimate is appropriate for calculating total burden hours.

Multiplying the 800 completed surveys per year by six minutes per survey (6/60) results in a total of 80 burden hours per year to complete this data collection.

The survey will be repeated every year for three years, providing the SHIP and SMP programs with valuable data about changes in beneficiary satisfaction with one-on-one assistance services.

Of the 800 surveys, all responses will come from individuals who had received one-on-one assistance services from a local SHIP or SMP program. Because there are no specific expectations in terms of employment status or experience, all 800 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 \$1,998.40. This estimate is based on the per hour valuations of respondents’ time seen above and the projected 80 burden hours.

ACL will use a random sampling method to select individual cases for survey response. The complete estimated annualized burden can be seen in Table A-12-1:

<b>Number of Respondents</b>	<b>Responses per Respondent</b>	<b>Average burden hours per response (hrs.)</b>	<b>Total Burden Hours</b>
800	1	6/60	80

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

<b>Table A-12-2. Estimated Annualized Cost to Respondent for the Hour Burdens</b>		
<b>Total Burden Hours</b>	<b>Hourly Wage Rate*</b>	<b>Total Respondent Costs</b>
80	\$29.76	\$2,380.80

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

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

ACL identifies no 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<sup>4</sup> 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<sup>5</sup> 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<sup>6</sup> for 104 hours totals \$6,596.72. Factoring in 100% benefits and overhead totals \$13,193.44.

<sup>4</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx)

<sup>5</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx)

<sup>6</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx)

GS-14 step 1 hourly rate of \$63.43 per hour<sup>7</sup> 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<sup>8</sup> for 500 hours totals \$22,570.00. Factoring in 100% benefits and overhead totals \$45,140.00.

ACL expects the survey’s contractor costs to be \$75,000 annually. This amount includes all costs related to contractor tasks. Contractor hour estimates are based on previous survey projects. 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.

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
<b>Total Fed Staff</b>	<b>916</b>		<b>\$100,237.12</b>

Total Fed staff costs	\$100,237.12
Contract for database	\$ 75,000
<u>Total Cost to Federal Government</u>	<u>\$ 175,237.12</u>

**15. Explanation for Program Changes or Adjustments**

There are no program changes or adjustments.

<sup>7</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx)

<sup>8</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx)

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

Survey Phase	#	Task	Year 1	Year 2	Year 3
<b>Preparation</b>	1	<b>Announcement letter sent to State/Territory Directors</b>	8/12/2023	8/11/2024	8/10/2025
	2	<b>Survey training call 1</b>	9/2/2023	9/1/2024	8/31/2025
	3	<b>Survey training call 2</b>	9/16/2023	9/15/2024	9/14/2025
	4	<b>Pilot test sampling process</b>	9/30/2023	9/29/2024	9/28/2025
<b>Administration</b>	5	<b>Pull records (i.e., establish sample) for Round 1</b>	10/26/2023	10/25/2024	10/24/2025
	6	<b>Round 1 Calls Start Date</b>	10/28/2023	10/27/2024	10/26/2025
	7	<b>Round 1 Calls End Date</b>	11/25/2023	11/24/2024	11/23/2025
	8	<b>Round 1 Data Collection</b>	11/30/2023	11/29/2024	11/28/2025
	9	<b>Pull records (i.e., establish sample) for Round 2</b>	4/5/2024	4/4/2025	4/3/2026
	10	<b>Round 2 Calls Start Date</b>	4/7/2024	4/6/2025	4/5/2026
	11	<b>Round 2 Calls End Date</b>	4/30/2024	4/29/2025	4/28/2026
	12	<b>Round 2 Data Collection</b>	5/3/2024	5/2/2025	5/1/2026
<b>Analysis</b>	13	<b>Data Analysis Start</b>	5/4/2024	5/3/2025	5/2/2026
	14	<b>Data Analysis End</b>	5/14/2024	5/13/2025	5/12/2026
<b>Reporting</b>	15	<b>Report Creation Start</b>	5/17/2024	5/16/2025	5/15/2026
	16	<b>Report Creation Delivery</b>	6/9/2024	6/8/2025	6/7/2026
	17	<b>Report Briefing</b>	6/16/2024	6/15/2025	6/14/2026
	18	<b>SHIP-SMP Conference Presentation</b>	7/25/2024	7/25/2025	7/25/2026

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: One on One Assistance Survey Project Time Schedule**

In each year, Tasks 1-4 would prepare the states/territories for survey administration. Next, Tasks 5-12 will focus on obtaining survey responses, Tasks 13 and 14 will involve analyzing survey response results, and Tasks 15-18 will involve reporting activities that will occur at the end of each survey year. These reporting activities include the submission of a national report and summary briefing to ACL Headquarters staff in June of each year, 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.

To administer the survey appropriately, states and territories will be responsible for uploading information into ACL's STARS System the week preceding the sampling pull dates (Tasks 5 and 9). Because the STARS system has been in place since 2019 and was used to sample beneficiaries on the previous version of this survey, ACL is confident that no process changes will be needed to generate a representative sample during each survey period. To account for any changes a pilot test sampling process has been established in each year (Task 4).

Additionally, state/territory employees will be expected to notify the individual receiving one-on-one assistance that a record of the interaction will be collected and that a third party might contact the beneficiary to assess his/her satisfaction with the assistance session.

After a week of records has been captured and uploaded to STARS, the records will be pulled on the following Monday to establish the sample (Tasks 5 and 9). With the sample established, calls will begin on Wednesday (Tasks 6 and 10). New samples will be pulled each Monday until the necessary number of responses has been collected (400 total, 200 for SHIP, 200 for SMP). No more than four weeks of records will be pulled in any given period.

**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 during the introductory script.

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

There are no exceptions to the certification statement.