

## SUPPORTING STATEMENT A

### **Copayment Exemption for Indian Veterans Tribal Documentation of Indian or Urban Indian Status (VA Form 10-334) (RIN 2900-AR48) OMB Control Number: 2900-0920**

#### **A. JUSTIFICATION**

##### **1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.**

The Department of Veterans Affairs (VA) is proposing to amend its medical regulations (see RIN 2900-AR48) to implement a statute exempting Indian and urban Indian veterans from copays for the receipt of hospital care or medical services under laws administered by VA. Public Law (PL) 116-315, sec. 3002 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (signed January 5, 2021) amended section 1730A of title 38 of the United States Code (U.S.C.) to eliminate copays for the receipt of hospital care or medical services under laws administered by VA for veterans who are either Indian or urban Indian, as those terms are defined in section 4 of the Indian Health Care Improvement Act. Section 4 is codified at 25 U.S.C. 1603, and the definitions for Indian and urban Indian are located in paragraphs 13 and 28, respectively, of section 1603.

The term “Indian” is defined in 25 U.S.C. 1603(13) as any person who is a member of an Indian tribe, as that term is further defined in section 1603(14), except that, for the purpose of 25 U.S.C. 1612 and 1613, such terms shall mean any individual who: (1) irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; (2) is an Eskimo or Aleut or other Alaska Native; (3) is considered by the Secretary of the Interior to be an Indian for any purpose; or (4) is determined to be an Indian pursuant to regulations promulgated by the Secretary of Health and Human Services. The term “urban Indian” is defined in 25 U.S.C. 1603(28) as any individual who resides in an urban center (as such term is further defined in section 1603(27)) and who meets at least one or more of the four criteria in the definition of Indian in 25 U.S.C. 1603(13) (as described above).

To demonstrate that a veteran meets the definition of Indian or urban Indian, as defined in 25 U.S.C. 1603(13) and (28), the veteran would be required to submit documentation to VA. New form 10-334 was created by VA to be used as a cover sheet for submission of this documentation.

##### **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.**

Veterans will use new VA Form 10-334 – Tribal Documentation Form – to submit a copy of their documentation in support of a request for the copayment exemption. The form will collect basic contact and identification for the veteran and provide instructions for sending the documents to VA. The documentation submitted by individual veterans will be reviewed by VHA staff for the purposes of establishing copay exemption, in accordance with the statute. VA will determine if a veteran meets the definition of Indian or urban Indian as defined in 25 U.S.C. 1603(13) and (28) and qualifies for an exemption from the copayment for certain health care.

**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.**

VA will identify a physical mailing address where documentation can be mailed by the veteran.

**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.**

Veterans will only be required to submit documentation one time and may use physical mail.

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

Because these are applications for individual benefits, no small businesses or other small entities are impacted by the information collection.

**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.**

VA would not be responsive to the needs of the patient and to the legal requirement to release of information if information were collected less frequently.

**7. Explain 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 such special circumstances.

**8. a. 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 notice of Proposed Information Collection Activity for the Copayment Exemption for Indian Veterans documentation requirement was published in the Federal Register as part of Proposed Rule RIN 2900-AR48 on January 12, 2023 (Vol. 88, No. 8, pages 2038-2046).

The final notice of Proposed Information Collection Activity for the Copayment Exemption for Indian Veterans documentation requirement was published in the Federal Register as part of Final Rule RIN 2900-AR48 on April 4, 2023 (Vol. 88, No. 64, pages 19862-19873).

**b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.**

Outside consultation is conducted with the public through the publication of Federal Register notices.

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

No payment or gift is provided to respondents.

**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.**

*If filed in the medical record:* Assurances of privacy are contained in 38 U.S.C. 5701 and 7332. Respondents are informed that the information collected will become part of the Consolidated Health Record that complies with the Privacy Act of 1974. These forms are part of the system of records identified as 24VA19 “Patient Medical Record – VA” as set forth in the Compilation of Privacy Act Issuances via online GPO access at <http://www.gpoaccess.gov/privacyact/index.html>

**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.**

There are no questions of a sensitive nature.

**12. Estimate of the hour burden of the collection of information:**

**a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:**

Documentation	No. of respondents	x No. of responses	x No. of minutes	÷ by 60	Number of Burden Hours
VA Form 10-334	25,000	1 = 25,000	15 = 375,000	=	6,250 hrs

**b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13.**

See chart in subparagraph 12a above.

**c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The respondent population for document collection is composed of Veterans who are requesting copay exemption based on meeting the definition of Indian or urban Indian, as defined in 25 U.S.C. 1603(13) and (28). VA cannot make assumptions about the population of respondents because of the variability of factors, such as the educational background and wage potential of respondents. Therefore, VHA used general wage data to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean hourly wage is \$28.01 based on the BLS wage code – "00-0000 All Occupations." This information was taken from the following website: [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm).

Legally, respondents may not pay a person or business for assistance in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VHA estimates the total cost to all respondents to be \$175,062.50 (6,250 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).**

- a. There are no capital, start-up, operation, or maintenance costs.
- b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.
- c. There is no anticipated recordkeeping burden beyond that which is considered usual and customary.

**14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Scanning equipment and storage solution (\$10,000) + processing 25,000 submitted documents x 10 min per response x \$21.86/hr (GS -6/5) (\$91,083) = **\$101,083 total cost to Federal government**

**15. Explain the reason for any burden hour changes or adjustments reported in items 13 or 14.**

This is a new collection, and all burden hours are considered a program increase.

**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.**

VA does not intend to publish this data.

**17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

VA will include the expiration date on the form.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions” of OMB 83-I.**

There are no exceptions.