

**Continuation of Supplemental Security Income 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. Introduction/Authoring Laws and Regulations** - 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 percent 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 SSI payment 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 SSI recipient will only be institutionalized for a maximum of three months; and 2) certification from the recipient, recipient's family, or a friend confirming SSI payments are needed to maintain the living arrangements to which the recipient 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 recipients, the recipients, or their family/friends.

- 2. Description of Collection** - In accordance with the statutes cited above, the Social Security Administration (SSA) collects the 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 payments. 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. The statement attests 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; we leave it to the senders' discretion to create them as they wish.
- 3. Use of Information Technology** - Because there is no established or fixed 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. SSA then scans and includes them in the SSI

recipient's electronic folder (entered via the in-office Modernized SSI Claims Systems screens).

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 significantly affect small business or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently** - If SSA did not conduct this information collection, we would have no means of confirming if institutionalized SSI recipients should continue to receive their 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 SSI payments. 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. **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** - SSA published the advance 60-day Federal Register Notice on September 17, 2012, at 77 FR 57178, and we did not receive any public comments. We published the 30-day Federal Register Notice on November 29, 2012, at 77 FR 71204. 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. **Payment of Gifts to Respondents** - SSA provides no payments or gifts to the respondents.
10. **Assurances of Confidentiality** - SSA protects and holds confidential the information we are 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. **Justification for Sensitive Questions** - 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. **Estimates of Public Reporting Burden** - 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. Annual Cost to the Respondents (Other) - This ICR does not impose any known cost burdens on the respondents.

14. Annual Cost to the Federal Government - 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. Program Changes or Adjustments to the Information Collection Request - There are no changes to the public reporting burden.

16. Plans for Publication Information Collection Results - SSA will not publish the results of this information collection.

17. Displaying the OMB Approval Expiration Date - SSA is not requesting an exception to the requirement to display an expiration date.

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. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.