

Emergency Supporting Statement for Form SSA-44

Medicare Part B Income-Related Premium – Life-Changing Event Form

20 CFR 418.1205, .1255, and .1265

OMB No. 0960-0735

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 1839(i) of the *Social Security Act*, as codified by section 20 CFR 418 of the *Code of Federal Regulations*, mandates a reduction in the Federal Medicare Part B subsidy, resulting in higher Medicare Part B premiums for Medicare Part B enrollees with income above a specific threshold. The amount of the premium subsidy reduction is an income-related monthly adjustment amount, or IRMAA.

2. Description of Collection

The responsibility for determining the amount of Medicare Part B monthly premiums and the monthly income-related adjustment amounts lies with the Centers for Medicare & Medicaid Services in the Department of Health and Human Services (HHS). However, the Social Security Administration (SSA) is responsible for several aspects of the process. As part of this process, SSA:

- 1) Determines which Medicare Part B recipients are subject to IRMAA based on Federal tax return information from the Internal Revenue Service (IRS);
- 2) Determines when to apply an IRMAA amount ;
- 3) Accepts information from recipients that updates or clarifies the tax data provided by IRS; and
- 4) Makes new initial IRMAA determinations based on certain life-changing events.

Since SSA makes determinations based on past IRS tax data, it is possible that recipients' financial situations may have changed due to a life-changing event (LCE) specified in our regulations, and that SSA's IRMAA eligibility determination would no longer be accurate. SSA uses form SSA-44, the Medicare Part B Income-Related Premium – Life-Changing Event Form, to collect information from Medicare Part B recipients about a life-changing event that could affect their IRMAA.

Previously, SSA defined a relevant LCE as: 1) marriage, 2) divorce/annulment, 3) spousal death, 4) work stoppage, 5) work reduction, 6) loss of income due to property loss, and 7) loss of pension income. In this Information Collection Request, we are expanding the property-loss category to include the loss of investment property as a result of fraud or theft due to a criminal act by a third party, and are adding another life-changing event: 8) receipt of a one-time employer's (or former employer's) settlement payment. The new categories will become life-changing events upon

publication of regulation RIN 0960-AH06, to be codified in 20 CFR 418. Because these rules will be effective on publication, we are requesting emergency approval for the relevant revisions to form SSA-44.

SSA uses the information collected by form SSA-44 to determine if the initial IRS tax data used for the beneficiary needs to change. If the agency determines the LCE warrants the use of a more recent taxable year to determine IRMAA, we will use the information to make a new initial determination. The respondents are Medicare Part B enrollees with modified adjusted gross income over a high-income threshold who experience one of the eight LCEs cited in this document.

3. Use of Information Technology to Collect the Information

Form SSA-44 has two modalities: 1) an online-only PDF that respondents can print, complete, and mail to SSA and 2) a field-office interview, during which SSA employees enter the data electronically while speaking with Medicare Part B enrollees. Approximately 90 percent of respondents choose the field-office interview option.

4. Why We Cannot Use Duplicate Information

The nature of the information we are collecting and the manner in which we are collecting 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 SSA did not collect this information, we would not be able to allow Medicare Part B enrollees who have experienced LCEs to report such events. This would put SSA in violation of the MMA Act and relevant regulations. Since SSA collects 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 us to collect this information in a manner inconsistent with 5 *CFR* 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

SSA published the Emergency Federal Register Notice on June 29, 2010, at 75 FR 37518. If we receive any comments in response to the Notice, we will forward them to OMB.

SSA did not consult members of the public in the maintenance of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

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 information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Method of Information Collection	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden (hours)
Personal Interview (SSA field office)	139,000	1	30	69,500
Paper Form (mailed)	37,000	1	45	27,750
Totals	176,000	-	-	97,250

The total burden for this ICR is 97,250 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government for this collection is approximately \$8,419,173. This estimate is a projection of the costs for printing the collection instrument and for collecting the information through field-office interviews.

15. Program Changes or Adjustments to the Information Collection Request

Since the new LCE category will affect additional Medicare B enrollees, we anticipate a slight increase in the number of respondents and a corresponding increase in the overall 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

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)*.

18. Exceptions to Certification Statement

Since this is a PDF-only form, SSA has not requested an exemption from the OMB requirement to print the OMB expiration date on the form.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.