

## SUPPORTING STATEMENT FOR MEDICARE PART D SUBSIDIES

OMB No. 0960-0702

### A. Justification

1. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and co-payment costs for certain low-income individuals. The MMA also mandated that subsidies be provided for those individuals who qualify for the program and who meet eligibility criteria for help with premium, deductible, and/or co-payment costs. The Social Security Administration (SSA) administers the subsidy program. In addition, this law required SSA to make eligibility redeterminations as requested and to provide a process for appealing SSA's determinations.

*Section 1860D-14 of the Social Security Act* describes the Medicare Part D subsidy requirements. Regulation sections §§418.3120 (b)(1)(2), 418.3201, 418.3205, 418.3210, 418.3215, 418.3220, 418.3225, 418.3230, 418.3501(c), 418.3515, 418.3625(b), 418.3625(c), 418.3630, 418.3635, 418.3645, 418.3665(a), and 418.3670 of the *Code of Federal Regulations* contain the public reporting requirements for these regulations. Of these, only sections **418.3625(c)**, **418.3645**, **418.3665(a)**, and **418.3670** contain public reporting requirements that are not covered by existing OMB-approved form. This ICR is for these four sections.

2. SSA uses the information required by these four regulation sections (in combination with the other regulation sections whose public reporting requirements are covered by existing forms) to determine eligibility for the new Medicare Part D subsidy, to process eligibility redeterminations, and to enable determination appeals. A description of the specific information collection requirements for each section follows:

**418.3625(c)** – One may request a change in date/time for an administrative review hearing, but must provide a reason for doing so and must provide alternative dates/times.

**418.3645** – One may request a different person to conduct the administrative review hearing if they suspect a bias.

**418.3665(a)** – One may withdraw a request for an administrative review hearing.

**418.3670** – One may ask SSA to vacate a previous request to dismiss an administrative review hearing.

3. An applicant can request administrative review in person, by phone, fax, or mail. SSA employees electronically record the information in the Medicare Application Processing System (MAPS).

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4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not impact small businesses or other small entities.
6. If the information collection requirements of these proposed regulation sections were not conducted, SSA would have no means of carrying out the Medicare Part D subsidy provisions of the MMA. Since the information is only collected when a specific situation arises (ex: applying for the subsidy, appealing a decision, requesting an administrative hearing), it cannot be collected less frequently.

There are no technical or legal obstacles that prevent burden reduction.

7. There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.
8. SSA published the 60-day Advance Federal Register Notice on March 28, 2008, at 73 FR 16734, and we did not receive any public comments in response to this notice. We published the 30-day Notice on May 28, 2008 at 73 FR 30656. If we receive any public comments in response to this Notice, we will forward them to OMB.

When SSA first composed these regulations, it consulted with the Centers for Medicare and Medicaid Services (CMS) in composing them, since CMS is responsible for administering the Medicare Prescription Drug Coverage program. However, since that time we have not consulted with other Agencies or with the public.

9. SSA provides no payment or gifts to respondents.
10. The information requested is protected and held confidential 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. Some of the information required may be considered to be sensitive, including questions about resources and assets. However, this information is necessary to make subsidy eligibility determinations and will only be seen by necessary SSA personnel.
12. Following is a list of the proposed regulation sections with information collection requirements not covered by existing forms, and the projected public reporting burden for each section.

<b>Section</b>	<b>Annual Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (Minutes)</b>	<b>Estimated Annual Burden (hours)</b>
§418.3625(c)	2,500	1	5 minutes	208 hours
§418.3645	10	1	20 minutes	3 hours
§418.3665(a)	1,000	1	5 minutes	83 hours
§418.3670	5	1	10 minutes	1 hours
<b>Total</b>	<b>3,515</b>	-	-	<b>295 hours</b>

The total burden of **295 hours** is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. The proposed regulations themselves pose no annual cost to the Federal Government.
15. The public reporting burden for this collection is 295 hours. This represents a decrease from the previously approved 518-hour burden. However, please note there was no actual change to the burden for these regulation sections. There only appears to be a decrease because we removed those regulation sections that are now covered by existing OMB-approved forms.
16. The results of the information collected will not be published.
17. Where applicable, SSA is not requesting an exception to publishing the OMB expiration date.
18. 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**

Statistical methods are not used for this information collection.