

**Supporting Statement for OMB Clearance for
Office of Medicare Hearings and Appeals (OMHA)
Appellant Climate Survey**

Part A

OMB Number 0990-0330

April 17, 2024

Jon Dorman
Department of Health & Human Services
Office of Medicare Hearings and Appeals
Appeals Policy and Operations Division
2550 S Clark St, Suite 2000
Arlington, VA 22202
Telephone: 571-457-7220
Email: Jon.Dorman@hhs.gov

Table of Contents

PART A: Justification.....	A-1
1. Circumstances Making the Collection of Information Necessary.....	A-1
2. Purpose and Use of Information Collection.....	A-2
3. Use of Improved Information Technology and Burden Reduction.....	A-4
4. Efforts to Identify Duplication and Use of Similar Information.....	A-5
5. Impact on Small Businesses or Other Small Entities.....	A-5
6. Consequences of Collecting the Information Less Frequently.....	A-5
7. Special Circumstances Relating to the Guidelines of 5 CFR1320.5.....	A-6
8. Comments in Response to the Federal Register Notice/Outside Consultation.....	A-6
9. Explanation of any Payment/Gift to Respondents.....	A-6
10. Assurance of Confidentiality Provided to Respondents.....	A-6
11. Justification for Sensitive Questions.....	A-7
12. Estimates of Annualized Hour and Cost Burden.....	A-7
13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs.....	A-8
14. Annualized Cost to Federal Government.....	A-8
15. Explanation for Program Changes or Adjustments.....	A-9
16. Plans for Tabulation and Publication and Project Time Schedule.....	A-9
17. Reason(s) Display of OMB Expiration Date is Inappropriate.....	A-10
18. Exceptions to Certification for Paperwork Reduction Act Submissions.....	A-10

Tables

Table 1. Estimated Respondent Burden.....	
Table 2. Annualized Cost to Respondents ⁸	
Table 3. Annualized Cost to Federal Government	

Appendices

Appendix A1. Data Collector Confidentiality Agreement Form	
Appendix B1. Appellant Climate Survey-Telephone (English)	
Appendix B2. Appellant Climate Survey-Telephone (Spanish)	
Appendix B3. Appellant Climate Survey-Mail (English)	
Appendix B4. Appellant Climate Survey-Mail (Spanish)	
Appendix B5. Appellant Climate Survey-Web (English)	
Appendix B6. Appellant Climate Survey-Web (Spanish)	
Appendix C1. Introductory Letter (English)	
Appendix C2. Introductory Letter (Spanish)	
Appendix C3. Telephone Survey Introduction Script (English)	
Appendix C4. Telephone Survey Introduction Script (Spanish)	

- Appendix C5. Reminder Voicemail Script (English)
- Appendix C6. Reminder Voicemail Script (Spanish)
- Appendix C7. Reminder Letter with Paper Questionnaire (English)
- Appendix C8. Reminder Letter with Paper Questionnaire (Spanish)
- Appendix D1. Estimates of Respondent Burden

PART A: Justification

1. Circumstances Making the Collection of Information Necessary

The Office of Medicare Hearings and Appeals (OMHA) requests revision to a previously approved information collection request from the Office of Management and Budget (OMB). OMHA will collect information from two appellant types: (1) individuals disagreeing with and appealing payment decisions regarding Medicare coverage (beneficiaries), and (2) providers or suppliers appealing payment decisions regarding Medicare coverage for items and services furnished to beneficiaries (non-beneficiaries).

Section 301 of the Public Health Service Act (42 U.S.C. 241) is the authorizing law for data collections within the U.S. Department of Health and Human Services (HHS). Specifically, agencies within HHS should “collect and make available through publications and other appropriate means . . . research and other activities.” In addition, the Government Performance and Results Act (GPRA) of 1993 (P.L. No. 103-62) sets out to “improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction” (Section 2. b. 3). To fulfill this responsibility, HHS offices must collect data from their respective user groups to (1) better understand the needs and desires of the public and (2) respond to those needs and desires accordingly.

