Supporting Statement for Form SSA-392
Medical Consultant's Review of Physical Residual Functional Capacity Assessment
20 CFR 404.1545-404.1546, 404.1640, 404.1643, 404.1645, 416.945-416.946
OMB No. 0960-0680

A. Justification

1. In accordance with *20 CFR 404.1640, 404.1643* and *404.1645* of the *Code of Federal Regulations,* the Social Security Administration (SSA) measures the performance of Disability Determination Services (DDSs) for quality of documentation and determinations on claims. *Section 221(a*) of the *Social Security Act* requires that SSA reviews State agency performance in individual cases and classes of cases. Standards are applied to help assure effective and uniform administration of SSA's disability program. In accordance with *20 CFR 404.1545-.1546* and *416.945-.946,* DDSs administrating the Title II (Disability Insurance) and Title XVI (Supplemental Security Insurance) programs are required to evaluate the severity of physical impairments using form SSA-4734, Physical Residual Functional Capacity Assessment, (OMB No. 0960-0431). *Section 1633(a)* of the *Social Security Act* provides that the Commissioner of Social Security may make arrangements as appropriate to carry out any administrative functions as necessary.

2. Form SSA-392 is used by the SSA's regional review component to facilitate the contract medical consultant's review of the Physical Residual Functional Capacity (RFC) Assessment form. The form records the reviewing medical consultant's assessment of RFC prepared by the adjudicating component. The medical consultant only completes an SSA-392 when an adjudicating component's RFC is in the file. Generally, the medical consultant completes the form only once; however, on occasion there may be more than one RFC form in file. In that case, an SSA-392 must be filled out for each RFC form, as the SSA-392 is required for each RFC form completed. Respondents are medical consultants who review the adjudicating component's completion of the RFC for quality purposes.

3. Improved information technology which reduces the burden is available through the Accelerated Electronic Disability Insurance Benefit (AeDib) process. Approximately 80% of the forms are collected electronically through AeDib; however, hard copies of the form are available to all components.

4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.

5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.

6. If the information were not collected, reviewing medical consultants would have an increased burden of recording the review in free-form narrative. Collection of this information is mandatory and cannot be conducted 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 June 13, 2006 at 71 FR 34180, and SSA has received no public comments. The second Notice was published on September 18, 2006, at 71 FR 54705. 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. The SSA-392 will be filled out by 256 respondents, who will each report 359 times annually for a total of 91,904 annual responses. We estimate that a respondent will take 12 minutes to complete this form for an estimated total of 18,380 hours. The total burden is reflected as burden hours, and 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 approximately $283,360. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. There are no changes in the public reporting burden.

16. The results of the information collection will not be published.

17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, Government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.

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. Collection of Information Employing Statistical Methods

Statistical methods are not used for this information collection.