**Supporting Statement for**
**Medicare Part D Subsidies**
**20 CFR 418.3625(c), 418.3645, 418.3665(a), and 418.3670**
**OMB No. 0960-0702**

## A. Justification

1. **Introduction/Authoring Laws and Regulations**
The Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) established the Medicare Part D program, which provides voluntary prescription drug coverage for Medicare recipients. The MMA also established the low-income subsidy program for those individuals who qualify for Medicare Part D and meet eligibility criteria for help with premium, deductible, and co-payment costs. The Social Security Administration (SSA) administers the subsidy program. In addition, this law required SSA to make eligibility redeterminations 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 those, only sections ***418.3625(c), 418.3645, 418.3665(a), and 418.3670*** contain public reporting requirements for information we do not already collect using existing OMB-approved applications.

2. **Description of Collection**
SSA uses the information these four regulation sections require (in combination with other information) to determine eligibility for the Medicare Part D low-income subsidy, to process eligibility redeterminations, and to enable determination appeals. A description of the specific information collection requirements for each of the four sections follows:

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

**418.3645** – One may object to the person who will be conducting the administrative review hearing by notifying SSA at the earliest opportunity.

**418.3665(a)** – One may withdraw a request for administrative review at any time before notice of the decision is mailed.

**418.3670** – Within 60 days of receiving the dismissal notice, one may ask SSA to vacate the dismissal of a request for administrative review and show good cause why the request should not be dismissed.

SSA employees collect this information only when an applicant contacts SSA to make one of these four requests regarding his or her administrative review hearing. An applicant can make these requests in person or by phone, fax, or mail. The respondents are applicants for the low-income subsidy program who are awaiting an administrative review hearing and have one or more of the requests shown above.

3. **Use of Information Technology to Collect the Information**
   As stated above, an applicant can make these requests regarding his or her administrative review hearing in person or by phone, fax, or mail. SSA employees electronically record the information in the Case Processing and Management System in all instances. SSA did not create an electronic form under the agency's Government Paperwork Elimination Act plan because this information collection request pertains to regulation sections and does not have a specific information collection instrument.

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 conduct the information collection these regulation sections require, SSA would have no means of carrying out the Medicare Part D subsidy provisions of the MMA. Since we only collect this information when a specific situation arises (ex: applying for the subsidy, appealing a decision, requesting an administrative hearing), 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 SSA to conduct this information collection in a manner inconsistent with *5 CFR 1320.5.*

8. **Solicitation of Public Comment and Other Consultations with the Public**
   The 60-day advance Federal Register Notice published on June 30, 2011 at 76 FR 38448, and SSA received no public comments. The second Notice published on August 29, 2011 at 76 FR 53702. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance of this form.

   When SSA first composed these regulations, we consulted with the Centers for Medicare and Medicaid Services (CMS), since CMS is responsible for administering the Medicare Part D program. However, since that time we have not consulted with other agencies or with the public.

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**
    Some of the information we are collecting may be of a sensitive nature. However, this information is necessary to fulfill applicants' requests and to proceed with the administrative review hearing process. We will only collect this information after an applicant initiates contact with SSA to make one of the requests.

12. **Estimates of Public Reporting Burden**
    Following is a list of the four regulation sections this ICR addresses and the projected annual public reporting burden for each section.

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

    The total burden for this ICR is **295 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 regulations themselves pose no annual cost to the Federal Government.

15. **Program Changes or Adjustments to the Information Collection Request**
    There are no changes to the public reporting 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**
Where applicable, SSA is not requesting an exception to the requirement to display an expiration date.

18. **Exceptions to Certification Statement**
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

SSA does not use statistical methods for this information collection.