

**Federal Medical Care Recovery Act Bill Requests
OMB FORM 2900-XXXX**

A. JUSTIFICATION

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

Authority for collection of the requested information is found within the following: 38 USC 501, 38 CFR 1.900 et. Seq.; 42 USC 2651-2653; 38 USC 1729; 28 CFR 43.2; and E.O. 9397. The purpose of collecting this information is to provide basic information from which potential liability can be assessed for VA to recover the cost of care from the liable party instead of the American taxpayer and Veteran paying for the care. Failure to provide any or all of the requested information may delay or result in VA's inability to create accident-related billing, assert a claim for reimbursement, and assist the Veteran in their personal injury or workers compensation claim. Without a third party paying for the care, the Veteran may owe VA copayments.

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 uses this information to generate charges and assert a claim for reimbursement from the liable party. In doing so, VA also seeks to support the Veteran's claim for personal injury or workers compensation.

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 form and the website on which it will be posted is designed to use technology in order to reduce the burden on respondents by (1) informing those wanting to obtain accident-related billing via an easily found website what information VA needs in order to produce accident-related billing and managing public expectations by publishing the program's processes and (2) automating the user's determination of where to submit the form instead of the user having to search for a fax number and mailing address from an Excel spreadsheet containing over 140+ offices located at each VA medical center.

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.

The information requested on this form is not otherwise available to VA.

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

The collection of this information does not impact small businesses or entities in a way distinct from large organizations.

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 as it would not be posting a means by which the patient can obtain accident-related billing to support their own claim for personal injury or workers compensation. Prior to posting instruction online, requestors would search many VA offices before finding who at VA can assist them in this type of request. The form reduces the burden to the requestor and also ensures that VA has the

information it needs in order to assert a claim for reimbursement. Without the information from the Veteran, VA would not be able to recover the cost of care from the liable party -- meaning the American taxpayers and Veterans would shoulder the entire burden rather than the responsible party.

VA recoveries from the collection of such information for FY17 totaled over \$66,200,000. This total dollar amount came from a total of 12,058 individual requests for billing (collections of information). During FY17, we received 12,807 new requests for billing (collections of information). For FY18, the number of requests for billing had increased to 14,431. Our FY18 dollars recovered also increased to \$74,176,068.60.

Not all requests are made via the forms on the website. Our estimated figures below are based on the number of new requests received and website traffic data. The website traffic is increasing each year.

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.

Information collection is conducted as VA is made aware of potentially accident-related care. Therefore, if VA provided or paid for care that was potentially accident-related for separate accidents within a quarter that patient would be asked to provide information for each accident.

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 April 17, 2018 (Volume 83, Number 16922, Pages 16922-16923). We received 2 comments in response to this notice.

Comment One from Anonymous:

Requesting information regarding any personal injury or worker's compensation is a great idea. I am surprised to hear VA does not do this already. Adding the information to the questioner and collect if there is any settlement. The insured is required to notify Medicare of any settlement within certain amount of time after he or she receives settlement and failure to do so can result in a fine. Medicare can put lien on the compensation which the insured received from the lawsuit. VA should do same.

The collecting cost from the liable party will give relief to tax payer and be able to use the budget to other and better medical care for veterans. For 2019 proposed budget, \$198.6 billion is allocated for the VA. This is \$12.1 billion, more than 2018 and the purpose is so Veterans can receive quality health care and timely access to the service. This can cut back on waiting time for Veterans to schedule testing appointments.

Comment One Response:

Thank you to this commenter. As the commenter notes, VA's Federal Medical Care Recovery program ensures that the responsible party pays for an injured Veteran's care and not the American taxpayer. The form submitted for OMB approval is part of an ongoing effort to ensure capture of all potential recoveries for VA. Additionally, we are also reviewing Medicare's practices.

Comment Two from Roland Roberts:

Whenever a Department of Veteran Affairs (VA) Notice is published in the online Federal Register (FR - <https://www.federalregister.gov/agencies/veterans-affairs-department>) pertaining to requesting public comment on a change to an existing collection of records OR a new collection of records maintained by VA, there are significant lack of necessary documents to allow such public comment. The new or revised form/content is not included in the VA FR Notice so there is no way to compare these changes with what is already part of the collection. Additionally, in many cases, there may be other Supporting Statements associated with this collection change that may provide insight on why this change is being proposed but they are not part of the FR Notice. This is the case in all Notices up for OMB review AND many other Notices that indicate a change to a record collection maintained by VA.

The online FR as indicated in the link above ALREADY has an easy way to rectify this situation and provide those missing documents that would then allow public comment. The online FR allows a sidebar section titled "Enhanced Content" that has a subsection within it called "Supporting/Related Materials". Those missing documents (new/revised collection form/content as well as any Supporting Statement) could be included within that subsection in the VA FR Notice.

I suggest making this change to include those missing documents in the Enhanced Content portion of the online FR Notice and this will then allow any necessary public comment to be provided. This only needs to be provided for revisions and additions to record collections (in some cases reinstatements of record collections that no longer have available content on the Internet). Extensions of already approved collections do NOT need to have this Enhanced Content.

Comment Two Response:

Thank you to this commenter. If the public has a question regarding a form referenced in an FRN, then they should contact the person named in the FRN with their request. That contact person can provide access to the form, as appropriate.

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- and 30-day Federal Register notices.

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.

Each form requires submission of the Veteran's full SSN. This is intentional, as it is the only identifier we can use to ensure we are pulling the correct Veteran's medical and billing records. We appreciate limiting the use and transmission of SSNs, but we are unaware of another identifier that could effectively allow us to find the appropriate Veteran's medical and billing records. We request that the form be faxed or mailed to the appropriate VA office to ensure protected submission of the information.

Information on this form will become part of a system of records that complies with the Privacy Act of 1974. This system is identified as "Revenue Program Billing and Collections Records-VA (114VA16)" as set forth in the

Compilation of Privacy Act Issuances via online GPO access. Assurances of privacy for information on these forms which is covered under 38 U.S. C. § 7332 are contained within that statute.

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 applicable questions.

12. Estimate of the hour burden of the collection of information: assuming this is the burden annually

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

The Annual Estimate No. of respondents is based on past data of number of new requests for billing received, noting that not all requests come from the website, along with website traffic data. As website traffic increases, we expect the number of respondents using the form in question to increase.

VA Bill Request Form	Annual Estimate No. of respondents	x No. of responses (same as prior field)	x No. of minutes (7)	÷ by 60 =	Number of Hours
Application/Survey	3300	3300	23,100		385

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 table in subparagraph 12a above. This request involves 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.

VHA uses general wage data to estimate the respondents' costs associated with completing the information collection. In accordance with the Bureau of Labor Statistics (BLS) May 2018 Occupational Wage Code Median Hourly, the mean hourly wage is \$24.98 based on the BLS wage code – "00-0000 All Occupations." This information was taken from the following website: https://www.bls.gov/oes/2018/may/oes_nat.htm.

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 **\$9,617.30 (385 burden hours x \$24.98 per hour)**.

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 are 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 beyond that which is considered usual and customary.

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 this VA Form to the Federal Government is \$4,400-5,500 (Processing 3300 claims x \$16-20/hr (GS 5-7) x 5 min. = \$4,400-5,500).

15. Explain the reason for any burden hour changes or adjustments reported in items 13 or 14.

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.

N/A

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 such applicable exceptions.