This requirement is augmented by Executive Order (E.O.) 12862 (September 11, 1993), with the intent of “ensuring the Federal Government provides the highest quality service possible to the American people.” The E.O. discusses surveys as a means for determining the kinds and qualities of service desired by the Federal Government’s customers and for determining satisfaction levels for existing service. These voluntary customer surveys will be used to

ascertain customer satisfaction with OMHA appellants and to report on annual performance goals as set out in GPRA-related documents.

More recently, the December 13, 2021 Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government emphasized the use of observations and other measures to assess the customer experience.

Assessments should include, as appropriate, the identification of customer experience challenges experienced by customers of High Impact Service Providers (HISP) in the form of administrative burdens or other barriers, informed by experiential data (including, as appropriate, through randomized controlled trials or other rigorous program evaluation); ethnographic research; feedback from public engagement; human-centered design methodologies such as journey mapping; operational and administrative data analysis; direct observations; examination, from a customer perspective, of how to navigate the agency's service offerings.¹

OMHA uses the results from the Appellant Climate Survey internally to identify opportunities for process and customer experience improvement. Summaries are provided to the Office of Management and Budget (OMB) on an annual basis and are used to satisfy the requirements and spirit of E.O. 12862.

2. Purpose and Use of Information Collection

The purpose of this study is to improve the service that OMHA provides to its appellants. OMHA was established by the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (P.L. 108-173) and became operational on July 1, 2005. The MMA legislation also directed HHS to consider the feasibility of conducting hearings using teleconference or video-conference technologies. In carrying out this mandate, OMHA makes use of both teleconferencing and video-conferencing to provide appellants with a vast nationwide network of access points for hearings close to their homes.

¹ Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government. December 13, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/13/executive-order-on-transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government/>

The survey will gauge appellants' satisfaction with the conferencing approach, along with their overall appeals experience. By identifying areas of success and opportunities for improvement, OMHA will be able to continuously improve its existing processes. The information obtained could lead to reallocation of resources, revisions in certain agency processes, or development of guidance related to OMHA's customer service. Ultimately, these changes should lead to improvement in the services OMHA provides to the public and, in turn, the public perception of OMHA.

More specifically, OMHA will use the collected data to support its Strategic Plan, while also fulfilling the requirements of GPRA. GPRA requires OMHA to report annually on its progress toward achieving specific Performance Goals. One Performance Goal in the OMHA Strategic Plan will measure whether "appellants and related parties are satisfied with their Level III appeals experience." This goal depends on OMHA having a programmatic clearance in place to facilitate the survey process.

To fulfill this Performance Goal, this study will collect information from two appellant types: beneficiaries (individuals disagreeing with and appealing payment decisions regarding Medicare coverage), and non-beneficiaries (providers or suppliers appealing payment decisions regarding Medicare coverage for items and services furnished to beneficiaries). The study's data collection includes a telephone version of the Appellant Climate Survey available in English and Spanish (Appendix B1 and Appendix B2, respectively), which includes skip patterns so that it can be administered to all appellant types. The study also includes web and mail survey versions of the Appellant Climate Survey (Appendices B3, B4, B5 and B6). The contractor will administer the survey once a year over a 6-month data collection period.

Appellants selected for participation in the Appellant Climate Survey will be notified by mail of the web-based survey. This introductory letter, provided in English or Spanish (Appendices C1 and C2, respectively), will focus on the background, purpose, and process for conducting the web survey. If the appellants do not complete the web survey within 1 week, appellants may be contacted up to 14 times by telephone (Appendices C3 and C4). Non-beneficiaries may receive up to three voicemails (Appendix C5 and C6) as reminders and encouragement to complete the Appellant Climate Survey via the web. The Appellant Climate Survey may be completed by telephone during a reminder telephone call attempt, depending on the appellant's preference and availability. Appellants who do not complete the survey after 1 month of call attempts will be sent a reminder letter (Appendices C7 and C8) that will include a hard copy of the Appellant Climate Survey and a return envelope with prepaid postage. The letter will encourage the appellant to complete the hard copy version of the Appellant Climate Survey and return the survey by mail. Telephone call attempts will resume four weeks after the printed survey is mailed until the desired response count is received.

