

Supporting Statement for Maintenance of Effort Information under Title III and Certification of Long-Term Care Ombudsman Program Expenditures OMB 0985-0009

A. Justification

1. Explain the circumstances that make the collection of information necessary.

The Administration for Community Living is requesting approval of the Certification of Maintenance of Effort for Title III and extension of, with minor revisions due to statutory language changes, to the Certification for Long-Term Care Ombudsman (LTCO) Program Expenditures, OMB number 0985-0009. Title III of the Older Americans Act, as amended, 42 USC 3029(c), requires that a State's allotment for a given fiscal year be reduced by the percentage (if any) by which its expenditures from State sources are less than its average annual expenditures from such sources for the period of three consecutive fiscal years preceding such fiscal year. The information collected on the Federal Financial Report, SF 425, combines the funds from State and local sources, ACL is unable to identify expenditures solely from State sources without the requested financial data.

Under Title III of the Older Americans Act, as amended, 42 USC 3027(a)(9), assurances are required from the State agency that they will carry out a State Long-Term Care Ombudsman Program and will expend for such purposes an amount that is not less than an amount expended by the State agency with funds received under Title III for fiscal year 2019. An additional assurance is established in Title VII of the Older Americans Act, as amended; 42 USC 3058d(a)(4) requires that the State will use funds made available in addition to, and will not supplant, any funds that are expended under Federal or State law. The LTCO data allows ACL to monitor compliance with these requirements.

This is an extension without change to the currently approved ICR. Since the last clearance, the instructions and form are updated to include the new base year reporting information, updated from federal fiscal year 2000 to 2019, the update is due to statutory changes in the Older Americans Act Reauthorization. Other changes include an adjustment of the previous collection year number of respondents based on the completion of two forms. All information collected on the current form was collected in the previous form.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information contained on the Certification of Maintenance of Effort for Title III and extension of, and minor revisions due to statutory language changes to the Certification of Long-Term Care Ombudsman Program Expenditures will be used by the

Administration on Aging to verify the amount of State expenditures and make comparisons with the average annual expenditures for the period of three consecutive fiscal years preceding the given year to assure that a State is in compliance with 45 CFR 1321.49 and 42 USC 3027(a) and 42 USC 3058d.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission or responses, and the basis for the decision of adopting this means of collection. Also, describe any consideration given to using technology to reduce burden.**

The information may be submitted in electronic format or via hard copy. All grantees currently submit the forms electronically via e-mail. Our office prefers the forms to be submitted electronically, and we encourage electronic submission.

- 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.**

No other data source collects similar information.

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

This Information does not impact small businesses or other small entities. It is collected from the 56 Title III State Agencies on Aging.

- 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.**

The information collection occurs on an annual basis in order to allow the Administration on Aging to ensure compliance with 42 USC 3029(c), 42 USC 3027(a), and USC 3058d of the Older Americans Act for each fiscal year. It cannot be collected less frequently.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- Requiring respondents to report information to the agency more often than quarterly;**

None

- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

None

- **Requiring respondents to submit more than an original and two copies of any document;**

None

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

None

- **In connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**

None

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

None

- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

None

- **Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

None

8. **As applicable, state that the Department has published the 60 and 30 Federal Register notices as 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 agency in response to these comments. Specifically address comments received on cost and hour burden.**

ACL published a 60-day Federal Register Notice in the Federal Register soliciting public comments on this request. The 60-day FRN published on August 19, 2020 Volume 85, Number 161, pages 51034-51035.

The 60-Day notice requested comments on the information collection burden related to the proposed Certification of Maintenance of Effort under Title III and Certification of

Long-Term Care Ombudsman (LTCO) Program Expenditures. There were no public comments received during the 60-Day notice.

The current forms were developed after extensive outreach to stakeholders. The ACL conducted four webinars in October of 2020 with interested parties to ensure that stakeholders understood the form. Grantees input from these trainings are used when updating and reviewing the form.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

None

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument.

No assurances of confidentiality are provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the 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.

This data collection does not include any questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

The Maintenance of Effort under Title III and Certification of Long-Term Care Ombudsman (LTCO) Program Expenditures each include an estimated half hour burden per respondent (see table below). This estimate remains the same as the burden estimated the last time the data collection was approved. The changes to this collection are minor and do not affect the overall burden estimate. In addition, the number of respondents, 56, has not changed since the previously approved document.

This approval covers two forms. The hour burden for each is explained below.

There are 56 respondents who provide 1 response a year per respondent per form. The average burden per response is half an hour per form. Multiplying 56 respondents times half an hour equals 28 hours for each submission per year for each form. The cost for each form for each year is estimated by multiplying 28 hours times the median wage for Accountants and Auditors of \$34.40/hour times 2 for each form. This results in a total cost of \$1,926.40 (28 times \$34.40 time 2 equals \$1,926.40). The wage rate came from

the May 2019 National Occupational Employment and Wage Estimates report from the Bureau of Labor Statistics. Doubling this amount to take into account benefits and overhead costs brings the total to \$3,852.80.

Respondent/Data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Certification on Maintenance of Effort under Title III and	56	1/year	½ hour	28 hours
Certification of Long-Term Care Ombudsman Program Expenditures	56	1/year	½ hour	28 hours
Total	112	2/year	1 hour	56 hours

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Costs for Salaries	Benefits and Overhead	Total Respondent Costs
States & Territories	56	\$34.40	\$1,926.40	\$1,926.40 (100%)	\$3,852.80
Total			\$1,926.40	\$1,926.40 (100%)	\$3,852.80

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

Total Annualized Capital/Startup Cost:

Total Annual Costs (O&M):

Total Annualized Costs Requested:

No additional costs are incurred by respondents other than those specified in #12.

- 14. Provide estimates of annualized cost to the Federal government.**

Dissemination, collection, reporting, processing and analysis of the Maintenance of Effort form and Certification of Long-Term Ombudsman Expenditure forms by ACL staff takes approximately 1/2 hour per grantee, totaling 28 hours (½ times 56 grantees times 1 collection per year). In addition, the additional internal review and approval of the forms takes another 28 hours. GS-13, Step1, staff reviewing the completed reports are paid at an average rate of \$49.19 per hour. The costs associated with staff is estimated at 56 hours each times \$49.19 per hour and equals \$2,754.64 for each. Doubling this amount to take into account benefits and overhead costs brings the total to \$5,509.28.

Combined, the hours used in the calculation are a total of 56 hours by Federal employees.

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Cost of Salaries	Benefits and Overhead	Total Federal Costs
ACL Staff	56	\$49.19	\$2,754.64	\$2,754.64 (100%)	\$5,509.28
Total	56		\$2,754.64	\$2,754.64	\$5,509.28

- 15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency’s control (e.g., correcting in a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include for changes in burden hours, responses and costs (if applicable).**

There is an adjustment increase in the number of respondents. This is an extension without change to the currently approved ICR. There is an adjustment of 56 respondents from the previous collection year based on the completion of two forms. All information collected on the current form was collected in the previous form.

- 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.**

Upon Office of Management and Budget approval, ACL plans to formally transmit the approved Maintenance of Effort collection form with instructions to the State Agencies on Aging network. The information is used to ensure that grantees are meeting statutory requirements specified in the Older Americans Act (OAA), 45 CFR 1321.46; OAA Section 303(a)(9); and OAA section 306(a)(9).

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The OMB approval number and expiration date will be displayed.

- 18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

There are no exceptions to the certification statement.