

APPENDIX 4 – APPOINTMENT OF REPRESENTATIVE FORM

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

Form Approved
OMB no. 0938-0950

APPOINTMENT OF REPRESENTATIVE

| | |
|---------------------|-----------------|
| NAME OF BENEFICIARY | MEDICARE NUMBER |
|---------------------|-----------------|

SECTION I: APPOINTMENT OF REPRESENTATIVE

To be completed by the beneficiary:

I appoint this individual: _____ to act as my representative in connection with my claim or asserted right under Title XVIII of the Social Security Act (the "Act") and related provisions of Title XI of the Act. I authorize this individual to make any request; to present or to elicit evidence; to obtain appeals information; and to receive any notice in connection with my appeal, wholly in my stead. I understand that personal medical information related to my appeal may be disclosed to the representative indicated below.

| | | |
|--------------------------|-------|--------------------------|
| SIGNATURE OF BENEFICIARY | | DATE |
| STREET ADDRESS | | PHONE NUMBER (AREA CODE) |
| CITY | STATE | ZIP |

SECTION II: ACCEPTANCE OF APPOINTMENT

To be completed by the representative:

I, _____, hereby accept the above appointment. I certify that I have not been disqualified, suspended, or prohibited from practice before the Department of Health and Human Services; that I am not, as a current or former employee of the United States, disqualified from acting as the beneficiary's representative; and that I recognize that any fee may be subject to review and approval by the Secretary.

I am a / an _____
(PROFESSIONAL STATUS OR RELATIONSHIP TO THE PARTY, E.G. ATTORNEY, RELATIVE, ETC.)

| | | |
|----------------|-------|--------------------------|
| SIGNATURE | | DATE |
| STREET ADDRESS | | PHONE NUMBER (AREA CODE) |
| CITY | STATE | ZIP |

SECTION III: WAIVER OF FEE FOR REPRESENTATION

Instructions: This form should be filled out if the representative waives a fee for such representation.

(Note that providers or suppliers may not charge a fee for representation and thus, all providers or suppliers that furnished the items or services at issue **must** complete this section.)

I waive my right to charge and collect a fee for representing _____ before the Secretary of the Department of Health and Human Services.

| | |
|-----------|------|
| SIGNATURE | DATE |
|-----------|------|

SECTION IV: WAIVER OF PAYMENT FOR ITEMS OR SERVICES AT ISSUE

Instructions: Providers or suppliers that furnished the items or services at issue must complete this section if the appeal involves a question of liability under section 1879(a)(2) of the Act. (Section 1879(a)(2) generally addresses whether a provider/supplier or beneficiary did not know, and could not reasonably be expected to know, that the items or services at issue would not be covered by Medicare.)

I waive my right to collect payment from the beneficiary for furnished items or services at issue involving 1879(a)(2) of the Act.

| | |
|-----------|------|
| SIGNATURE | DATE |
|-----------|------|

CHARGING OF FEES FOR REPRESENTING BENEFICIARIES BEFORE THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

An attorney, or other representative for a beneficiary, who wishes to charge a fee for services rendered in connection with an appeal before the Department of Health and Human Services (DHHS) at the Administrative Law Judge (ALJ) or Medicare Appeals Council (MAC) level is required by law to obtain approval of the fee in accordance with 42 CFR §405.910(f). A claim that has been remanded by a court to the Secretary for further administrative proceedings is considered to be before the Secretary after the remand by the court.

The form, "Petition to Obtain Representative Fee" elicits the information required for a fee petition. It should be completed by the representative and filed with DHHS. Where a representative has rendered services in a claim before DHHS, the regulations require that the amount of the fee to be charged, if any, for services performed before the Secretary of DHHS be specified. If any fee is to be charged for such services, a petition for approval of that amount must be submitted.

