Supporting Statement for Form SSA-392-SUP
Medical Consultant's Review of Mental Residual Functional Capacity Assessment
20 CFR 404.1520a, 404.1640, 404.1643, 404.1645, 416.920a
OMB No. 0960-0678

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 state Disability Determination Services (DDS) in the areas of quality of documentation and determinations on claims. *Section 221(c*) of the *Social Security Act* (the *Act*) requires that SSA review state agency performance in individual cases and classes of cases. SSA applies various standards to assure effective and uniform administration of SSA's disability program. In accordance with *20 CFR 404.1520a and 416.920a,* DDSs administering the Title II (Disability Insurance) and Title XVI (Supplemental Security Insurance) programs are required to evaluate the severity of mental impairments using Form SSA-2506-BK, Psychiatric Review Technique, (OMB No. 0960-0413). When indicated, the DDSs further explain their analysis using the SSA-4734-SUP, Mental Residual Functional Capacity Assessment (OMB No. 0960-0431). *Section 1633(a)* of the *Act* provides that the Commissioner of Social Security may make administrative and other arrangements in order to determine a disability.

2. SSA uses Form SSA-392-SUP to facilitate the contract medical/psychological consultant's review of the DDS analysis on the Mental Residual Functional Capacity Assessment form (SSA-4734-SUP). The SSA-392-SUP records the medical/psychologist consultant's agreement or disagreement with the SSA-4734-SUP (Mental Residual Functional Capacity Assessment form) prepared by the DDS adjudicating component. The medical/psychological consultant completes an SSA-392-SUP only when a DDS adjudicating component's Mental Residual Functional Capacity Assessment is on file. SSA requires an SSA-392-SUP for each Mental Residual Functional Capacity Assessment form completed. The respondents are medical consultants who participate in the quality review of adjudicating component's completion of SSA's medical assessment forms.

3. Approximately 80 percent of the forms are collected through SSA's accelerated electronic disability (AeDIB) initiative as an electronic form that the medical consultant downloads, fills out, and submits to SSA through the Internet. The remaining 20 percent of respondents use the paper version of the form that SSA scans and adds to the appropriate electronic file.

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

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

6. If SSA did not collect the information, the reviewing medical/psychological consultants would have an increased burden of recording the review in free-form narrative. Consequently, the consultants would have to write their review, as opposed to using a check sheet as displayed on Form SSA-392-SUP. Collection of this information is mandatory and SSA cannot collect it less frequently. There are no technical or legal obstacles that prevent burden reduction.

7. There are no special circumstances that would cause SSA to collect this information in a manner inconsistent with 5 CFR 1320.5.

8. SSA published the 60-day advance Federal Register Notice on May 20, 2009, at 74 FR 23,764, and we received no public comments. We published the 30-day Federal Register Notice on July 27, 2009 at 37081. There have been no outside consultations with members of the public.

9. SSA provides no payment or gifts to the respondents.

10. The information SSA is requesting 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. We expect that the 256 respondents will make approximately 45,000 total annual responses using this form. It will take approximately 12 minutes to complete the form, for an estimated 9,000 burden hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.

13. There is no known cost burden to the respondents.

14. The annual cost to the Federal Government is approximately $69,300. 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. SSA will not publish the results of the information collection.

17. OMB exempted SSA from publishing the expiration date for OMB approval on its forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). OMB granted this exemption so that SSA would not have to stop using otherwise useable editions of forms with outdated expiration dates. In addition, we avoid government waste because we do not have to destroy and reprint stocks of forms.

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

SSA did not use statistical methods for this information collection.