

Supporting Statement for Form SSA-199
Vocational Rehabilitation Provider Claim
20 CFR 404.2108(b), 404.2117(c)(1)&(2), 404.2101(a)&(b), 404.2121(a),
416.2208(b), 416.2217(c)(1)&(2), 416.2201(a)&(b), 416.2221(a)
OMB No. 0960-0310

A. Justification

1. *Section 205(a) of the Social Security Act (the Act)*, empowers the Commissioner of Social Security (the Commissioner) with the authority to make rules and regulations and to establish procedures to provide for the nature and extent of the information and the method of taking and furnishing same in order to establish the right to benefits.

- a. Claiming Reimbursement for Vocational Rehabilitation (VR) Services Provided:

Sections 222(d)(1), (4) & (5) and 1615(d) of the Act authorize the Commissioner to determine, according to such methods and procedures deemed appropriate, the amount to be reimbursed for VR services. SSA's regulations at *20 CFR 404.2108(b) and 416.2208(b)* require that State VR agencies make claims for reimbursement of the costs incurred for providing VR services on Form SSA-199, provided by SSA.

- b. Certifying Adherence to Cost Containment Policies and Procedures

Sections 222(d)(1) and 1615(d) of the Act authorize the Commissioner to reimburse the State VR agencies for the reasonable and necessary costs of VR services to disabled beneficiaries. *20 CFR 404.2117(c)(1) and 416.2217(c)(1)* require that the cost paid be reasonable and necessary, in that it complies with the written cost containment policies of the State VR agency established under 34 CFR Part 361. Also, *20 CFR 404.2117(c)(2) and 416.2217(c)(2)* require that the State VR agency submit to SSA a written certification (before the end of the first calendar quarter of each year) that cost containment policies are in effect and are adhered to when providing goods and services for which payment is claimed from SSA. The State VR agency shall submit copy(s) of their specific written policies and procedures to carry out SSA programs, when it is deemed necessary (e.g., any guidelines and fee schedules for a given year).

- c. Preparing Causality Statements:

Sections 222(d)(1) and 1615(d) of the Act authorize the Commissioner to reimburse State VR agencies for the reasonable and necessary costs of VR services to disabled beneficiaries. *20 CFR 404.2121(a) and 416.2221(a)* require the VR provider to submit a clear explanation or existing documentation of the causal relationship between each service provided and its impact upon the attainment of a continuous 9-month period of substantial gainful activity. Or, for claims described in *404.2101(a) & (b)*, and *416.2201(a) & (b)*, how the service was reasonably expected to motivate

or assist the individual to attain substantial gainful activity.

2. a. Claiming Reimbursement for VR Services Provided:

Each claim submitted for reimbursement will be required to be in a format that we prescribe and must contain a description of each service provided, when the service was provided and the cost of the service. This information is needed to determine whether or not and how much to pay under our vocational rehabilitation programs.

b. Certifying Adherence to Cost Containment Policies and Procedures:

The information provided by each State VR agency about their cost containment policies is necessary to permit us to ensure that the costs we reimburse are in accordance with these cost containment policies.

c. Preparing Causality Statements:

The information presented by each State VR agency for validation review will enable SSA to assess the appropriateness of its reimbursement policies, and when/where changes should be considered to ensure that maximum benefits from VR services are secured at the appropriate level of cost to the trust/general funds.

The respondents are State VR agencies which offer Vocational and Employment services for SSA beneficiaries.

3. SSA has established E-mail communication with most States to facilitate State reporting of those disabled individuals accepted for VR services. There is currently no other technology available at this time to collect the remaining information. This collection is excluded from the Government Paperwork Elimination Act because of low volume; however, SSA has explored ways to automate the information collection. Our ability to make greater use of information technology in this collection depends, in part, on the State agencies' readiness to participate in more progressive means of communication.