An approval of a fee is not required where the appellant is a provider or supplier or where the fee is for services (1) rendered in an official capacity such as that of legal guardian, committee, or similar court-appointed office and the court has approved the fee in question; (2) in representing the beneficiary before the federal district court of above, or (3) in representing the beneficiary in appeals below the ALJ level. If the representative wishes to waive a fee, he or she may do so. Section III on the front of this form can be used for that purpose. In some instances, as indicated on the form, the fee must be waived for representation.

AUTHORIZATION OF FEE

The requirement for the approval of fees ensures that representative will receive fair value for the services performed before DHHS on behalf of a claimant while at the same time giving a measure of security to the beneficiaries. In approving a requested fee, the ALJ or MAC considers the nature and type of services performed, the complexity of the case, the level of skill and competence required in rendition of the services, the amount of time spent on the case, the results achieved, the level of administrative review to which the representative carried the appeal and the amount of the fee requested by the representative.

CONFLICT OF INTEREST

Sections 203, 205 and 207 of Title XVIII of the United States Code make it a criminal offense for certain officers, employees and former officers and employees of the United States to render certain services in matters affecting the Government or to aid or assist in the prosecution of claims against the United States. Individuals with a conflict of interest are excluded from being representatives of beneficiaries before DHHS.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0950. The time required to prepare and distribute this collection is 15 minutes per notice, including the time to select the preprinted form, complete it and deliver it to the beneficiary. If you have comments concerning the accuracy of the time estimates or suggestions for improving this form, please write to CMS, PRA Clearance Officer, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Form CMS-1696 (07/05) EF (07/05)

INSTRUCTIONS TO COMPLETE THE APPOINTMENT OF REPRESENTATIVE FORM

This form is to authorize someone you choose to be your representative in your appeal regarding your rejected claim for services or supplies. You are granting someone else the right to represent you during this appeal.

SECTION I — You, the beneficiary (Member) complete Section I

1. Fill in your name, if you are the beneficiary (Member) who is appointing the representative.
2. Fill in your Medicare number — from your Medicare card
3. Fill in the name of the person you want to be your representative.
The representative will stand in for you regarding your specific issue of Social Security coverage. You are granting this person access to private health information related to your Social Security issue.
4. Sign your name in the Signature of Beneficiary (Member) box.
5. Enter the date of your signature.
6. Enter your address — street number and name, city, Zip Code — and your phone number, including area code.

SECTION II — The beneficiary's (Member's) representative completes Section II

1. Your representative fills in Section II, starting with his or her full name.
2. Your representative fills in professional status (such as attorney) or relationship to you (such as relative).
3. Your representative signs his or her name.
4. Your representative enters the date of the signature
5. Your representative enters his or her address — street number and name, city, zip code — and his or her phone number, including area code.

SECTION III — The beneficiary's (Member's) representative may need to fill in Section III

The representative may or may not be required to sign Section III.

- If your representative wishes to waive the fee, this is the place to sign and date that statement
- If your provider (like your doctor) or supplier (for the items in the current Social Security issue) is your representative, he or she can **NOT** charge a fee. So he or she must sign and date Section III.
- Your representative may be someone you employ to represent you, and it may be appropriate for him or her to charge a fee. In this case, he or she will not sign Section III.

SECTION IV — The beneficiary's (Member's) providers or suppliers may need to fill in Section IV

The representative may not be required to sign Section IV

- For example, your relative would not be required to sign.

However, if your representative is your provider or supplier, he or she is required to sign.

The reason is that the Social Security issue might be related to something he or she provided or supplied to you. For example, he or she might have provided something that is not covered by Social Security. So, he or she needs to agree that payment depends on the resolution of the appeal.

When you, the beneficiary (Member), and your representative have completed this form, please send it to:

Community Health Partnership
Attention: Grievance and Appeals Coordinator
2240 EastRidge Center
Eau Claire, WI 54701
Phone: (715) 838-2900
(800) 842-1814
Fax: (715) 838-2910