

## APPOINTMENT OF REPRESENTATIVE

NAME OF BENEFICIARY PARTY MEDICARE NUMBER OR NATIONAL PROVIDER IDENTIFIER NUMBER

### SECTION I: APPOINTMENT OF REPRESENTATIVE

**To be completed by the party seeking representation (i.e., the Medicare beneficiary, the provider or the supplier) beneficiary:**

I  
 appoint this individual: \_\_\_\_\_ to act as my representative in connection with my claim or asserted right under Title XVIII of the Social Security Act (the “Act”) and related provisions of Title XI of the Act. I authorize this individual to make any request; to present or to elicit evidence; to obtain appeals information; and to receive any notice in connection with my appeal, wholly in my stead . I understand that personal medical information related to my appeal may be disclosed to the representative indicated below.

SIGNATURE OF <u>BENEFICIARY PARTY SEEKING REPRESENTATION</u>	DATE	
STREET ADDRESS	PHONE NUMBER ( <u>WITH</u> AREA CODE)	
CITY	STATE	ZIP

**SECTION II: ACCEPTANCE OF APPOINTMENT To be completed by the representative:**

I, \_\_\_\_\_, hereby accept the above appointment. I certify that I have not been disqualified, suspended, or prohibited from practice before the Department of Health and Human Services; that I am not, as a current or former employee of the United States, disqualified from acting as the beneficiary's ~~party's~~ representative; and that I recognize that any fee may be subject to review and approval by the Secretary.

I am a / an \_\_\_\_\_

(PROFESSIONAL STATUS OR RELATIONSHIP TO THE PARTY, E.G. ATTORNEY, RELATIVE, ETC.)

SIGNATURE <u>OF REPRESENTATIVE</u>		DATE	
STREET ADDRESS		PHONE NUMBER ( <u>WITH</u> AREA CODE)	
CITY	STATE	ZIP	

**SECTION III: WAIVER OF FEE FOR REPRESENTATION**

**Instructions: This section form must be completed ~~should be filled out~~ if the representative is required to, or chooses to waives their fee for such representation.**

(Note that ~~providers or suppliers may not charge a fee for representation and thus, all~~ providers or suppliers that are representing a beneficiary and furnished the items or services may not charge a fee for representation and at issue **must** complete this section.) I

waive my right to charge and collect a fee for representing \_\_\_\_\_

before the Secretary of the Department of Health and Human Services.

SIGNATURE

D  
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## SECTION IV: WAIVER OF PAYMENT FOR ITEMS OR SERVICES AT ISSUE

**Instructions: Providers or suppliers servicing as a representative for a beneficiary to whom they provided items or services ~~that furnished the items or services at issue~~ must complete this section if the appeal involves a question of liability under section 1879(a)(2) of the Act.** (Section 1879(a)(2)

generally addresses whether a provider/supplier or beneficiary did not know, ~~or~~ could not reasonably be expected to know, that the items or services at issue would not be covered by Medicare.)

I ~~waive my right to collect payment from the beneficiary for~~ furnished the items or services at issue in this appeal if a determination of liability under ~~at issue involving~~ §1879(a)(2) of the Act is at issue.

SIGNATURE

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Form CMS1696 (07/05) EF (07/222222222205)

### CHARGING OF FEES FOR REPRESENTING BENEFICIARIES BEFORE THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

An

attorney, or other representative for a beneficiary, who wishes to charge a fee for services rendered in connection with an appeal before the Secretary of the Department of Health and Human Services (DHHS) (i.e., ~~at the~~ Administrative Law Judge (ALJ) hearing, ~~or~~ Medicare Appeals Council (MAC) review, or a proceeding before an ALJ or the MAC as a result of a remand from federal district ~~court) level~~ is required ~~by law to~~ obtain approval of the fee in accordance with 42 CFR §405.910(f). ~~A~~

~~claim that has been remanded by a court to the Secretary for further administrative proceedings is considered to be before the Secretary after the remand by the court.~~

~~The~~ form, "Petition to Obtain Representative Fee" elicits the information required for a fee petition. It should be completed by the representative and filed with the request for ALJ hearing or request for MAC ~~review~~ DHHS. ~~Where a representative has rendered services in a claim before~~ DHHS, the regulations require that the amount of the fee to be charged, if any, for services performed before the Secretary of DHHS be specified. If any fee is to be charged for such services, ~~a petition for approval of that amount must be submitted.~~

~~An~~ Approval of a representative's fee is not required ~~if~~ where (1) the appellant being represented is a provider or supplier; ~~or~~ (2) ~~where~~ the fee is for services ~~(1)~~ rendered in an official capacity such as that of legal guardian, committee, or similar court-appointed representative office and the court has approved the fee in question; ~~(3)~~ (2) the fee is for representation of a beneficiary in a proceeding in ~~in representing the beneficiary before the~~ federal district court; ~~of above~~, or ~~(4)~~ (3) the fee is for representation of a beneficiary in a redetermination or reconsideration ~~in representing the beneficiary in appeals below the ALJ level.~~

If the representative wishes to waive a fee, he or she may do so. Section III on the front of this form can be used for that purpose. In some instances, as indicated on the form, the fee must be waived for representation.

## **AUTHORIZATION OF FEE**

The requirement for the approval of fees ensures that a representative will receive fair value for the services performed before DHHS on behalf of a beneficiary, claimant and provides a the beneficiary while at the same time giving with a measure of security that the fees are determined to be reasonable to the beneficiaries. In approving a requested fee, the ALJ or MAC considers the nature and type of services performed, the complexity of the case, the level of skill and competence required in rendition of the services, the amount of time spent on the case, the results achieved, the level of administrative review to which the representative carried the appeal and the amount of the fee requested by the representative.

## **CONFLICT OF INTEREST**

Sections 203, 205 and 207 of Title XVIII of the United States Code make it a criminal offense for certain officers, employees and former officers and employees of the United States to render certain services in matters affecting the Government or to aid or assist in the prosecution of claims against the United States. Individuals with a conflict of interest are excluded from being representatives of beneficiaries before DHH S. **WHERE TO SEND THIS FORM**

Send this form to the same location where you are sending (or have already sent) your: appeal if you are filing an appeal, grievance if you are filing a grievance, initial determination or decision if you are requesting an initial determination or decision. If additional help is needed, contact your Medicare plan or 1-800-MEDICARE (1-800-633-4227).

212441850.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The valid OMB control number for this information collection is 09380950. The time required to prepare and distribute this collection is 15 minutes per notice, including the time to select the preprinted form, complete it and deliver it to the beneficiary. If you have comments concerning the accuracy of the time estimates or suggestions for improving this form, please write to CMS, PRA Clearance Officer, 7500 Security Boulevard, Baltimore, Maryland