

**Supporting Statement for Medicaid Use Report**  
**20 CFR 416.268**  
**OMB 0960-0267**

**A. Justification**

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

Section 1619(b) of the *Social Security Act (Act)* and 20 CFR 416.268 of the *Code of Federal Regulations* require the Social Security Administration (SSA) to determine eligibility for: (1) special Supplemental Security Income (SSI) payments and (2) special SSI eligibility status for a person who works despite a disabling condition. Section 20 CFR 416.268 also provides that to qualify for special SSI eligibility status, an individual must establish that termination of eligibility for benefits under Title XIX of the Act would seriously inhibit their ability to continue employment. The collected information is used to determine if an individual is entitled to special Title XVI SSI payments and, consequently, to Medicaid or Medi-Cal. The respondents are SSI recipients for whom SSA has stopped payments based on earnings.

**2. Description of Collection**

In most cases, if an SSI beneficiary is blind or disabled, regardless of age, and they have Medicaid before beginning to work again, they can retain their Medicaid benefits while continuing to work as long as their disabling condition still exists.

During a personal or telephone Redetermination interview with the SSI recipient, an SSA employee asks the following questions:

- Have you used any medical care or services in the past 12 months that were paid for by Medicaid (or Medi-Cal, etc.)?
- Do you expect to receive any medical care or services in the next 12 months that will be paid for by Medicaid (or Medi-Cal, etc.)?
- Without Medicaid (Medi-Cal, etc.), would you be unable to pay your medical bills if you become ill or injured in the next 12 months?

Generally, a response of “yes” to one of those three questions will lead to SSA determining that an SSI recipient whose payments have stopped based on earnings, is entitled to special SSI payments and, consequently, to Medicaid benefits under section 1619 (b) of the *Act*. The respondents are SSI recipients for whom SSA has stopped payments based on earnings.

We identified the following psychological costs based on the requirements for this information collection:

- **Psychological Cost #1:**
  - Requirement for the Program: A redetermination of program eligibility is required to assess eligibility for ongoing Medicaid or Medi-Cal coverage,

even though the respondent is not receiving cash payments from the program.

- Psychological Cost: The respondent is working and no longer receiving cash payments from the program and may consider completing the redetermination unnecessary and an invasion of privacy.
- **Psychological Cost #2:**
  - Requirement for the Program: a redetermination process that asks an individual to provide personal information about themselves without a clear explanation for how this information is needed to determine program eligibility.
  - Psychological Cost: The respondent may perceive these questions as unduly invasive, and these factors can lead to individuals choosing to delay or abandon completing the redetermination for benefits.

We understand these psychological costs may cause respondents to delay their completion of the information collection or cause them to abandon the information collection entirely. However, we require full completion of this collection to [continue to] receive benefits. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

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

SSA has no specific format for this collection, and, currently, we collect it through a personal interview for 98 percent of all respondents. In most cases, SSA will learn that a beneficiary has earnings from work either through wages reported to the agency that triggers a redetermination or via self-reporting during a routinely scheduled redetermination. Upon identifying earnings above a substantial gainful activity level (SGA), SSA will work to directly interview the beneficiary. During the personal interview (which can be in-person at a field office or over the phone with field office personnel), SSA personnel record responses using one of the Remarks sections of the SSI Claims System. For those times when the SSI Claims System is down, we use Form SSA-795, Statement of Claimant or Other Person (OMB No. 0960-0795) to record this information, and SSA personnel key the information into the SSI Claims System later. We expect that happens about 2 percent of the time. Under this ICR, we account for the burden for the SSI Claims System respondents only, as we account for those who use the SSA-795 under OMB No. 0960-0795. This information collection does not currently allow for electronic submission or electronic disclosure as described in the Government Paperwork Elimination Act.

