

**Supporting Statement for Form SSA-9584-BK
State Mental Institution Policy Review Booklet
20 CFR 404.2035, 404.2065, 416.635 and 416.665
OMB No. 0960-0110**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(j)(3)(B) and 1631(a)(2)(C) of the *Social Security Act (Act)* require the Commissioner of the Social Security Administration (SSA) to establish a system of accountability monitoring for institutions in each state. These institutions serve as representative payees for Social Security beneficiaries. SSA monitors these institutions by collecting information using the State Mental Institutions Policy Review Booklet, Form SSA-9584-BK. Regulations at 20 CFR 404 Subpart U, Representative Payment (Title II), and 20 CFR 416 Subpart F, Representative Payment (Title XVI), of the *Code of Federal Regulations*, provide the principles and procedures that SSA follows when determining whether to make representative payment and in selecting a representative payee. These regulations also explain the responsibilities of the representative payee. Specifically, regulations at 20 CFR 404.2035 and 404.2065 (Title II) and 20 CFR 416.635 and 416.665 (Title XVI) explain the representative payee reporting responsibilities.

2. Description of Collection

SSA makes annual grants to the Protection and Advocacy Agencies (P&A) in each state to conduct, for SSA, all representative payee reviews. The collection of this information is mandatory for the completion of onsite reviews of State mental institutions. The P&As use Form SSA-9584-BK to collect information during State mental institutions onsite reviews. The P&As use the SSA-9584-BK to: (1) to determine if the policies and practices of a State mental institution acting as a representative payee for SSA beneficiaries conform to SSA's regulations in the use of benefits; (2) to confirm that institutions are performing other duties and responsibilities required of representative payees; and (3) as the basis for conducting onsite reviews of the Institutions and preparing subsequent reports of findings. The respondents are State mental institutions serving as representative payees for Social Security beneficiaries and Supplemental Security Income (SSI) recipients.

3. Use of Information Technology to Collect the Information

This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to

full electronic versions depending on how they fall within our overall IT Mod schema, but this is unconnected to the PRA approval lifecycle.

4. Why We Cannot Use Duplication Information

The nature of the information we collect and the manner in which we collect 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 businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-9584-BK, we would be unable to determine whether the state institution serving as payee needs guidance, or if we require a change in representative payee. This would be a violation of Sections 205(j)(3)(B) and 1631(a)(2)(C) of the Act. In addition, we would not have vital data needed to conduct the onsite review. Because we only collect the information triennially, 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 May 5, 2020, at 85 FR 26776, and we received no public comments. The 30-day FRN published on August 18, 2020 at 85 FR 50862. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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 of Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Please see the burden chart below:

Modality of	Number of	Frequency	Average	Estimated	Average	Total Annual
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Completion	Respondents	of Response	Burden per Response (minutes)	Total Annual Burden (hours)	Theoretical Hourly Cost Amount (dollars)*	Opportunity Cost (dollars)**
SSA-9584-BK	68	1	60	68	\$15.00*	\$1,020**

* We based this figure on average Personal Care and Service Workers hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes390000.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **68** burden hours, which results in an associated theoretical (not actual) opportunity cost financial burden of **\$1,020**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost to the Federal Government

There is no annual cost to the Federal Government associated with the use of this collection instrument. With the implementation of Section 201 of the *SPSSB act of 2018*, the use of the SSA-9584-BK is now limited to the P&As. The P&As print the SSA-9584-BK and use it to collect information during State mental institutions onsite reviews. Once the SSA-9584-BK is completed, the P&As upload the form into the system and use the information collected as a reference to complete the subsequent reports of findings.

15. Program Changes or Adjustments to the Information Collection Request

The decrease in burden hours stems from a decline in the number of State institutions participating in the onsite review program. As of December 2020, there are approximately 203 State institutions participating in the onsite review program. SSA reviews institutions triennially, reviewing one-third (68) of the 203 participating institutions each year.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms, with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms, (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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.