

**Continuation of SSI Benefits--Temporarily Institutionalized--
Certification of Period and Need to Maintain Home
20 CFR 416.212(b)(1)
OMB # 0960-0516**

A. Justification

1. The Social Security Administration (SSA) is required by law to collect the information necessary to establish eligibility for continued Supplemental Security Income (SSI) benefits for temporarily institutionalized individuals. *Sections 1611(e)(1)(G) and (H) of the Social Security Act* require the Commissioner to establish procedures for determining that a physician has certified that the period of confinement is not likely to exceed three months, and for determining that the recipient needs to continue to maintain and provide for the expenses of the home or living arrangement to which the recipient may return. These information collection requirements are also set forth in the regulations *at 20 CFR 416.212(b)(1)*.
2. As required by the statute and the regulations, SSA actively assists recipients in establishing eligibility for the continued benefits. Field office staff contact the recipient (or a knowledgeable source) to assist in obtaining the physician's certification and the statement of need. SSA will accept a certification or copy of a certification signed by a physician, or a verbal statement from a knowledgeable source, such as a hospital social worker, that the recipient's medical records contain the needed information about the period of confinement. SSA will accept a signed statement from the recipient or from a knowledgeable individual acting on behalf of the recipient about his need to maintain a home. There is no prescribed printed form for either of these statements.

Without a physician's statement and the statement of need, a recipient is not eligible for continued benefits under the Social Security Act, and may be ineligible for SSI or eligible only for a reduced federal payment (maximum of \$30). Additionally, SSA's failure to attempt collection of the information would violate the express letter of the law. The respondents are doctors attending SSI recipients who are institutionalized for three months or less, or other medical staff with access to the doctor's records.

3. In implementing and administering the continued benefits provision, SSA has made every effort to minimize the burden on the public. There is no prescribed collection instrument, because determining eligibility for these benefits is a time-sensitive process and mandating the use of a preprinted form would decrease the options for completing the development as quickly as possible. The information must be received within 90 days of the patient's admission to the medical facility or by the date of discharge, whichever is earlier. The information is usually obtained over the telephone, and in the vast majority of cases the information is

documented electronically on the MSSICS LINS screen (which is covered under Form SSA-8000-BK, OMB No. 0960-0229). When not documented on MSSICS LINS screen, it is documented on other approved SSA forms (e.g., on the SSA-795, OMB No. 0960-0045; or SSA-8203-BK, OMB No. 0960-0416). Use of a prescribed preprinted form is not needed and would increase the burden on physicians and other members of the public.

Collection of this information is always initiated by SSA, as required by law. The information affects SSI eligibility and payment amounts and, therefore, precautions must be taken to ensure that the information is provided by a reliable source that is knowledgeable about the beneficiary's situation. The statement of the need to maintain a home can only be obtained from the patient or, more often, from a relative or other person who is knowledgeable about the patient's (and often the patient's family) living arrangements and financial situation. The physician's certification is a medical opinion based on the patient's condition at a particular point in time. Also, the physician's certification constitutes personal health information that is protected under the privacy provisions of the Health Insurance Portability Act of 1996 (HIPAA). For these reasons, SSA has determined that, at this time, the Internet is not an appropriate tool for collecting this information.

4. While this information is often collected using established, OMB approved forms from other information collections, the nature of the information being collected and the manner in which it is collected preclude duplication. The information needed to establish eligibility for the continued benefits is not needed for any other aspect of the program and is not collected on these established forms unless needed and, thus initiated, by SSA.
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. The information must be collected at the time of each occurrence of institutionalization. If the information were not collected, SSA would not be able to determine eligibility for continued benefits. Since this is an SSA-initiated collection which is only collected on an as needed basis, the information cannot be collected less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on October 2, 2006 at 71 FR 58041, and SSA has received no public comments. The second Notice was published on January 17, 2007, at 72 FR 2081. There have been no outside consultations with members of the public.

9. SSA provides no payment or gifts to the respondents.
10. The information requested is protected and held confidential 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. The information collection does not contain any questions of a sensitive nature.
12. SSA must receive a physician's certification and a statement of need to maintain a home for each recipient who is institutionalized and who otherwise would be ineligible or subject to the \$30 payment limit. Based on experience, we estimate approximately 60,000 respondents per year and an average of approximately 5 minutes per response, for a total burden of 5,000 hours. The total burden is reflected as burden hours. No separate cost burden has been calculated.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal government is \$200,000. This estimate is a projection of the costs for collecting and processing the information.
15. There are no changes in the public reporting burden.
16. The results of the information collection will not be published.
17. This information collection does not involve the use of any prescribed printed forms. Also, any forms which are used in conjunction with this information collection are accounted for under their respective OMB numbers (0960-0229, 0960-0045, and 0960-0416). SSA will publish a notice of OMB's approval with the OMB number and expiration date once approved.
18. 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

Statistical methods are not used for this information collection.