

**CONTINUATION OF SSI BENEFITS FOR THE TEMPORARILY
INSTITUTIONALIZED – CERTIFICATION OF PERIOD AND NEED TO
MAINTAIN HOME**

20 CFR 416.212(b)(1)

OMB No. 0960-0516

A. Justification

1. When Supplemental Security Income (SSI) recipients 1) enter a public institution or 2) enter a private medical treatment facility with Medicaid paying more than 50% of expenses, their SSI payments are reduced to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of 3 months), SSA may waive the reduction of benefits.

Before SSA can waive the benefits reduction, the agency must receive the following documentation (as per sections 1611(e)(1)(G)-(H) of the *Social Security Act* and section 20 CFR 416.212(b)(1) of the *Code of Federal Regulations*): 1) a physician's certification that the beneficiary will only be institutionalized for a maximum of 3 months and 2) certification from the beneficiary, beneficiary's family, or beneficiary's friend confirming that SSI benefits are needed to maintain the living arrangements to which the beneficiary will return post-institutionalization. This information collection request (ICR) covers the two certifications mandated by the regulation cited above. The respondents are doctors of SSI beneficiaries and the beneficiaries or their family/friends.

2. In accordance with the statutes cited above, SSA field office workers collect information to determine if institutionalized SSI recipients will only be in the institution or medical facility for three months maximum, and if they still need SSI benefits. To do this, SSA employees contact the recipient (or a knowledgeable source) to obtain a physician's certification and a 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 the need to maintain a home. SSA has not created an official printed form for either of these statements; it is left to the senders' discretion to create them as they wish.
3. Because there is no set format for submitting this information, SSA has determined it would not be helpful to create an Internet format for this ICR under the agency's Government Paperwork Elimination Act plan. Respondents simply create the certification in whatever format is easiest for them and send the documents to SSA.

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SSA then scans and includes them in the SSI recipient's electronic folder (entered via the in-office MISSICS screen).

4. The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.
5. This collection does not significantly affect small business or other small entities.
6. If SSA did not conduct this information collection, we would have no means of confirming if institutionalized SSI recipients should continue to receive their benefits payments. This would not only be a violation of the relevant CFR section cited in question #1, but could lead to recipients unfairly receiving or unfairly being denied benefits. Because we only collect the information if an SSI recipient enters an institution or medical facility, we cannot collect it less frequently.

There are no technical or legal obstacles to burden reduction.

7. There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. SSA published the advance 60-day Federal Register Notice on September 2, 2009, at 74 FR 45508, and we did not receive any public comments. We published the 30-day Federal Register Notice on October 26, 2009, at 74 FR 55080. We will inform OMB if there are any public comments in response to the second Notice.

SSA did not consult the public in the maintenance of this ICR.

9. SSA provides no payments or gifts to the respondents.
10. SSA protects and holds confidential the information it is requesting 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. While a physician's certification may reference a medical condition that is potentially sensitive, SSA takes every possible step to ensure the confidentiality of that information.
12. Each year, approximately 60,000 respondents take 5 minutes to complete the certifications covered by this ICR, for a total burden of 5,000 hours. The total burden figure reflects burden hours, and we did not calculate a separate cost burden.
13. This ICR does not impose any known cost burdens on the respondents.

14. The annual cost to the Federal government for conducting this information collection is approximately \$200,000. This figure represents the SSA personnel costs for soliciting and processing the information.
15. There are no changes to the public reporting burden.
16. SSA will not publish the results of this information collection.
17. Since we are clearing the rules' requirements and are not issuing any form to meet those requirements, we continue to request an exemption from publishing the OMB expiration date.
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

SSA does not use statistical methods for this information collection.