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April 13, 2023

VIA ELECTRONIC SUBMISSION

Acting Commissioner Kilolo Kijakazi
Office of Regulations and Reports Clearance
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235–6401

Re: RIN 0960-AI60: Omitting Food From In-Kind Support and Maintenance Calculations

Dear Acting Commissioner Kijakazi:

The Medicare Rights Center (Medicare Rights) appreciates this opportunity to comment on this **Omitting Food From In-Kind Support and Maintenance Calculations** proposed rule. Medicare Rights is a national, nonprofit organization that works to ensure access to affordable and equitable health care for older adults and people with disabilities through counseling and advocacy, educational programs, and public policy initiatives. Each year, Medicare Rights provides services and resources to over three million people with Medicare, family caregivers, and professionals.

We regularly receive calls on our national helpline from people who receive Supplemental Security Income (SSI). Based on this experience, we know the difficulties people may face when trying to navigate the program’s complicated enrollment procedures. SSI’s in-kind support and maintenance (ISM) calculations are extremely complex and compliance is overly burdensome. As described by the Social Security Advisory Board in 2015:

ISM is non-financial assistance in the form of food or shelter that an SSI applicant or recipient receives in a month. Shelter includes not only room, rent, or mortgage payments, but also real property taxes, heating fuel, gas, electricity, water, sewer, and garbage collection services. An initial SSI application interview may include more than

100 questions, many which involve ISM and require supporting documentation. The ISM support is then monetized and deducted from the monthly SSI payment.¹

We strongly support this proposed rule to eliminate food from the ISM calculations. Doing so would curtail one of the most onerous aspects of the ISM, an important first step towards modernizing the formula.

We additionally urge the Social Security Administration to reduce the barriers and errors caused by ISM more generally. Again, the Social Security Board addressed this issue in 2015:

The need to perform such computations vastly complicates administration of these cases, as the analysis is ongoing. The Social Security Advisory Board noted in its 2005 SSI Statement that the agency POMS contain the equivalent of 250 single-spaced typed pages of instructions on living arrangements and in-kind support... Even with and, perhaps because of, all the detail, it is virtually impossible to attain consistency in ISM analyses... Unfortunately, current ISM policies have become a major source not only of complexity but also of payment error.²

Resources currently dedicated to administering this tangle of rules could be better used ensuring access to Social Security benefits, offices, and personnel.

Conclusion

Thank you again for the opportunity to provide comment. For additional information, please contact Lindsey Copeland, Federal Policy Director at LCopeland@medicarerights.org or 202-637-0961 and Julie Carter, Counsel for Federal Policy at JCarter@medicarerights.org or 202-637-0962.

Sincerely,



Fred Riccardi
President
Medicare Rights Center

¹ Social Security Advisory Board, “The Complexity of In-Kind Support and Maintenance” (2015), https://www.ssab.gov/wp-content/uploads/2021/03/2015_-_SSI_In-Kind_Support_Maintenance.pdf.

² *Id.*