

**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 (there are no regulations implementing these statutory requirements). 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. More specifically, we request Part A of the form to verify that SSA has the most up to-date information about the facility and the correct contact person. We request Part B if the organization has a previous copy of the form completed during the last SSA onsite review and there are changes to some of the questions in the previous form. The information we collect in Part C of the form deals with the reimbursement procedures the facility has based on State policies. The facility enters in agreements with the State and follows the State policies for reimbursement for the services they provide to the beneficiaries. P&As complete Part C of the SSA 9584-BK in all State Mental Site Reviews. Part C information is easily available to the organization as part of doing business with the State.

If a copy of a complete SSA-9584-BK from the last State Onsite review is available, it is not necessary for the state agency or institution to complete the entire form. The state agency or institution has the option of either certifying that the information on the previous SSA-9584-BK is: (1) correct entirely; or (2) is correct except for a few changes. The state agency or institution includes a copy of the previously completed SSA-9584-BK and the completed areas of the current SSA-9584.

We select State Mental facilities in the Onsite Review Program for review every three years. We require the SSA-9584 as part of that review.

Of the 65 finished State Mental reviews, we identified 24 total cases with at least one deficiency, 16 of which were identifiable from responses on the SSA-9584. Of the 73 total individual deficiencies found on the 16 cases, 33 (45.21%) were identifiable from the SSA-9584.

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

The state onsite reviews are required to be conducted onsite. The ACT mandates that: SSA shall conduct periodic onsite reviews of individual and organizational payees, including payees who are related to the beneficiary and primarily reside in the same household, selected on the basis of risk-factors for potential misuse or unsuitability associated with such payees or beneficiaries. Due to this, this collection cannot be submitted electronically. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions.

Per the risk assessment our OGC conducted on this form, we are not able to make the signature line on the form fillable at this time. However, we hope to convert this IC to a submittable PDF within the next 9 years, which will allow the respondents to utilize eSignature technology and to submit the form to us via the Internet. Unfortunately, we are not able to schedule this one for submittable PDF conversion, yet, but when we do so, we will submit a Change Request to OMB for approval prior to implementation.

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. SSA notes that State Mental Institutions on the Onsite Review Program are exempted from the annual accounting requirement that are required of other Organizational Representative Payees such as under OMB 0960-0691 (SSA-6234).

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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-9584-BK	68	1	60	68	\$18.48*	\$1,257**

* 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 **\$1,257**. 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. However, there is a cost associated with the annual grants awarded to the P&As in each state to conduct all representative payee reviews. For Grant Year four (GY4), the cost of the State Mental Onsite Review Program was \$831,050. We calculated that figure by using the average cost per review of \$7,555 for the 110 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.