

**Justification for Emergency PRA Clearance  
Annual Early and Periodic Screening, Diagnostic and Treatment Report  
Form CMS-416**

**Subject**

The Center for Medicaid and State Operations (CMSO) is requesting emergency approval of revisions to the Form CMS-416 (OMB #0938-0354), the annual Early and Periodic Screening, Diagnostic and Treatment (EPSDT) report. We are requesting this emergency clearance request to release a revised version of the CMS-416 to States so that States may use the form to report their fiscal year 2009 data, due April 1, 2010.

**Background**

CMSO began the Paperwork Reduction Act (PRA) re-approval process for the CMS-416 in mid-2008 and submitted a PRA package including a revised form and instructions for OMB approval. The revised form contained changes including adding several lines of dental data to be collected as well as updating the instructions to include new information on reporting certain data. The revised CMS-416 was approved by OMB on April 28, 2009.

**Justification**

On February 4, 2009, the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) was passed by Congress. The CHIPRA legislation contained provisions that require CMSO to revise the CMS-416 to collect additional data elements including specific data on dental sealants and children receiving services under a Medicaid-expansion CHIP program. The CMS-416 will need to be revised in order to collect this new data for fiscal year 2010, due April 1, 2011. CMSO was unaware of these legislative changes when we began the PRA process in 2008. The changes made to the CMS-416 that was approved on April 28, 2009, will require States to update their system capabilities in order to report the data. Changes required by CHIPRA will also require States to update their systems to capture the additional data. CMSO believes it would be unduly burdensome for States to be required to update their systems two years in a row to accommodate changes to the CMS-416. Therefore, CMS wishes to issue a version of the CMS-416 that does not include the changes made on the April 28, 2009 approved form.

We request this emergency clearance request be approved to issue the previous version of the CMS-416 that States used to report their fiscal year 2008 data on April 1, 2009. This form will not contain any changes to the form itself. We do need to change the instructions to accommodate new codes instituted by the American Academy of Pediatrics. However this change will not be unduly burdensome of States as they are generally aware that the codes have changed and anticipate the requirement to collect that information.

In order to meet the timeline of having an approved CMS-416 for States to use to report their 2009 data by April 1, 2010, CMS has developed a schedule for release that incorporates the need for State to have this information no later than November 1, 2010. Key dates for the application process are provided in the following table.

<b>Application Review Process</b>	
<b>Date</b>	<b>Milestone</b>
July 15, 2009	Submit to OSORA/PRA, OMB emergency justification request
July 22, 2009	OMB emergency justification request approval obtained
July 29, 2009	Final version of emergency package due to OSORA/PRA
August 14, 2009	Emergency Federal Register Notice with 30-day comment period
September 12, 2009	End Emergency Federal Register Notice with 30-day comment period
September 21, 2009	Requested date of OMB Approval
October 5, 2009	CMS releases approved CMS-416 to States

**Contact**

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