

Community Residential Care Recordkeeping Requirements

Request for reinstatement of OMB control number 2900-0491

A. JUSTIFICATION

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

VA is authorized under 38 U.S.C. 1730 to assist veterans by referring them for placement, and aiding veterans in obtaining placement, in Community Residential Care facilities (CRC). VA has published regulations related to CRC approval at 38 CFR 17.61 – 17.74. Under that authority, VA maintains a list of approved CRCs, and conducts periodic inspection of those facilities to ensure that the facility is maintained per standards published at 38 CFR 17.63. A CRC applies to VA to be included on VA’s “approved” list. CRCs that apply for approval must accept the VA conditions of participation. VA inspects CRCs with the permission of the CRC operator and, if deficiencies are found during the inspection, the CRC operator freely decides whether to correct them in order to become or remain on VA’s “approved” list. VA maintains an “approved CRC list” and makes it available to veterans. Being included on the approved list does not constitute VA’s endorsement of the CRC. Rather, it means that the CRC applied for inclusion on the approved list, agreed to VA’s conditions of participation and has passed VA’s inspection. The veteran makes the decision (without VA involvement) whether to reside in an approved CRC or one that is not on the approved list.

One of the standards a CRC must meet is the requirement that the CRC must maintain records on each resident in a secure place. Facility records must include emergency notification procedures and a copy of all signed agreements with the resident. 38 CFR 17.63(i). These records must be maintained by the CRC, and review and the CRC must make those records available for VA inspection upon request. A Medical Foster Home is a subtype of CRC and is required to comply with the record keeping requirements of 38 CFR 17.63(i). See 38 CFR 17.74(q). In addition, the CRC must maintain and make available upon request of the approving official, records related to CRC staff requirements, and provide that the CRC must have sufficient, qualified staff must be on duty and available to care for the resident and ensure the health and safety of each resident.

Information collection related to the CRC recordkeeping requirement was approved by OMB under OMB control number 2900-0491. This information collection approval expired on July 31, 1990, and was never renewed. However, the recordkeeping requirement continues to be part of the CRC standards, and VA continues to include access and review of those records as an integral part of the CRC inspection process. VA is now requesting reinstatement of the previously approved information collection under control number 2900-0491.

As part of the original ICR, VA estimated 3,000 respondents, with a once per year response, and 1.1 burden hours per response. The one time per year response estimate remains valid, as the CRC is required to collect this information only one time per year. Likewise, the 0.11 burden hours per response remains unchanged. However, the number of estimated respondents has decreased significantly since the original ICR was approved. Only VA-approved CRCs and those seeking approval are required to maintain records under 38 CFR 17.63(i). The most current data available to VA (Q4 FY2016) reflects that we have 730 approved CRCs, 150 of which are Medical Foster Homes at the 1 to 3 bed size.

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.

The information will be used solely by VA as part of the process used to determine whether a CRC meets the standards for approval.

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. The records would be maintained by the individual CRC, and would be available for review by VA.

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.

See discussion in response to question 5, below, regarding criminal background checks.

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

A CRC is an independent business entity that is independent from VA. The sole relationship between a CRC and VA is VA's inclusion of a CRC on a list of approved CRCs (which is made available to the veteran). The information collection relates to the requirement that the CRC must maintain records on each resident in a secure place. Facility records must include emergency notification procedures and a copy of all signed agreements with the resident. 38 CFR 17.63(i). These records must be maintained by the CRC, and review and the CRC must make those records available for VA inspection upon request. A Medical Foster Home is a subtype of CRC and is required to comply with the record keeping requirements of 38 CFR 17.63(i). See 38 CFR 17.74(q). The CRC must maintain and make available upon request of the approving official, records related to CRC staff requirements, and provide that the CRC must have sufficient, qualified staff must be on duty and available to care for the resident and ensure the health and safety of each resident. The CRC provider and staff must have adequate education, training, or experience to maintain the facility. The burden of the information collection is reduced through narrowly defining the type and class of records that must be maintained by the CRC, and which must be made available to VA as part of VA's inspection

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 June 14th, 2017 (Volume 82, Number 27332, Page 27332). 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 publication of the proposed rule, which includes discussion of the proposed information collection.

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.

Privacy of these records is ensured under VA regulations at 38 CFR 17.63(i)(3). The records may only be disclosed with the resident's permission, or when required by law.

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-XXXXX	No. of respondents	x No. of responses	x No. of hours	=	Number of Hours
N/A. No form is used for this information collection	730 operators of CRCs	Once in a 12-month period	1.5 hours		1,095 hours

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.

See chart in subparagraph 12a above.

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.

Legally, respondents may not pay a person or business for assistance in completing the information collection and a person or business may not accept payment for assisting a respondent in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VHA estimates the total cost to all respondents to be \$26,126.70 (1,095 burden hours x \$23.86 per hour).

May 2015 National Occupational Employment and Wage Estimates United States:
http://www.bls.gov/oes/current/oes_nat.htm

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).

- a. There is no capital, start-up, operation or maintenance costs.
- b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.
- c. 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.

Not applicable.

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

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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.

Not applicable.

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.

