

**Requirement to present certain health information for a service dog under 38 CFR
1.218(a)(11)
RIN 2900-AO39**

A. JUSTIFICATION

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

Pursuant to 38 U.S.C. 901, VA may prescribe rules to provide for the maintenance of law and order and the protection of persons and property on VA property. VA implements this authority in regulations at 38 CFR 1.218 pertaining to security and law enforcement. This final rule will amend § 1.218(a)(11) to require VA facilities to permit service animals on VA property consistent with 40 U.S.C. 3103 (section 3103) and Public Law 112-154, § 109, 126 Stat. 1165 (2012) (section 109). Section 3103(a) provides that guide dogs or other service animals accompanying individuals with disabilities and especially trained for that purpose shall be admitted to any building or other property owned or controlled by the Federal Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property. Section 109 provides that VA specifically may not prohibit the use of a covered service dog in any VA facility, on any VA property, or in any facility or on any property that receives funding from VA, and further defines a covered service dog as a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs. Current 38 CFR 1.218(a)(11), however, reads that dogs and other animals, except seeing-eye dogs, shall not be brought upon property except as authorized by the head of the facility or designee. Our current regulation can be interpreted to allow the head of a VA facility or designee to bar access to all animals other than seeing-eye dogs, which is inconsistent with both section 3103(a) and section 109. We therefore revise our regulation to be consistent with the requirements in section 3103(a) and section 109.

The collection associated with this regulation revision only applies to those service dogs that would be staying on VA property with a veteran for extended periods of time while that Veteran is being treated in a residential treatment setting. This collection is not associated with the basic entry of a service dog generally on VA property. This collection is also associated with the entry of Animal Assisted Therapy (AAT) and Animal Assisted Activity (AAA) animals on VA property, and residential animals on VA residential units.

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.

VA expects that veterans who are receiving treatment in a residential treatment setting, and who require the assistance of a service dog while receiving such treatment, will provide documentation to VA as issued by a veterinarian or other recognized group that will indicate that the service dog is up to date with core canine vaccines including under § 1.218(a)(11)(vii). VA must be presented this documentation to ensure that service dogs are safe and healthy to be exposed to veterans and other VA stakeholders for extended periods of time. VA does not prescribe the form that this documentation must take, and will recognize documentation that appears to communicate this information.

VA expects that providers of AAA and AAT to veterans will provide documentation to VA as issued by a veterinarian or other recognized group that will indicate that the AAA or AAT animal is up to date with core vaccines and immunizations under § 1.218(a)(11)(ix)(C)-(E). VA must be presented this documentation to ensure that these AAA and AAT, and residential animals are safe and healthy to be exposed to veterans and other VA stakeholders for extended periods of time. VA does not prescribe the form that this documentation must take, and will recognize documentation that appears to communicate this information.

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.

This collection does not involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Improved information technology will not decrease the burden on the public, as the current request of submitting a certificate that is already in the veteran's possession is the least burdensome means of collecting this information.

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.

VA does not have a similar collection of information because the requirement to provide this information is created by the rulemaking. This information is only requested the first time the veteran seeks to receive residential treatment; once the veteran presents the certificate, the veteran should not need to be asked for this information again. For AAA and AAT animals, the providers of this treatment to veterans similarly should only have to present this health related information one time.

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

VA does not expect this collection to impact small businesses or other small entities, because VA is not requiring that a VA form be used. Any health records or health certificate that communicates the information required under § 1.218(a)(11)(vii) and (a)(11)(ix)(C)-(E) will be accepted.

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 believes this collection of information is required to ensure that service dogs in residential settings for extended periods of time, and AAA and AAT animals in any treatment setting, are safe and healthy to be exposed to veterans and other VA stakeholders.

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 rulemaking was published in the Federal Register on November 21, 2014 (Volume 79, Number 225, page 69379). We received multiple comments in response to this notice and the collection of information therein. These comments objected to the requirements in proposed § 1.218(a)(11)(vii) to provide documentation of a service animal's good health when a veteran would be accompanied by a service animal while receiving treatment in a VHA residential program. Some of these commenters alluded to an administrative burden of "registering" a service animal to obtain access to the VA facility. We clarified in the final rule for these commenters that §1.218(a)(11)(vii) only applies to situations where an individual would be accompanied by a service animal for the duration of their treatment in a VA residential setting—these documentation requirements would not apply for more general access to a VA facility such as to receive outpatient or other non-residential care provided by the facility. The presentation of certain records as proof of an animal's health in § 1.218(a)(11)(vii) as proposed is necessary when a service animal will have routine and constant interaction with employees, veterans, patients, and visitors over the course of an extended period of time in a residential setting, so that VA may ensure patient care, patient safety, and infection control standards are met. However, we did agree with some commenters that some of the requirements as proposed could create an undue administrative burden on both individuals receiving treatment as well as VA staff. We therefore made changes to § 1.218(a)(11)(vii) in the final rule to require that the individual receiving treatment in a residential setting must only provide basic documentation that confirms that the service dog has a current rabies vaccine, as well as current core canine vaccines (e.g. distemper, parvovirus, and adenovirus-2). This change retains the proof of basic canine vaccinations (as proposed) that VA believes is necessary to ensure the service animal is in good health, and removes the requirement for proof of a comprehensive exam within the past 12 months, as well as removes the requirement that an individual otherwise attest in writing to the service animal's health. We believe that proof of basic canine vaccines is something that the individual would have merely as a function of being a dog owner and that providing such documentation to VA for confirmation is not burdensome.

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 proposed rule.

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.

This information will not include Protected Health Information (PHI) or Individually Identifiable Health Information (IIHI).

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 10-5344	No. of respondents	x No. of responses (1)	x No. of minutes (5)	÷ by 60=	Number of Hours
NA	1500	1500	7500		125

VA anticipates that roughly 500 veterans on an annual basis will receive residential treatment in a VA residential treatment setting and also require the use of a service dog for the duration of that treatment. VA anticipates roughly 1000 annual instances of AAA or AAT animal entries on VA property to provide either AAA or AAT to veterans. Each respondent would only be required to present the requested health information under § 1.218(a)(11)(vii) or (a)(11)(ix)(C)-(D) one time, resulting in an exchange of roughly 5 minutes each time.

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 information collection.

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. There is no cost to the respondents for completing the information collection.

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.

There is no anticipated recordkeeping burden.

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 is not seeking approval to omit the expiration. There is no applicable VA form from which to omit the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are used in this data collection.