

**SUPPORTING STATEMENT
PROPOSED AMENDMENTS TO 38 CFR 12.1
RIN: 2900-AO41
OMB No. 2900-0817
VA Form 10-10118**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

The amendments to 38 CFR 12.1 contain a collection of information under the Paperwork Reduction Act of 1995 for which we are requesting approval by OMB. The information required in § 12.1 allows the Veteran, upon admission to a VA field facility, to designate a person to receive the Veteran's funds or effects in the event that the Veteran dies while admitted to such VA field facility. In addition, the Veteran can change or revoke such designee. If the Veteran dies in the VA field facility, any funds or personal effects belonging to the Veteran must be turned over to the person designated by the Veteran. VA requests and encourages a competent Veteran to name a person as a designee in order to facilitate the process of disposition of the Veteran's funds and effects. The information obtained through this collection eliminates some of the burden on the deceased Veteran's survivors in the event of the Veteran's death in a VA field facility. VA Form 10-10118, Designee for Patient Personal Property, will be used to designate the individual to whom VA will deliver the Veteran's personal funds and effects in the event of the Veteran's death in a VA field facility. Legal authority for this data collection is also found under 38 U.S.C. 8502. This information collection is included in AO 41. This rule includes a provision constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that requires approval by the Office of Management and Budget (OMB). Specifically, proposed § 12.1 contains a collection of information under the Paperwork Reduction Act of 1995.

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

If the veteran dies in a VA field facility, any funds or personal effects belonging to the veteran must be turned over to a person designated by the veteran. VA requests and encourages a veteran to name a person as a designee in order to facilitate the process of disposition of the veteran's funds and effects. VA also allows the veteran the opportunity to change or revoke such designee at any time. The information obtained through this collection eliminates some of the burden on the deceased veteran's survivors in the event of the veteran's death in a VA field facility.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The burden to the public has been kept to a minimum. Section 12.1 provides that the Veteran, upon admission to a VA field facility, may designate a person to receive the Veteran's funds or effects in the event that the Veteran dies while admitted to such VA field facility by completion of VA Form 10-10118. It was determined that it was cost prohibitive to automate the submission of the form by the

Veteran and entry into the Veterans Health Information Systems and Technology Architecture (VistA) system due to the limited application and use of the form.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information was previously captured in VA Form 10-P-10. However, this VA form is obsolete and is no longer used by VA.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Since these are applications for individual benefits, no small businesses or other small entities are impacted by the information collection.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

VA would not be responsive to the needs of the patient and to the legal requirement to release of information if information were collected less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.

There are no such special circumstances.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

The notice of Proposed Information Collection Activity was published in the Federal Register on 10-23-2013 (Volume 78, Number 205, Pages 63139-63143). We received no comments in response to this notice.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

Outside consultation is conducted with the public through the 60-day Federal Register notice of the proposed rule AO 41.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided to respondents.

10. Describe any assurance of privacy to the extent permitted by law provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Assurances of privacy are contained in 38 U.S.C. 5701 and 7332. Respondents are informed that the information collected will become part of the Consolidated Health Record that complies with the Privacy Act of 1974. These forms are part of the system of records identified as 24VA19 "Patient Medical Record – VA" as set forth in the Compilation of Privacy Act Issuances via online GPO access at <http://www.gpoaccess.gov/privacyact/index.html>.

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:

VA Form	No. of respondents	x No. of responses	x No. of minutes	÷ by 60 =	Number of Hours
10-10118	718,000	1	3		35,900

Based on the VHA's Office of the Assistant Deputy Under Secretary for Health for Policy and Planning data, titled Selected Veterans Health Administration Characteristics: FY2002 to FY2012, there are 8,800,000 enrollees and 703,500 inpatient admissions in FY2012. By applying a conservative workload increase of 1% annually to this population data, VA estimates approximately 8,976,880 enrollees with 717,640 inpatient admissions in FY2014.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-I.

This request covers only one form.

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

VA does not require any additional recordkeeping. The cost to the respondents for completing these forms is \$1,206,240.00 (\$24 per hour x no. of burden hours). The Bureau of Labor and Statistics (BLS) has been multiplied by 1.4 to determine the loaded hourly wage. (Data Source: BLS)

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There is no anticipated recordkeeping burden.

14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated annual cost of VA Form 10-10118 to the Federal Government is \$650,867.00

Processing 35,900 burden hours X \$18.13/hr (GS 5, medical support assistant - administrative) = \$650,867.00

15. Explain the reason for any burden hour changes or adjustments reported in items 13 or 14 of the OMB form 83-1.

This is a new collection and all burden hours are considered a program increase.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

VA does not intend to publish this data.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

VA does not seek approval to omit the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

There are no exceptions.