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. There is no other form used by SSA which collects information similar to that collected on Form SSA-199.

a. Claiming Reimbursement for VR Services Provided:

Consistent and accurate payments to the VR providers may not occur if we are unable to make these determinations. If this information was collected less frequently, it would create insufficient oversight of costs claimed, potentially lead to inaccurate payment of claims, and unnecessarily delay reimbursement to VR providers for reasonable and necessary costs they have already incurred and for which they have paid.

b. Certifying Adherence to Cost Containment Policies and Procedures:

If certifications of, or changes to, each State VR agency's cost containment policies were not provided, we could be unaware of significant modifications made in these policies which might affect the amount of costs we determine to be appropriate for payment from trust funds or general revenues for VR services being provided to SSA beneficiaries with disabilities. Therefore this information cannot be collected less frequently.

c. Preparing Causality Statements:

If the causality statements were not provided on all cases selected for validation review, it would hinder SSA's effective oversight in determining that the costs which are claimed by VR providers are necessary to the individual's rehabilitation effort and employment level achieved.

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 July 31, 2006 at 71 FR 43270, and SSA has received no public comments. The second Notice was published on November 1, 2006, at 71 FR 64327. There have been no outside consultations with members of the public.

The number of respondents and public reporting burden was incorrectly calculated on the table for the 1st Federal Register Notice. Through the ROCIS program, the burden was correctly calculated, and that correction is reflected on the 2nd Federal Register Notice and below in #12.

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 following chart summarizes the public reporting burden for the 80 State VR agencies in regards to the three types of responses SSA requests, with details listed below:

Type of Response (as explained below)	Number of Respondents	Frequency of Response	Total Responses	Average Burden Per Response	Estimated Annual Burden Hours
a. SSA-199 (404.2108 & 416.2208)	80	160 each/year	12,800	23 minutes	4,907 hours
b. (404.2117 & 416.2217)	80	1 per year	80	60 minutes	80 hours
c. (404.2121 & 416.2221)	80	2.5 per year	200	100 minutes	333 hours
Total	80		13,080		5,320 hours

- a. Claiming Reimbursement for VR Services Provided (CFR sections 404.2108 & 416.2208) SSA-199

The data is based upon actual claims experience. The number of respondents is 80 State VR agencies. The average number of annual responses from each respondent is 160 for a total of 12,800 responses. Each response is estimated at 23 minutes for a total estimated annual burden of 4,907 hours.

- b. Certifying Adherence to Cost Containment Policies and Procedures (CFR sections 404.2117 & 416.2217):

The number of respondents is 80 State VR agencies that report once a year. The average response time was 4 hours for the first year for each State VR agency to provide the initial certification statement and 1 hour in subsequent years to provide an update of this certification. Initial certifications have been accounted for in a prior clearance package. Therefore, 1 hour for recertification is used to develop the burden estimate of 80 hours annually.

- c. Preparing Causality Statements (CFR sections 404.2121 & 416.2221):

The number of respondents is 80 State VR agencies. The total validation review volume for all participants is approximately 200 cases per year (approximately 2-3 cases per VR agency). The total burden is 100 minutes per case for an average of 200 cases, totaling an annual burden of 333 hours.

Therefore, the total burden for this clearance package is 5,320 hours. The total burden is

reflected as burden hours, and no separate cost burden has been calculated.

13. The respondents are reimbursed for their costs (see Item 14 below).
14. The annual cost to the Federal Government is approximately \$108,000. The cost to the Federal government represents paying for a prorata share of the VR providers' administrative overhead, which they incur in serving clients who are also disability beneficiaries. The cost is based upon the 5,320 hours of annual burden described in Item 12 at an average salary of \$45,000 (including fringe benefits) for a similar level of work performed within the State government. The SSA overhead rate of 20 percent is added to the providers' prorata cost to obtain the total estimated cost of \$108,000.
15. The decrease in the annual reporting burden from 9,048 hours to 5,320 hours is due to a program change. SSA no longer collects information from the VR agencies regarding VR referral or VR refusal (see addendum).
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. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.