

## SUPPORTING STATEMENT A

VA Office of Integrity and Compliance (OIC)  
**VHA Fraud, Waste and Abuse Complaints**  
(VA Form 10-390)  
**OMB Control Number 2900-NEW**

### **Summary of Collection:**

- This is a new information collection PRA clearance request, and all burden hours are considered a program increase.
- VA Form 10-390 is new.
- VA did not receive comments on the 60-day FRN.

### **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 Secretary of Veterans Affairs has broad authority under Title 38 United States Code, section 501, to protect Veterans and their family members from fraud and enforce compliance with federal laws and regulations. The Department is an active participant in the cross-government Veteran Scam and Fraud Evasion (VSAFE) campaign and Task Force, and this information collection supports the goal of “no wrong door” for the reporting and resolution of potential fraud issues.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/10/fact-sheet-to-mark-veterans-day-biden-harris-administration-highlights-historic-care-benefits-new-actions-to-support-veterans-and-their-families/>

The purpose of this information collection is to receive and process complaints and comments related to fraud, waste and abuse in VA health care programs.

**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.**

Information is gathered only from the individual submissions. An individual can file a complaint or comment with the VA Office of Integrity and Compliance (OIC) using the Department’s regular mail (letter), email, hotline telephone line, fax, or, in the future, by filing a web-based complaint. The new VA Form 10-390 can be used by individuals to capture information for a fraud, waste or abuse complaint. The form may be submitted anonymously, and there is no requirement to complete all fields.

Once received by Department staff, complaints are entered into the Compliance Inquiry Reporting & Tracking System (CIRTS), (System of Record Notice: 110VA17 “Compliance Record, Response, and Resolution of Reports of Persons Allegedly Involved in Compliance Violations—VA”) and assigned to appropriate Department offices. Complaints can be reassigned to appropriate program offices with VHA or routed to VBA. In appropriate instances, the office investigates the complaint and may refer to law enforcement.

**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.**

Individuals can submit the VA Form 10-390 form via email. To further enhance the submission of information, the Department is in the process of developing a web-based form to further automate the collection of information. While individuals can email the 10-390 form, which is the most efficient way for individuals to submit information, they also are able to use the Department's physical mail, secure fax, or hotline telephone line.

**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.**

No, this information is only available from individuals, as each individual's complaint or issue is unique to their situation and experience. There is no similar information collected by or available to the Department that could be used or modified for this collection of information.

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

Because the information is collected from individuals (Veterans, service members, and their family members) and is often related to their individual or family member 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.**

If the information is not available, VA would not have a uniform and accessible way for individuals to submit complaints for possibly fraudulent and abuse behavior. If the information collection form is not available, the Department may receive fewer complaints and Veterans and other individuals may not ultimately report the issue, limiting appropriate resolution. The lack of information would also limit the office's ability to identify fraud, waste and abuse, contributing to improper payments and potential patient harm. Additionally, the collection is voluntary and only available from the individual complainants. The collection serves to expedite the office's complaint handling process, as electronic submissions are directly uploaded into the electronic database and the information can be electronically disseminated to the appropriate parties, as necessary and appropriate.

**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.**

A 60-day Federal Register Notice (FRN) for the collection published on Thursday, June 20, 2024. The 60-day FRN citation is 89 FR 51948. No comments were received during the 60-day comment period.

A 30-day Federal Register Notice for the collection published on Wednesday, August 28, 2024. The 30-day FRN citation is 89 FR 68984.

**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 60- and 30-day 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.**

The Privacy Act is applicable and regulates the manner in which VA handles personal information. The authority for collection of the requested information on this form is 38 USC 501, 1703a and 7311. The purpose of collecting this information is to process fraud, waste and abuse complaints for VA health care programs. The System of Records governing CIRT is 110VA17 "Compliance Record, Response, and Resolution of Reports of Persons Allegedly Involved in Compliance Violations—VA." According to the VHA System of Records Notice (SORN) 110VA17 "Computerized records will be retained indefinitely. Periodic system back-ups will be employed for record protection. If disk space is limited, the records will be archived to tape or disk in accordance with established practice."

Paper records will be maintained and disposed of in accordance with VHA Records Control Schedule (RCS 10-1) as authorized and approved by the Archivist of the United States. [E9-19628.pdf \(govinfo.gov\)](#) Privacy Impact Assessment: The information is stored in the Compliance Inquiry Reporting & Tracking System (CIRT), which is used by Office of Integrity and Compliance Staff to record and track receipt of the complaint form. Information in the CIRT system is not shared with any other VA system or entity. VHA Office of Integrity and Compliance has the same responsibility and requirement that all VA employees have to report instances of fraud, waste and abuse that are discovered in the course of investigations to the VA Office of Inspector General (OIG). [FY22ComplianceInquiryReportingTrackingSystemCIRTSPIA\\_508.pdf \(va.gov\)](#)

**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 this nature. However, an individual may voluntarily include information regarding a sensitive issue, such as a Veteran or family member's medical condition or disability. VA uses the data gathered to investigate complaints and determine when it is appropriate to take corrective and/or enforcement action.

**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:**

<b>Category of Respondent</b>	<b>No. of respondents</b>	<b>x No. of responses</b>	<b>x No. of minutes</b>	<b>÷ by 60 =</b>	<b>Number of Burden Hours</b>
Mail, Email, Hotline & Fax Complaints	<b>1400</b>	<b>1</b>	<b>10</b>		<b>233</b>
Form only Complaints (VA Form 10-390)	<b>300</b>	<b>1</b>	<b>10</b>		<b>50</b>
<b>TOTAL</b>	<b>1700</b>		<b>10</b>		<b>283 hrs</b>

**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.**

This request covers one form, plus email and phone submissions – see chart in 12.a 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 this information collection (new VA Form TBD) are individuals who are voluntarily submitting information about potential fraud, waste or abuse. 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. Participation is voluntary and there are no expected overhead costs for completing the information collection. 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).

VHA estimates the total cost to all respondents submitting complaints, using all modes of submission, be \$7,926.83 (283 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.**

Costs to the Department are for personnel time's reviewing complaints received. Time is estimated to average at 24 minutes per complaint, assuming variations in complexity (with most complaints being resolved under 30 minutes, and more complex issues ranging from 30-60 minutes).

The estimated annual cost to the Federal Government is \$27,486.

Processing 1700 claims x \$40.52/hr (GS 12, Step 5) x 24 min. (680 hours) = \$27,486 = TOTAL

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

This is a new form and request for a regular PRA clearance approval for this information 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 Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.**

There are no exceptions.