3. Use of Improved Information Technology and Burden Reduction

OMHA is committed to complying with the Government Paperwork Elimination Act (GPEA, Pub.L.107-347) to promote the use of technology and will use technology, when possible, to reduce burden on the public. The Appellant Climate Survey will be conducted by telephone using computer-assisted telephone interviewing (CATI) software and will be conducted through the web using research software. Based on previous experience, it is estimated that 75 percent or more of the surveys will be completed by telephone and web, and 25 percent or less completed without the use of technology (by mail).

4. Efforts to Identify Duplication and Use of Similar Information

This effort does not duplicate any other survey being conducted by HHS, OMHA, or any other Federal agency. A search of U.S. Government Accountability Office reports results in a number of documents describing the transfer of Medicare appeals from the Social Security Administration (SSA) to HHS, as well as several studies on the speed with which appeals occur, but these reports do not specifically and systematically measure the satisfaction individual appellants have with the new Medicare claims appeals process. This is OMHA's only customer satisfaction survey. As such, redundancy will not be an issue with this data collection.

5. Impact on Small Businesses or Other Small Entities

The information being requested for this study has been held to the minimum required for the intended use. This data collection will impact small businesses; however, the use of a stratified random sampling approach will limit the number of small businesses needed to participate in the study. OMHA will also pre-populate data that can be acquired without the assistance of small entities so that these entities only need to verify information rather than research their own files. The collection of the information requested will not have a significant economic impact on the small businesses.

6. Consequences of Collecting the Information Less Frequently

Without this information collection, OMHA would not be able to measure appellants' satisfaction with the existing process and would also be limited in its ability to implement improvements. In addition, OMHA would not be able to meet the requirements of GPRA, Executive Order 12862, or its OMB commitment.

For this project, OMHA will collect data annually, with a stratified random sample of appeals that were closed within the fiscal year (FY). An individual appellant will be asked to

participate no more than once per year. This methodology must be used in order to obtain a representative sample.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

There are no special circumstances. This collection of information will be conducted in a manner consistent with the guidelines in the Code of Federal Regulations, 5 CFR 1320.

8. Comments in Response to the Federal Register Notice/Outside Consultation

8A. Federal Register Notice and Comments

Notice of this study was published in the *Federal Register* (Volume 89, No. 25, pages 8217-8218) on February 6, 2024. No responses were received.

8B. Consultations Outside of the Agency

Consultations outside of the agency were not conducted.

9. Explanation of any Payment/Gift to Respondent/Token of Appreciation

The participants in the study will not receive a token of appreciation.

10. Assurance of Confidentiality Provided to Respondents

OMHA complies with the Privacy Act of 1974. All information gathered from beneficiaries, providers, and suppliers participating in this study is for research purposes only and will be kept private to the full extent allowed by law. As explained in 2002 CFR Title 45, Volume 1, Section 5b.3, “It is the policy of the Department to protect the privacy of individuals to the fullest extent possible while nonetheless permitting the exchange of records required to fulfill the administrative and program responsibilities of the Department.” Data from the data collection efforts will be presented in aggregate form and, therefore, cannot be linked back to the responses of any individual. All beneficiaries, providers, and suppliers answering the telephone survey will give verbal consent to information contained in the standardized telephone scripts

(Appendices B1 and B2). Similar information is provided in the letters that introduce the web and email versions of the survey. The statement indicates that respondents’ personal information will be kept private and that their responses will only be used for summary tabulations and statements of best practices. To ensure that personal information remains private, the Contractor will create and store data on secure networks and utilize data collectors who sign confidentiality agreements (Appendix A1) binding them to protect private information. The Contractor will assign a unique ID number to each respondent and provide the data to OMHA by this ID number. A separate file will associate the ID number with personal information. The Contractor will keep this file private. Once the contract is over, the Contractor will deliver data files to OMHA and remove all files from its own servers that contain private information.

