

SUPPORTING STATEMENT
Waiver of Additional Licensing and Certification
Approval Requirements
OMB 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.

Under the provision of section 409 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, new approval requirements are added to the statutory provisions for accredited and nonaccredited programs designed to prepare an individual for licensure and certification in a State. This provision also granted VA the authority to waive the added approval requirements under certain circumstances and adjusted the authority of a State approving agency to add new approval criteria.

The new collection of information is contained in 38 CFR 21.4253(d)(9) and 39 CFR 21.4254(c)(14). This regulatory provision will permit VA to waive the additional approval requirements for educational programs that are designed to prepare individuals for licensure or certification in a State if it is determined that all of the following criteria are met: (1) the educational institution is not accredited by an agency or association recognized by the Department of Education; (2) the course did not meet the additional requirements at any time during the 2-year period preceding the date of the waiver; (3) the waiver furthers the purposes of the educational assistance programs administered by VA or would further the education interests of individuals eligible for assistance under such programs; and (4) the educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive federal student assistance.

This collection of information is necessary to allow educational institutions to apply to VA, through their State approving agency of jurisdiction, for a waiver of the additional approval requirements. The State approving agency will forward a request for waiver, together with its recommendation for granting or denying the request, to VA. The Secretary or designee of the Secretary may grant a waiver upon a finding that the criteria have been met.

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.

The information will be used by VA to determine if the educational institution's request for a waiver of the additional approval requirements for

educational programs designed to prepare individuals for licensure or certification in a State may be granted.

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.

Provided the waiver request contains documentation that evinces the requirements outlined in proposed § 21.4253(d)(9) and § 21.4254(c)(15) they will be accepted by VA. The waiver request and supporting documentation may be supplied electronically to the State approving agency and VA.

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.

Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or agency which maintains the necessary information from schools which would support the granting of a waiver, nor is it available from other sources within our Department.

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

The information is required to be collected by any educational institution seeking to receive a waiver of the additional approval requirements for their educational programs designed to prepare individuals for licensure or certification in a State. For that reason, the information collection cannot be reduced for small establishments.

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.

This collection is necessary to implement the waiver of the additional approval requirements provisions of section 409 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016. The information will only be collected by educational institutions that wish to apply for a waiver so this collection is not mandatory.

7. There 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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. 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 Department notice was published in the Federal Register on January 10, 2022 at 87 FR 6, pages 1087-1091 as part of VA's proposed rule RIN 2900-AQ91, Modifications of Approval Requirements for Courses Designed to Prepare Individuals for Licensure or Certifications.

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

Decisions to provide any payment or gift to respondents does not apply.

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.

Privacy to the extent permitted by law is covered by our System of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA (58VA21/22/28), which is contained in the Privacy Act Issuances, 2012 Compilation.

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.

No questions of a sensitive nature are contained in this collection.

12. Estimate of the hour burden of the collection:

Estimate of Information Collection Burden

The estimated burden to the public for this information collection is **10 hours**.

a. Estimated Number of Responses: 5 responses annually

- b. Estimated Frequency of Response: **1 response per respondent annually**
- c. Annual Burden Hours: **10 hours** [5 X 1 X 2 = 10 annual burden hours].
- d. Estimated Completion Time for Respondent: **2 hours**
- e. The respondent population is composed of educational institutions that request a waiver of the additional approval requirements. VBA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential of respondents. Therefore, VBA used general wage data to estimate the respondents' costs associated with completing the information collection. The Bureau of Labor Statistics gathers information on full-time wage and salary workers. Accordingly, the median weekly earnings of full-time wage and salary workers are \$1082.80. Assuming a forty (40) hour work week, the median hourly wage is \$28.01. 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.

VBA estimates the total cost to all respondents to be \$280.10 (10 burden hours x \$28.01 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).

This submission does not involve any record keeping costs

14. Estimated Annualized Cost to the Federal Government

The annual cost to the Government for administering the form is estimated to be \$190.90 based on 5 responses annually. This cost is determined as follows:

- a. The processing cost of \$190.90 is based on an estimate that a GS 12 step 6 employee will review each waiver request. The salary for such an employee is \$38.18 per hour. We estimate it will take 60 minutes to review each waiver request. (5 waiver requests x \$38.18 x 1 hour = \$190.90)
- b. There are no administrative costs associated with this information collection.

Note: The hourly wage information above is based on the hourly 2022 General Schedule (Base) Pay

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary->

[tables/pdf/2022/GS_h.pdf](#). This rate does not include any locality adjustment as applicable.

15. Explain the reason for any burden hour changes since the last submission.

This is a new information collection request; no prior submission exists.

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.

This information collection is not for tabulation or publication use.

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.

We are not seeking approval to omit the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

There is no exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

1. The Veterans Benefits Administration does not collect information employing statistical methods.