

Date: August 2007

Note to: Bonnie Harkless, OSORA

Subject: 0938-0372 CMS-382 (ESRD Beneficiary Selection Form)

Below is our justification for response to [OMB's](#) keeping with "The President's Identity Theft Task Force - Report on Combating Identity Theft"

- Remove requests for Social Security numbers unless it is absolutely necessary to collect; section 2 - Health Insurance Claim Number (Medicare Claim Number)

Justification for solicitation of SSNs

In order to be entitled to premium-free Hospital Insurance (Part A) under the End Stage Renal Disease Provisions, an individual must be insured, that is, s/he must have worked the required amount of time under social security, the railroad retirement board (RRB) or as a government employee, or be the spouse or child of such an individual (REF: §226A(a)(1) of the Social Security Act).

Method II (home patients only) may choose to receive dialysis services either in facility or at home. In order to choose, the individual must file an application for such elections by completing and submitting a 0938-0372 CMS-382 (ESRD Beneficiary Selection Form)

Box 2 requires the beneficiary's Health Insurance Claim Number (Medicare Claim Number). If the response is yes, the individual is asked to provide the SSN with an additional identifiable suffix.

Language from section 5 U.S.C. 552a (the Privacy Act of 1974) (attachment 1), and Section 1881(b)(1) (attachment 2) of the Social Security Act provides instructions for authorization to collect this data for ESRD reimbursement. Currently, there are no statutory requirements specifically detailing the use of the SSN number on the CMS-382 form, however, this number also identifies the beneficiary as an ESRD patient, which is necessary to process claims for dialysis services.

If you have any questions or require additional information you may contact Lisa Hubbard at x6-5472.

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