

# MEMORANDUM

Texas Department of Human Services \* Long Term Care/Policy

**TO:** LTC-R Regional Directors  
Section/Unit Managers

**FROM:** Marc Gold  
Section Manager  
Long Term Care-Policy  
State Office MC: W-519

**SUBJECT:** Regional Survey & Certification Letter #99-27

**DATE:** August 19, 1999

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The attached RS&C Letter is being provided to you for information purposes and should be shared with all professional staff.

- RS&C Letter No. 99-27 -- New Instructions for Completion of the Form HCFA-855 -- Effective September 3, 1999; Call Elva Longoria, NF Program Specialist, Professional Services, at (512) 438-2345.

If you have any questions, please direct inquiries to the individual(s) or section(s) listed above.

~Original Signature on File~

Marc Gold

Attachment

**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
**Health Care Financing Administration**

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Region VI  
1301 Young Street, Room 833  
Dallas, Texas 75202

August 6, 1999

REGIONAL SURVEY AND CERTIFICATION LETTER NO: 99-27

To: All State Survey Agencies (Action)  
All Title XIX Single State Agencies (Information)

Subject: New Instructions for Completion of the Form HCFA-855 -- Effective September 3, 1999

Enclosed is a copy of instructions to carriers and fiscal intermediaries regarding changes in requirements for completion of the Form HCFA 855. Effective September 3, 1999, contractors will require the disclosing entity to provide the SSN/EIN (social security number and/or employer identification number) as well as those for other persons and organizations associated with the applicant as defined in 42 CFR, Part 420, Subpart C (Disclosure of Ownership and Control Information) and in the Form HCFA 855 general instructions.

We are asking that you include information about these new requirements in the certification packets you give to providers. If you have any questions, please call LaDonna Fulton at (214) 767-4417.

Sincerely,

~Signature on File~

Molly Crawshaw for  
Andrew a Fredrickson, Acting  
Associate Regional Administrator  
Division of Medicaid and State Operations

Enclosure

Program Memorandum Intermediaries/Carriers	Department of Health and Human Services (DHHS)  HEALTH CARE FINANCING ADMINISTRATION (HCFA)
<b>Transmittal AB-99-61</b>	Date: AUGUST 1999

**Transmittal AB-99-55 was omitted from the sequence and will never be released.**

### **CHANGE REQUEST 921**

**SUBJECT: Mandatory Submission of Social Security Account Numbers (SSNs) and Employer Identification Numbers (EINs)**

Section 4313 of the Balanced Budget Act (BBA) of 1997 strengthened provider enrollment efforts by requiring both SSNs and EINs on the Form HCFA 855, the Medicare General Enrollment Application and its attachments, i.e., Form HCFA 855C, 855R, and 855S. The BBA also mandated that the Social Security Administration (SSA) and the Secretary of the Treasury, through the Internal Revenue Service (IRS), verify that the SSNs and EINs that are collected match the disclosing entity on the application. However, a Report to Congress was required first on the confidentiality of only the SSNs as they were handled throughout the enrollment and, eventually, the verification process. Ninety days after Congress received the report, Medicare contractors would have the authority to require provider/supplier applicants to disclose their SSNs and EINs as well as those for any managing/directing employee, persons with an ownership or control interest of 5 percent or more, and any subcontractor in which the applicant directly or indirectly has a 5 percent or more ownership interest. This disclosure shall apply to the application of conditions of participation and entering into and renewal of contracts and agreements.

The Report to Congress on the Confidentiality of Social Security Account Numbers was signed by the Secretary, Department of Health and Human Services, and sent to Congress on January 26, 1999. Effective September 3, 1999, contractors will require the disclosing entity to provide the SSN/EIN as well as those for other persons and organizations associated with the applicant as defined in 42 CFR, Part 420, Subpart C (Disclosure of Ownership and Control Information) and in the Form HCFA 855 general instructions. Medicare contractors can cite the BBA language if questioned by an applicant. Notify your applicants, through a cover letter that you may send with the application and/or through regular bulletins, of this new requirement and that the application cannot be approved until all SSNs/EINs are received. When receiving an enrollment form that does not meet the SSN/EIN requirements, attempts to obtain the SSN and/or EIN from the applicant by other means, such as telephone calls, before returning the application. An application cannot be approved until all SSNs/EINs have been appropriately annotated. If an

applicant does not provide them as requested, contractors should remind the applicant that steps can be taken to terminate the Medicare relationship. The use of third party resources is often helpful since a SSN/EIN may show up during their investigation. Requiring a copy of the original SSN card is **not** a valid resource and violates the Privacy Act. Fiscal Intermediaries are already funded for use of third party resources, and Carriers must also use them. Verification through SSA and the IRS is pending but will probably not occur until after the millennium. If there is more than one SSN for a name and the discrepancy cannot be attributed to a simple transposition error, ask the applicant to explain the discrepancy. If the explanation is not to your satisfaction, contact your Regional Office (RO) for guidance and consider the possibility of alerting your fraud unit.

Form HCFA 855 applications reviewed, processed and/or approved between April 26, 1999, and September 3, 1999, should not be revisited to complete SSN/EIN information required per this Program Memorandum. However, look back authority into provider/supplier records prior to April 26, 1999, for the Taxpayer Identification Number (TIN) is allowed when Medicare contractors are focusing on identifying potential receivables which could result in a debt collection.

Under these circumstances, applicants are required to provide their TIN per the Omnibus Consolidated Rescissions and Appropriations Act of 1996 which enacted the Debt Collection Improvement act (DCIA) on April 26, 1996. Section 31001(I)(3)(A) of P.L. 104-134 (DCIA) amended 31 U.S.C., §7701, of which (c)(2)(B) applies to the applicant and (c)(2)(#) applies to disclosure of ownership and control information and the identifies of managing employees as defined in 42 CFR, Part 420, Subpart C. Applicants and those defined in Part 420, Subpart C, will know their TIN (usually a SSN for a human entity and an EIN for a non-human entity) since it is the unique number required under the Internal Revenue Code of 1986 (26 U.S.C., §6109) that is used by them when they submit their yearly taxes to the IRS. Under these authorities, Medicare contractors may screen their provider/supplier records prior to April 26, 1999, identify any gaps where the TIN should occur, and request the provider/supplier to provide a TIN.

**For Fiscal Intermediaries, these instructions should be implemented within your current budget. Carriers should submit a Supplemental Budget Request for FY 1999. For Fiscal Intermediaries and Carriers that are co-located, expenses should be shared, if possible. There are no system changes required at this time.**

***The effective date for this Program Memorandum (PM) September 3, 1999.***

***The implementation date for this PM is September 3, 1999.***

**These instructions should be implemented within your current operating budget.**

**This PM may be discarded after April, 2000.**

**Contractors should contact the appropriate RO with any questions. RO staff and contractors may direct any questions to Sue Hensley on (410) 786-7491.**