

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to Medicare subsidy application procedures
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 91, “Medicare Drug Subsidy,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 249A.4 and 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249A and section 17A.7.

Purpose and Summary

Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, created a prescription drug benefit for Medicare beneficiaries (Medicare Part D) and a subsidy to reduce or eliminate costs associated with the Medicare drug benefit for persons with limited income and resources. Both the federal Social Security Administration and the state Medicaid agency are to accept and adjudicate subsidy applications. Chapter 91 implements the procedures for the Department to process subsidy applications that are received by the Department.

This proposed rule making removes forms that have become obsolete, updates the rules, and provides correct rule references as part of the Department’s five-year rule review process.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 2, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—91.1(249A)**, definitions of “Application,” “Authorized representative” and “Responsible person,” as follows:

“*Application*” or “*Medicare drug subsidy application*” means the federal Social Security Administration’s Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs, ~~accompanied by the department’s Form 470-4159, Authorization for Department to Process.~~

“*Authorized representative*” means a person representing an applicant or recipient as described in ~~441—paragraph 76.1(7)“b.”~~ 441—subrule 76.9(2).

“*Responsible person*” means a person acting on an applicant’s or recipient’s behalf as described at ~~441—paragraph 76.1(7)“a.”~~ 441—subrule 76.9(1).

ITEM 2. Amend paragraph **91.2(2)“a”** as follows:

a. An identifiable application is an application that contains:

(1) The legible name and address of the applicant; and

(2) The signature of the applicant, a responsible person, or an authorized representative on ~~both Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs, and Form 470-4159, Authorization for Department to Process.~~

ITEM 3. Amend paragraph **91.3(2)“a”** as follows:

a. The applicant or recipient shall have ~~five~~ ten working days to supply the information or verification requested by the department. The local office may extend the deadline for a reasonable period when the applicant or recipient is making every effort to secure the required information or verification from a third party but has been unable to do so.

ITEM 4. Amend subrule 91.6(2) as follows:

91.6(2) *Timely report.* A report shall be considered timely when received in the local office within ten days from the date the change is known to a recipient ~~and within five days from the date the change is known to an~~ or applicant.

ITEM 5. Amend subrule 91.7(1) as follows:

91.7(1) *Application requested.* When requested to do so by the department, the recipient shall complete the Medicare drug subsidy application as part of the reinvestigation process. The application shall be completed within ~~five~~ ten working days from the date a written request is issued. Failure to complete the application shall be a basis for cancellation or reduction of the subsidy.

ITEM 6. Amend subrule 91.7(2), introductory paragraph, as follows:

91.7(2) *Additional information requested.* The recipient shall supply additional information needed to establish eligibility or level of subsidy within ~~five~~ ten working days from the date a written request is issued.