Supporting Statement for OMB Clearance for the SSA-91
Request to Release Medical Report to a Health Care Provider Form
20 CFR 401.55 & 401.100
0960-0761

OMB No. 0960-0761

A. Justification

1. Introduction/Authoring Laws and Regulations

20 CFR 401.100(b) of the *Code of Federal Regulations* governs the Social Security Administration's (SSA) policy of disclosing an individual's record with written consent. This regulation is applicable to the claimant's right to request the release of a consultative examination (CE) report to a health care provider.

20 CFR 401.55(2) provides for disclosure to a family doctor or other health professional when a parent/legal guardian acting on the minor's behalf wants access to a minor's record. To gain access to a minor's record, the parent/legal guardian must designate a physician or other health professional to first receive the record. The health care provider designated by the parent or legal guardian may then review and discuss the medical records and/or the CE report with the parent/legal guardian and provide a copy of it to him/her.

2. Description of Collection

When evidence provided by a disability claimant is inadequate for SSA to determine the disability, SSA requests CE for additional information or clarification. If the claimant, his/her court appointed representative, or a parent of a minor child wants the CE report sent to the claimant's treating physician, he/she completes Form SSA-91 and sends it to SSA for processing. SSA uses the information on the SSA-91 to release the CE report to the authorized physician. The respondents are applicants for disability claims.

Form SSA-91 is available in paper version only. SSA notifies the claimant or parent/legal guardian of the CE by mail along with the SSA-91. The claimant or parent/legal guardian completes and returns to SSA via mail.

3. Use of Information Technology to Collect the Information

Form SSA-91 is not available electronically due to the low number of respondents. SSA did not create an electronic version of form SSA-ABC under the agency's Government Paperwork Elimination Act (GPEA) plan because only 7,922 respondents complete the form. This is less than the GPEA cut-off of 50,000.

4. Why We Cannot Use Duplicate Information

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. 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 we did not use Form SSA-91, the claimants would not be able to request the release of their medical reports to their physicians. 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 conduct this information collection 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 June 07, 2010, at 75 FR 32231 and we received no public comments. SSA published the second Notice on September 03, 2010, at 75 FR 54211. If we receive comments in response to the 30-day Notice, we will forward them to OMB.

We did not consult with the public on the revision of the 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 7,922 respondents take 5 minutes each to complete Form SSA-91 each year. Accordingly, the burden is 660 hours. This figure represents burden hours, and 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 annual cost to the Federal Government is approximately $12,200. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

16. Plans for Publication of Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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. <u>Collections of Information Employing Statistical Methods</u>

SSA does not use statistical methods for this information collection.