

Supporting Statement - Part A (PRA)

MIPPA Section 115 State Plan Amendment Template for Estate Recovery

CMS Control # 10314

0938-XXXX New/CMS

A. Background

Section 115 of the Medicare Improvements for Patients and Providers Act (MIPPA) – 2008, provides new protections from Medicaid estate recovery for limited categories of dual eligibles age 55 and over. To offer these protections, States have to amend their Medicaid State plans to reflect these new limits on estate recovery. To reduce paperwork burden and expedite this process, CMS is providing States with a pre-printed document (i.e., a State plan preprint) which neither needs nor requires any insertion of language or even completion of a check-off box. As Section 115 simply mandates compliance (there is no option not to comply), States only need return the preprint page (as prepared by CMS) to CMS, as a requested amendment to their State Plan. This is a one-time only submission, with little burden imposition and complete electronic routing to and from States.

B. Justification

1. Need and Legal Basis

Effective January 1, 2010, Section 115 of MIPPA requires States to exempt Medicare cost-sharing benefits paid under the Medicare Savings Program, from estate recovery under Section 1917(b)(1) of the Act. The intent of this provision is to encourage dual eligible beneficiaries to more fully utilize Medicare cost-sharing benefits available through the Medicare Savings Program and allay concerns that Medicaid estate recovery will, after their death, lay claim to recover the value of these cost-sharing benefits from their estate.

2. Information Users

The State Medicaid Agency will return the preprint template. CMS, by simply approving the returned preprint, notes the State has met all of the requirements of Section 1917(b) of the Act and approves the amendment to the State's Medicaid Plan. By electronically forwarding the State plan preprint page to CMS for expedited review and approval, States will be able to protect dual eligibles, age 55 and over, from estate recovery for all benefits related to Medicare Savings Program benefits. By reviewing and approving the pre-print page noting limitations on estate recovery, CMS is fulfilling its' mandated responsibility for review of all proposed State plan amendments. By providing States with the page already reflecting the needed language for protection from estate recovery, CMS is virtually eliminating paperwork burden on all States and vastly expediting the State plan amendment process.

3. Use of Information Technology

The pre-print page is already available in electronic format, with no hard copy signature required, permitting 100% electronic submission of all responses. States agree that use of the electronic pre-print page is the least burdensome and most expeditious means for securing CMS approval of their updated State plan. Consequently, State compliance with Section 115 of MIPPA is a one-time only procedure.

4. Duplication of Efforts

This information collection does not duplicate any other effort and the information cannot be obtained from any other source.

5. Small Businesses

There is no impact on small businesses.

6. Less Frequent Collection

This is a one-time only procedure ensuring State Medicaid plans are in compliance with Public Law regarding new statutory limits on estate recovery.

7. Special Circumstances

There are no special circumstances.

8. Federal Register

A 60 day Federal Register Notice was published on May 28, 2010. CMS shared an advance copy draft with all states.

9. Payment/Gifts to Respondent

There are no payments/gifts to any respondent.

10. Confidentiality

No personal identifying information is collected and no private confidentiality is provided to responding states. All information is available to the public.

11. Sensitive Questions

There are no questions of a sensitive nature.

12. Burden Estimates

Hour Burden:

Number of Respondents = 50 states and D.C.

Frequency of Response = once only

Annual Hour Burden = 2 hrs per respondent

Costs:

We estimate it will take an average of 2 hours for states to read CMS's suggested 2 paragraph pre-print, obtain internal concurrence, and electronically transmit this pre-print amendment to CMS for approval. With 51 jurisdictions responding, taking 2 hours per respondent, total burden hours equal 102 hours. Please note, this is a one-time only collection.

To simply review and return the preprint pages to CMS for approval, we estimate an average cost of approximately \$40 dollars per hour. Estimating 2 hrs per respondent, with 51 respondents, at an average cost of \$80 per response - the total cost is $(51 \times \$80) = \4080.00 .

13. Capitol Costs:

There are no capitol costs.

14. Cost Federal Government

There is no cost to the Federal government.

15. Changes to Burden

There are no changes to burden. This is a new, one time only collection.

16. Publication/Tabulation Dates

There are no plans for publication of this information.

17. Expiration Date

CMS would like to display the expiration date.

18. Certification Statement

There are no exceptions to the certification statement.