### **4. Why We Cannot Use Duplicate 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 collect similar data.

**5. Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

**6. Consequence of Not Collecting Information or Collecting it Less Frequently**

If SSA did not collect this information, we would be unable to determine an individual’s coverage under section 1619(b) of the Act, which could result in termination of their Medicaid assistance. We collect this information on an as needed basis; therefore, we cannot collect it less frequently. There are no technical or legal obstacles that would prevent burden reduction.

**7. Special Circumstances**

There are no special circumstances that would cause us 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 October 13, 2023, at 88 FR 71068, and we received no public comments. The 30-day FRN published on December 29,2023, at 88 FR 90223. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the development or maintenance of this form.

**9. Payment or Gifts to Respondents**

We provide no payment or gifts to the respondents.

**10. Assurances of Confidentiality**

We protect and hold confidential the information we request 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**

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 Offices and Teleservice Centers (minutes) **	Total A Oppor Cost (dollar
20 CFR 416.268 SSI Claims System	99,000	1	3	4,950	\$12.81*	21**	\$507

\* We based this figure on average SSI payments based on SSA's current FY 2023 data (<https://www.ssa.gov/legislation/2023factsheet.pdf>).

\*\* We based this figure on the average FY 2023 wait times for field offices, 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.

In addition, OMB’s Office of Information and Regulatory Affairs is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA’s current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97-mile driving distance for one-way travel. We depict this on the chart below:

<b>Total Number of Respondents Who Visit a Field Office</b>	<b>Frequency of Response</b>	<b>Average One-Way Travel Time to a Field Office (minutes)</b>	<b>Estimated Total Travel Time to a Field Office (hours)</b>	<b>Total Annual Opportunity Cost for Travel Time (dollars)****</b>
20,000	1	30	10,000	\$128,100

\*\*\*\*We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the 5 CFR 1320.8(a) (4), which requires us to provide “time, effort, or financial resources expended by persons [for]...transmitting, or otherwise disclosing the information,” as well as 5 CFR 1320.8(b)(3)(iii) which requires us to estimate “the average burden collection...to the extent practicable.” SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data, which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents’ mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total time and opportunity cost estimates in the paragraph below.

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 3 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is

accurate. The total burden for this collection instrument is 4950 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$507,376**. SSA does not charge respondents to complete our applications.

**Learning Cost**

We calculated the following Learning Cost time burden based on the estimated time and effort we expect respondents will take to learn about this program, its applicability to their circumstances, and to cover any additional research we believe respondents may need to take to understand how to comply with the program requirements (beyond reading the instructions on the collection instrument):

<b>Total Number of Respondents</b>	<b>Frequency of Response</b>	<b>Estimate Learning Cost (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>	<b>Total Annual Learning Cost (dollars)**</b>
99,000	1	5	8,250	\$105,683*****

\*\*\*\*\*We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

**13. Annual Cost to the Respondents (Other)**

There is no known cost burden to the respondents.

**14. Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately **\$134,289**. This estimate accounts for costs from the following areas:

<b>Description of Cost Factor</b>	<b>Methodology for Estimating Cost</b>	<b>Cost in Dollars*</b>
Designing and Printing the Form	Design Cost + Printing Cost	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee 26.62/60 x 3 1.33 x # of responses x processing time	\$133,650
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee 3 x 8 man hours for development, updating, maintenance	\$639

Quantifiable IT Costs	Any additional IT costs	\$0*
<b>Total</b>		<b>\$134,289</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 information collection, as field office and State Disability Determination Services 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 collections, 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 2021, the burden was 3,000 hours. However, we are currently reporting a burden of 4,950 hours. This change stems from an increase of the number of respondents using the Medicaid Use Report. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

**\* Note:** The total burden in ROCIS is **62,700**, while the burden cited in #12 of the Supporting Statement is **4,950**. This discrepancy is because the ROCIS burden reflects the following components: field office waiting time + a rough estimate of a 30-minute, one-way, drive burden + learning costs. 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**

SSA is not requesting an exception to the requirement to display an expiration date.

**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.