

**Supporting Statement for Form SSA-8019**  
**Third Party Liability Information Statement**  
**42 CFR 433.136-433.139**  
**OMB No. 0960-0323**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Medicaid state agencies identify third-party insurers liable for medical care or services for Medicaid recipients. Under *42 CFR 433.136-433.139*, Medicaid state agencies obtain this information on Medicaid applications and redeterminations as a condition of Medicaid eligibility. Under *42 U.S.C 1383c(a)*, states may enter into agreements with the Social Security Administration (SSA) to make Medicaid eligibility determinations for aged, blind, and disabled beneficiaries in those states. Applications for and redeterminations of Supplemental Security Income (SSI) eligibility in jurisdictions with such agreements (known as “1634 agreements”) are also applications and redeterminations of Medicaid eligibility.

**2. Description of Collection**

To reduce Medicaid costs, Medicaid state agencies identify third party insurers liable for medical care or services for Medicaid beneficiaries. In the 34 states where SSA has “1634 agreements” that allow SSA to make concurrent eligibility determinations for SSI and Medicaid, SSA uses both applications for and redeterminations of SSI eligibility to determine if there are any potential third-party insurers liable for medical care.

There are various ways SSA may detect the existence of third-party coverage during the SSI application or redetermination interview process. Depending on the claimant or recipient's circumstances, technicians might ask questions such as “Do you have a Medigap policy through a pension plan?” or “Do you have medical coverage through your spouse's employer?” or “How have you been paying for medical care?” Responses suggesting the existence of third-party coverage may lead to follow-up questions specifically associated with this information collection.

Similarly, if on the paper SSI application (SSA-8000-BK, OMB Control No. 0960-0229) the respondent answers “Yes,” to question 59(a), SSA will provide the SSA-8019 for completion.

Under SSA policy, if the applicant does not have third party liability information at the time of the interview, the technician will ask the applicant to call back later with the information and complete the SSA-8019-U2, but SSA never delays adjudication of the SSI claim to get an SSA-8019-U2 completed.

SSA designed the questions on the form to identify the health insurance provider

or other party (such as following a legal action or workers' compensation claim) that might be responsible for covering all or part of the beneficiary's medical expenses. Upon completion of the form and determination that the claimant is eligible for benefits, SSA will transmit the form to the relevant Medicaid state agency, which will use the information to bill third parties liable for medical care, support, or services for a beneficiary to guarantee that Medicaid remains the payer of last resort. The respondents are SSI claimants and recipients.

### **3. Use of Information Technology to Collect the Information**

SSA usually collects the information on this form through the SSI Claims System. Within the SSI Claims System, SSA personnel complete the third-party liability information, when necessary, for initial claims and redetermination situations (when there is a change in third party liability coverage or other specific post eligibility changes). SSA electronically transmits the third-party liability information to the state Medicaid agency. Although we do not require the state to complete any part of the form, there are situations when SSA will mail a paper SSA-8019 to the state third-party liability agency. These situations include:

- Non-SSI Claims System initial claims that are allowed;
- Non-SSI Claims System redetermination or post-eligibility action with changes in third party liability circumstances; or
- SSI Claims System claims when complete third party liability information was not available at the time SSA adjudicated the claim

Again though, only third-party liability agencies complete the paper Form SSA-8019, and it's completed solely via USPS mail, never in person.

This collection does not currently have a fully public-facing Internet version as described under the Government Paperwork Elimination Act, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

In the interim, we evaluated this collection for conversion to a submittable PDF. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize this ICR for conversion to fully submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

### **4. Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

5. **Minimizing Burden on Small Respondents**  
This collection does not significantly affect a substantial number of small businesses or other small entities.
6. **Consequences of Not Collecting Information or Collecting it Less Frequently**  
Congress made the provision of third-party liability information a condition of Medicaid eligibility, because it saves significant Federal dollars. Since we are required by law to request the information, SSA 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 July 2, 2021 at 86 FR 35371, and we received no public comments. The 30-day FRN published on September 2, 2021 at 86 FR 49403. 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. **Assurance 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 for 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 Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time in Field Office or for Teleservice Centers (minutes) **	Total Annual Opportunity Cost (dollars)***
SSA-8019 (Paper)	200	1	6	20	\$22.39*		\$448***

SSI Claims System (Intranet)	35,257	1	6	3,526	\$22.39*	21**	\$355,240***
<b>Totals</b>	<b>35,457</b>			<b>3,546</b>			<b>\$355,688***</b>

\* We based this figure on the average DI payments based on SSA's current FY 2024 data (<https://mwww.ba.ssa.gov/legislation/2024FactSheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* We based this figure on averaging both the average FY 2024 wait times for field offices and teleservice centers, based on SSA's current management information data.

\*\*\* 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.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 6 minutes above accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is 3,546 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of \$355,688. SSA does not charge respondents to complete our applications.

### 13. Annual Cost to the Respondent

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

### 14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$139,250. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$1,750
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$2,500
SSA Employee (e.g., field office, 800	GS-9 employee x # of responses x	\$125,000

number, DDS staff) Information Collection and Processing Time	processing time	
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$10,000
Quantifiable IT Costs	Any additional IT costs	\$0*
<b>Total</b>		<b>\$139,250</b>

\* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. It is difficult for us to break down the cost for processing a single form, as field office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

**15. Program Changes or Adjustments to the Information Collection Request**

When we last cleared this IC in 2018, the burden was 4,152 hours. However, we are currently reporting a burden of 3,546 hours. This change stems from a decrease in the number of responses from 49,621 to 35,457. In addition, we increased the completion time per response from 5 to 6 minutes, as we reassessed our burden estimate and found that current MI data supports an increase by one minute. These figures represent current Management Information data.

\* Note: The total burden reflected in ROCIS is **15,886**, while the burden cited in #12 of the Supporting Statement is **3,546**. This discrepancy is because the ROCIS burden reflects field office waiting time in addition to the overall burden per response. In contrast, the chart in #12 of the Supporting Statement reflects actual burden.

**16. Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

**17. Displaying the OMB Approval Expiration Date**

For the paper Form SSA-8019, 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.

For the Intranet version (SSI Claims System), SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

**18. Exception 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.