

**Supporting Statement for Continuation of Supplemental Security Income Payments 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, the Social Security Administration (SSA) reduces their SSI payments to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of 3 months), SSA may waive the reduction. 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*, before SSA can waive the SSI payment reduction, the agency must receive the following documentation: (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 the recipient needs SSI payments to maintain the living arrangements to which the individual will return post-institutionalization.

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 accepts 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, or other hospital staff member. For this purpose, the statement attests the recipient's medical records contain the needed information about the period of confinement. SSA accepts 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 did not create an official printed form for either of these statements; we leave it to the senders' discretion to create them as they wish. The respondents are SSI recipients, their family or friends, as well as physicians or hospital staff members who treat the SSI recipient.

3. Use of Information Technology

Because there is no established or fixed format for submitting this information, SSA determined it would not help to create an Internet format for this information collection 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 #1 above, but could also lead to recipients' unfair receipt or unfair denial of 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

The 60-day advance Federal Register Notice published on June 24, 2015, at 80 FR 36393, and we received no public comments. SSA published the second Notice on August 25, 2015, at 80 FR 51647. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form

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 information collection, 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 collecting 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.