

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services**

[Document Identifiers: CMS–10831 and CMS–1696]

**Agency Information Collection
Activities: Proposed Collection;
Comment Request**

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 11, 2024.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10831 Transitional Coverage and Retroactive Medicare Part D Coverage for Certain Low-Income Beneficiaries through the Limited Income Newly Eligible Transition (LI NET) Program
CMS–1696 Appointment of Representative and Supporting Regulations in 42 CFR 405.910

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of 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; *Use:* Section 118 of the Consolidated Appropriations Act, 2021 (CAA) (Pub. L. 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. The LI NET program under this statute must begin no later than January 1, 2024.

CMS established the Medicare Part D Demonstration for Retroactive and Point-of-Sale Coverage for Certain Low-Income Beneficiaries (also known as Medicare's Limited Income Newly Eligible Transition (LI NET) demonstration). The LI NET demonstration consolidates administration of transitional and retroactive Part D coverage for eligible beneficiaries to a single Part D sponsor. The LI NET demonstration provides an exception to the 36-month maximum period of retroactive enrollment if there is a Medicaid determination within the last 90 days that confers Medicaid eligibility going back further than 36 months. In these situations, LI NET enrollment under the demonstration goes back to the start of Medicaid eligibility.

The information provided by LI NET beneficiaries is largely paper based, such as showing a Medicaid eligibility letter to a pharmacist or sending a signed direct reimbursement request through the mail or by fax. Beneficiaries could also opt to email a digital copy of their documentation to the LI NET sponsor. *Form Number:* CMS–10831 (OMB control number: 0938–1441); *Frequency:* Occasionally; *Affected Public:* Individuals and Households, Private Sector and Business or other for-profit; *Number of Respondents:* 73,705; *Total Annual Responses:* 110,686; *Total Annual Hours:* 11,701. (For policy questions regarding this collection contact Marie Gutierrez at 410–786–4486).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Appointment of Representative and Supporting Regulations in 42 CFR 405.910; *Use:* The requirements for appointing representatives for claims and appeals processed under 42 CFR part 405 Subpart I were codified into regulation at 42 CFR 405.910. In summary, section 405.910 states an individual or entity may appoint a representative to act on their behalf in exercising their rights relative to an initial claim determination or an appeal. The appointment of representation must be in writing and must include all the required elements specified in 405.910(c). The burden associated with this requirement is the

time and effort of the individual or entity to prepare an appointment of representation containing all the required information of this section. To reduce some of the burden associated with this requirement, we developed a standardized form that the individual/entity may opt (but is not required) to use.

This form would be completed by Medicare beneficiaries, providers and suppliers (typically their billing clerk, or billing company), and any party who wish to appoint a representative to assist them with their initial Medicare claims determinations and filing appeals on Medicare claims. The information supplied on the form is reviewed by Medicare claims and appeals adjudicators. The adjudicators make determinations whether the form was completed accurately, and if the form is correct and accepted, the form is appended to the claim or appeal that it was filed with. *Form Number:* CMS–1696 (OMB control number: 0938–0950); *Frequency:* Occasionally; *Affected Public:* Individuals and Households and Private Sector; *Number of Respondents:* 213,208; *Total Annual Responses:* 213,208; *Total Annual Hours:* 53,302. (For policy questions regarding this collection contact Liz Hosna at 410–786–4993.

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Privacy Act of 1974; System of Records

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of a modified system of records and rescindment of a system of records notice.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS) is modifying a system of records maintained by the Office of Family Assistance (OFA) within the Administration for Children and Families (ACF), 09–80–0375 OFA Temporary Assistance for Needy Families (TANF) Data System. The modification will add Tribal TANF

records from a separate system of records, 09–80–0373 OFA Tribal Temporary Assistance for Needy Families (Tribal TANF), which is now being rescinded; and will change the name of the system of records 09–80–0375 to Temporary Assistance for Needy Families (TANF) Data.

DATES: In accordance with 5 U.S.C. 552a(e)(4), this notice is effective April 12, 2024; however, the public may submit comments on the notice.

ADDRESSES: The public should submit written comments by mail or email to Anita Alford, Senior Official for Privacy, Administration for Children and Families, 330 C Street SW, Washington DC 20201, or Anita.Alford@acf.hhs.gov. Please include “09–80–0375” in the subject line. Comments received, if any, will be available for public inspection at the above address during business hours, or otherwise upon request; please contact Anita Alford at (202) 401–4628 or Anita.Alford@acf.hhs.gov for an appointment or to request a copy. We do not edit personal identifying information from submissions; therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: General questions about the systems of records may be submitted by mail or email to TANF Data Division, Office of Family Assistance, Administration for Children and Families, 330 C Street SW, Washington, DC 20201, or tanfdata@acf.hhs.gov; or may be submitted by telephone to Anita Alford, Senior Official for Privacy, at (202) 401–4628.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Family Assistance (OFA) oversees the cash welfare block grant called the Temporary Assistance for Needy Families (TANF) program. The TANF program provides assistance and work opportunities to needy families through grants that provide states, certain U.S. territories, and Tribes with federal funds and flexibility to develop and implement their welfare programs. Each state and U.S. territory that operates a program of cash assistance for low-income families using TANF funding is required by statute to collect data about the recipients of that cash assistance. Federally recognized tribes administering TANF programs are also required to collect similar data. Given the similar nature of the data collections for states, territories, and Tribes, OFA determined that it is unnecessary to have a separate System of Records Notice (SORN) for Tribal TANF data, hence the rescission of

SORN 09–80–0373. Instead, Tribal TANF data will be covered under the updated SORN 09–80–0375.

In addition, OFA is in the process of replacing the legacy TANF Data Reporting System. With this development, OFA is updating SORN 09–80–0375 to be IT system-agnostic, to no longer mention particular types of electronic storage media, which can become outdated over time, to describe the specific safeguards used to secure the data, and to cite the sources of the retention periods applicable to the data.

II. Modifications to SORN 09–80–0375

The changes to SORN 09–80–0375 include:

- Reformatting the SORN to use the format prescribed in Office of Management and Budget (OMB) Circular A–108, issued December 23, 2016.
- Changing the name of the system of records from “OFA Temporary Assistance for Needy Families (TANF) Data System” to “Temporary Assistance for Needy Families (TANF) Data.”
- Updating the System Location address and System Manager contact information.
- In the Authority section, removing references to no longer relevant statutory and regulatory provisions, *i.e.*, “42 U.S.C. 603(a)(4), 613(d) (secs. 403 and 413 of the Social Security Act); 45 CFR part 270 (collection of information for performance measures),” and adding authorities for maintenance of Tribal TANF data, from SORN 09–80–0373.
- Revising the Purpose(s) section to refer to “grantees” instead of “states” (to encompass territories and Tribes); to change “prescribed work” to “work participation” in the first purpose description; to change the third purpose description from computing states’ scores on work measures and ranking states’ performance in assisting TANF recipients to obtain and retain employment to “perform[ing] research on the caseload dynamics and employment trajectories of TANF recipients;” and, in the paragraph at the end of the section, inserting “Tribal TANF programs” and omitting statements that data is pooled to create a national database and that some data may be matched with records of individual employment information in the National Directory of New Hires system of records but would be transmitted back to OFA in a form that is not individually identifiable.
- In the Categories of Records section, no longer including lists of data elements, which were similar, but not identical, in the two SORNs; but retaining the same three categories of