

### Justification for 83-C

In response to the issue of the currently approved PRA package for section 6043 of the DRA and the supporting statement reflecting State Plan preprints, the DRA provided flexibilities to States including the implementation of additional cost-sharing in the event of a non-emergency situation presenting in an emergency room. States must complete a State Plan preprint in order to effectuate this flexibility. If a State submits a State Plan preprint to implement section 6043 of the DRA and receives approval from CMS, the hospital informing the beneficiary of the non-emergency condition, the alternate facility that is available to treat the non-emergency condition, and the lesser or no copayment responsibility will begin. Consequently, we believe that it is important to discuss the state plan preprint process and the subsequent hospital responsibility jointly.

NOTE: Fumie Griego of OMB agreed that CMS could submit and 83-C using the currently approved PRA pkg. assigned to OMB # 0938-0993. We revised the supporting statement to include the hospital's third-party disclosure and prepared a 2<sup>nd</sup> Part II for the hospital burden.