

To: XXX
Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget (OMB)

From: XXX
Centers for Medicare Services (CMS)
Medicare Enrollment and Appeals Group (MEAG/Division of Eligibility and Enrollment (DEEP)

Date: February XX, 2025

Subject: Non-substantive Change Request – Model Medicare Advantage and Medicare Prescription Drug Plan Individual Enrollment Request Form (CMS-10718, OMB 0938-1378)

This memo requests approval of non-substantive changes to the approved information collection, Model Medicare Advantage (MA) and Medicare Prescription Drug Plan (Part D) Individual Enrollment Request Form (CMS-10718, OMB 0938-1378).

Background

OMB approved the revised collection of information on June 28, 2024 to include voluntary sexual orientation and gender identity questions on the model MA and Part D enrollment form (CMS-10718).¹ OMB approved the addition of voluntary race and ethnicity data to the MA and Part D model enrollment form on July 5, 2022.

Overview of Requested Changes

Pursuant to [Executive Order 14168](#), “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”, CMS is proposing to remove the voluntary Sexual Orientation and Gender Identification questions from the model Part C/D enrollment form. CMS will delay implementation of the new enrollment form while updates are made.

In response to [recent Executive Orders](#), CMS is also proposing to remove the voluntary race and ethnicity questions from the model Part C/D enrollment form. CMS will send updated instructions and a future implementation deadline after the form is revised.

MA and Part D plans will no longer be required to ask these questions on the enrollment forms or submit the responses to CMS. CMS also does not plan to complete cognitive testing on the

¹ As required by 42 CFR 422.50(a)(5), an MA eligible individual who meets the eligibility requirements for enrollment into an MA or MA-PD plan may enroll during the enrollment periods specified in §422.62, by completing an enrollment form with the MA organization or enrolling through other mechanisms that the Centers for Medicare & Medicaid Services (CMS) determines are appropriate. As required by 42 CFR 423.32(a) and (b), a Part D-eligible individual who wishes to enroll in a Medicare prescription drug plan (PDP) may enroll during the enrollment periods specified in §423.38, by completing an enrollment form with the PDP, or enrolling through other mechanisms CMS determines are appropriate.

sexual orientation and gender identity questions, since this data collection was never implemented.

This change removes voluntary fields and makes the form shorter. It does not add any new questions, requests for information, or available response options. The required binary sex question with “male” and “female” response options will remain on the form. We do not expect a change in burden. Upon receiving OMB approval, CMS will promptly update all model forms, guidance manuals, webpages, etc., and communicate these changes to the plans. We are requesting OMB’s approval of the non-substantive changes as soon as possible to comply with the executive orders.