11. Justification for Sensitive Questions

This information collection does not contain questions of a sensitive nature.

12. Estimates of Annualized Hour and Cost Burden

12A. Estimated Annualized Burden Hours

Table 1 shows the estimates of the respondent burden for the proposed data collection. These estimates are informed by previous data collection cycles, which used similar instruments and protocols, and the estimates reflect consultations with OMHA program officials and the agency’s prior experience with data collection. This information is also provided in a Microsoft Excel spreadsheet in Appendix D1.

Table 1. Estimated Respondent Burden

Respondent Type	Form Name	Number of Respondents	Number of Responses per Respondent	Burden per Response (Hours)	Total Burden (Hours)
Beneficiaries	B1-B6; C1-C8	400	1	15/60	100
Non-Beneficiaries		400	1	15/60	100

Total	800	1	15/60	200
--------------	------------	----------	--------------	------------

12B. Estimated Annualized Burden Costs

Table 2 shows the estimated annualized burden cost to respondents. This cost was calculated using the wages reported in the previously approved OMB package (OMB No. 0990-0330, Expiration: 08/31/2024) for beneficiaries and non-beneficiaries and the Consumer Price Index Inflation Calculator obtained from the Bureau of Labor Statistics.²

Table 2. Estimated Annualized Burden Cost to Respondents

Respondent Type	Form Name	Total Burden (Hours)	Hourly Wage Rate	Total Respondent Costs
Beneficiaries	B1-B6; C1-C8	100	\$19.58	\$1,958.00
Non-Beneficiaries		100	\$36.86	\$3,686.00
Total		200		\$5,644.00

13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

14. Annualized Cost to Federal Government

The total estimated cost to the Federal Government is \$500,968.46, which pays a Contractor approximately \$475,404.66 over a 3-year period to conduct the annual survey and deliver data files and reports.³ The information collection per year assumes a total of 410 hours of Federal employee time for a total of \$25,563.80 (see Table 3). This total includes all costs

² U.S. Department of Labor, Bureau of Labor Statistics. *CPI inflation calculator*. Retrieved from https://www.bls.gov/data/inflation_calculator.htm, accessed May 2023.

³ U.S. Office of Personnel Management. *Salary Table 2023-GS Incorporating The 4.1% General Schedule Increase*. Retrieved from https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/GS_h.pdf, accessed June 2023.

related to reporting, reviewing, and administering the survey, along with costs associated with receiving incoming calls from respondents in regard to the survey.

Table 3. Estimated Annualized Cost to Federal Government

Grade	Hourly Wage	Total Burden (Hours)	Total Cost
GS-13	\$60.83	10	\$608.30
GS-14	\$71.88	100	\$7,188.00
GS-12	\$54.16	250	\$13,540.00
GS-15	\$84.55	50	\$4,227.50
Total		410	\$25,563.80 0

15. Explanation for Program Changes or Adjustments

There are no program changes or adjustments to this data collection cycle.

16. Plans for Tabulation and Publication and Project Time Schedule

Data will be collected on an annual basis to maximize response rates and then aggregated into a final annual report. A complete report with specific recommendations will then be created and delivered to OMHA annually. Further, the appellant satisfaction score will be provided each year in time for OMHA to meet annual OMB reporting requirements. A written version of this report will not be published but will be maintained within OMHA. No materials will be published on the internet.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The agency will display the expiration date for OMB approval of the information collection on all instruments.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

This study does not require any exceptions to the Certificate for Paperwork Reduction Act (5 CFR 1320.9).