

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. Introduction/Authoring Laws and Regulations

In accordance with *20 CFR 404.1640*, *20 CFR 404.1643*, and *20 CFR 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. SSA applies various standards to help assure effective and uniform administration of SSA's disability program. In accordance with *20 CFR 404.1545*, *20 CFR 404.1546*, *20 CFR 416.945*, and *20 CFR 416.946*, DDSs administering 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 administrative and other arrangements in order to determine disability.

2. Description of Collection

SSA uses Form SSA-392 to facilitate the medical/psychological consultant's review of the Physical Residual Functional Capacity Form, SSA-4734. The SSA-392 records the reviewing medical/psychological consultant's assessment of the SSA-4734. It also documents whether the reviewer agrees or disagrees with how the adjudicator completes the SSA-4734. Medical/psychological consultants prepare the SSA-392 for each SSA-4734 and adjudicator completes. The respondents are medical/psychological consultants who conduct a quality review of adjudicating components' completion of SSA's medical assessment forms.

3. Use of Information Technology to Collect the Information

The Office of Quality Performance (OQP) legacy system, the Disability Case Adjudication and Review System (DICARS), gives a respondent access to the SSA-392 electronic form (eForm) template. When the medical consultants are in a live case, he or she opens the SSA-392 in DICARS, which will open the name and SSN of the disability claimant. The medical consultant keys the entries into the template, completes the form, and then clicks "SAVE" on the DICARS screen. The medical consultant uploads the form into the Document Management Architecture without creating paper (i.e., not faxed or scanned). In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet version of form SSA-392. Based on our data, we estimate approximately 100% of respondents under this OMB number uses the electronic version. However, there may be situations when SSA cannot use an electronic process for completion of the SSA-392, e.g., when the folder is paper. For these situations, a respondent has two options: 1) to manually complete a stock pre-printed paper form of the SSA-392 and files it in the modular disability folder (MDF); or 2) to complete and save the SSA-392 in DICARS, print the

completed form to paper, and then file it into the MDF. Therefore, SSA must maintain a supply of paper forms.

4. Why We Cannot Use Duplicate Information

The nature of the information SSA is collecting and the manner in which SSA collects it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If SSA did not use the SSA-392, the medical consultants would have an increased burden of recording his or her review in free-form narrative. This would be a violation of regulations at *20 CFR 404.1640*, *20 CFR 404.1643*, and *20 CFR 404.1645*. Because we only collect the information once, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

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

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on July 27, 2009, at 74 FR 37081, and SSA received no public comments. The second Notice published on September 24, 2009, at 74 FR 48796. SSA did not consult members of the public in the development of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Approximately 256 respondents take 12 minutes each to complete the SSA-392 each year. Accordingly, the burden is 18,381 hours. This figure represents burden hours; we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden to the respondents.

14. Annual Cost To Federal Government

The estimated cost to the Federal Government to collect the information is negligible. Because the cost of maintaining the system which collects this information is accounted for

within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one electronic application on SSA's Intranet system.

15. **Program Changes or Adjustments to the Information Collection Request**

There are no changes in the public reporting burden ROCIS rounds up the numbers inputted.

16. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

17. **Displaying the OMB Approval Expiration Date**

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. **Exceptions to Certification Statement**

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 does not use statistical methods for this information collection.