

Income-Related Monthly Adjustment Amount (IRMAA) Appeals Disclosure Authorization

Section 931 of the Medicare Modernization Act (MMA) requires that appeals of Medicare decisions be heard by the Department of Health and Human Services (DHHS). SSA receives information from the IRS under the requirements of section 811 of the MMA which cannot be redisclosed outside of SSA without beneficiary consent. In the absence of a specific, targeted form for this purpose, IRS has asked us to use their omnibus consent form 8821 to validate beneficiaries' authorizations to release tax return information to DHHS. SSA is developing a new form for this purpose which we will submit for clearance; however, we are already receiving appeal requests. The IRS form 8821 instructions are complex and do not provide instructions for beneficiaries on how to complete and route the form to the correct address for this purpose.

We plan to use the IRS form, and provide a fact sheet to minimize the impact on our beneficiaries who wish to appeal their IRMAA decisions. The fact sheet will provide streamlined completion and mailing help. That help will minimize misrouting that could delay appeals decisions, multiple re-contacts that would occur if beneficiaries tried to complete form 8821 using current IRS all-purpose instructions while limiting the scope of consents to redisclose to the intended purpose.

SSA could not avoid using IRS form 8821; to do so would unnecessarily delay or possibly deny Medicare beneficiaries their Constitutional right to due process. Without the beneficiary's consent to redisclose tax information, the beneficiary could not effectively appeal SSA's Medicare Part B premium decision. SSA has been working with IRS to develop a specific form to allow the release of tax return information for this purpose that meets the IRS' statutory and regulatory requirements.

Hearing Request Process

- IRMAA reconsideration notices provide appeal rights and explain that the beneficiary may file a request for appeal and must consent to authorize redisclosure of tax information to DHHS.
- When a beneficiary requests a hearing, SSA will mail a current hearing request form used in our other programs, the IRS form 8821, and a fact sheet on completing the IRS form 8821. Beneficiaries who request an appeal in person or by phone will also receive a courtesy envelope with the correct routing address.
- The hearing request form and fact sheet will be available on our web site. A copy of the form 8821 or a link to the form 8821 will be co-located on our web site.

Timeline for Clearing a New Authorization Form

SSA will design a new form and plans to send it to IRS for concurrence in January 2007. We anticipate that our agency representatives will negotiate and reach agreement on a new form by approximately March 10, 2007. Our goal is to provide a copy of the form for clearance to the Office of Management and Budget before April 2007. Following normal clearance procedures, the new form could be in use by October 2007.

Because section 811 of MMA will be effective January 1, 2007, we cannot yet estimate of the volume of appeals that will be involved. By the time we request clearance, we will have a better idea of the actual public burden that will be associated with the use of the form.