

**Supporting Statement for
Form HA-1151 Medical Statement of Ability
To Do Work-Related Activities (Physical) and
Form HA-1152 Medical Statement of Ability
To Do Work-Related Activities (Mental)
20 CFR 404.1512-404.1513, 416.912-416.913, 404.1517, and 416.917
OMB No. 0960-0662**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 20 CFR 404.1513(a)(2) and 416.913(a)(2) of the *Code of Federal Regulations* allow the Social Security Administration (SSA) to ask medical sources to provide a statement about what work-related activities claimants can do despite their impairments. Sections 20 CFR 404.1517 and 416.917 provide that SSA may ask a claimant to have a consultative examination, at the agency's expense, if the claimant's medical sources cannot, or will not, give the agency sufficient evidence to determine whether the claimant is disabled. Per 20 CFR 404.1512(b)(2) and 416.912(b)(2), SSA may ask the claimant to attend one or more consultative examinations at SSA expense. The SSA-employed medical providers who perform these consultative examinations provide a statement about the claimant's state of disability. The authority to collect this information is contained in Section 702(a)(5) of the *Social Security Act* under *Title II* and the Supplemental Security Income Program under *Title XVI*.

2. Description of Collection

When a claimant appeals a denied disability claim, SSA may ask the claimant to have a consultative examination at the agency's expense, if the claimant's medical sources cannot, or will not, give the agency sufficient evidence to determine whether the claimant is disabled. As part of that process, SSA sets up the appointment and informs the claimant of the time and date of the consultative examination. SSA also contracts with the medical providers who perform these consultative examinations. Once the medical providers conduct the consultative examination, they provide a statement about the claimant's state of disability. Specifically, these medical source statements determine the work-related capabilities of these claimants. SSA collects the medical data on the HA-1151 and HA-1152 to assess the work-related physical and mental capabilities of claimants who appeal SSA's previous determination on their issue of disability.

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

- **Psychological Cost #1:**
 - **Requirement for the Program:** SSA pays medical providers to complete forms HA-1151 and HA-1152. SSA also requires the claimant to go to the medical provider at the time of the appointment

that SSA arranges for the claimant so the medical provider can complete the forms. Some claimants may find this requirement stressful and may not attend their appointments or may not be forthcoming with the medical provider during the appointment.

- o **Psychological Cost:** Since the claimant may perceive that SSA distrusts them and their allegations that they are disabled, they may find the entire process stressful to the point they may not show up or postpone the appointment that SSA arranges for them. This in turn may cause stress for the medical provider respondents, as they may perceive that SSA is not helping them complete their jobs.

We understand these psychological costs may cause claimants to delay or abandon their appointment. In turn, we understand this claimant reaction may cause difficulty for the medical providers. However, we require the medical examination to ensure a complete review of the claimant's disability to determine eligibility for benefits. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

The respondents are medical sources who provide reports based either on existing medical evidence or on consultative examinations.

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

We currently collect this information via mail or fax only. To help hearing offices scan the information into the correct electronic folder for the claim, we print these forms with barcode prior to sending them to the respondents. SSA's hearings system reads the barcode to determine the appropriate claims folder to use when saving the data after the hearings office employee scans the completed form into the system, or the respondent faxes the form directly into SSA's system. At this time, we do not have a fully electronic system to replace the current procedure and allow the medical respondents to submit these forms electronically. Currently, SSA has prioritized other forms for electronic implementation, and will consider including this information collection under our IT Mod programming when possible (as mentioned below).

This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our April 3, 2020, conversation with OIRA, we welcome the Office of Information and Regulatory Affairs (OIRA) to join our conversations with OMB on IT Modernization (IT Mod); however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular Information Collection Review (ICR) available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this activity is not connected to the PRA approval lifecycle.

- 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 obtain 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 we did not use Forms HA-1151 and HA-1152, individuals who may be eligible for payments might not receive them. Because we collect this information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.
- 7. Special Circumstances**

There are no special circumstances that would cause SSA 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 April 23, 2024, at 89 FR 30428, and we received no public comments. The 30-day FRN published on July 5, 2024 at 89 FR XXXX. If we receive any comments in response to this Notice, we will forward them to OMB.
- 9. Payment or Gifts to Respondents**

SSA compensates medical sources who provide medical reports and conduct consultative examinations when the claimants cannot afford them. Since we account for this compensation under OMB Control No. 0960-0555, we do not account for it here.
- 10. Assurances of Confidentiality**

SSA protects and holds confidential the information it collects 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 respondents for these forms sometimes provide sensitive medical information; however, SSA needs this information to determine if the claimant qualifies for payments. SSA does not share this information with anyone outside of the claimant and their representatives, hearing office staff, and the judge who makes the eligibility determination in appeal cases.
- 12. Estimates of Public Reporting Burden**

The following burden chart shows the estimated annual burden information for each of the modalities we use to collect the information. We based these figures

on our current management information data:

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)*	Total Annual Opportunity Cost (dollars)**
HA-1151	5,000	30	15	37,500	\$49.07*	\$1,840,125**
HA-1152	5,000	30	15	37,500	\$49.07*	\$1,840,125**
Totals	10,000			75,000		\$3,680,250**

* We based this figure on average medical professionals' salaries, as reported by the U.S. Bureau of Labor Statistics (<https://www.bls.gov/oes/current/oes290000.htm>).

** 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 will spend to complete the application. **There is no actual charge to respondents to complete the application.**

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 15 minutes accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is 75,000 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of \$3,670,250. SSA does not charge respondents to complete our applications.

There are no learning cost associated with this ICR, because medical sources complete the forms.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents beyond that for which SSA compensates them.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$336,387. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$31,417
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$174,000
SSA Employee (e.g., field office, 800 number, DDS staff, contract scanner) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$127,550
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$336,387

* This is an average cost of all the forms and this cost may increase or decrease for this form upon implementation.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, 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 forms, 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**
There are no changes to the public reporting 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

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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.