

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 – Transitional Coverage and Retroactive Medicare Part D Coverage for Certain Low-Income Beneficiaries through the Limited Income Newly Eligible Transition (LI NET) Program (CMS-10831, OMB 0938-1441)

This memo requests approval of non-substantive changes to the approved information collection, Transitional Coverage and Retroactive Medicare Part D Coverage for Certain Low-Income Beneficiaries through the Limited Income Newly Eligible Transition (LI NET) Program (CMS-10831, OMB 0938-1441).

Background

OMB approved the revised collection on November 15, 2024 to include voluntary sexual orientation and gender identity questions on the LI NET program application (CMS-10831) and direct reimbursement request form.¹ The addition of race and ethnicity data to the LI NET program application and direct reimbursement request form was initially approved on September 22, 2023.

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 LI NET forms. CMS will delay implementation of the new LI NET forms while updates are made.

In response to [recent Executive Orders](#), CMS is also proposing to remove the voluntary race and ethnicity questions from the LI NET forms. CMS will send updated instructions and a future implementation deadline after the forms are revised.

The LI NET sponsor will no longer be required to ask these questions on the forms or submit the responses to CMS. CMS also does not plan to complete cognitive testing on the sexual

¹ Section 118 of the Consolidated Appropriations Act, 2021 (CAA) (Public Law 116-260) enacted on December 27, 2020, amended Section 1860D-14 of the Social Security Act (the Act) (42 U.S.C. 1395w-114) and authorized CMS to make transitional coverage and retroactive Medicare Part D coverage for certain low-income beneficiaries, called the Limited Income Newly Eligible Transition (LI NET) program a permanent part of the Part D program.

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 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.