Information Collection 0938-1087 (revised, submitted to OMB on DATE)

Crosswalk of Changes Between Existing Collection Instrument, and Revised Collection Instrument

NOTE: All page numbers refer to pages in the "clean" Information Collection Instrument submitted with this revised PRA package.

General Changes Made Throughout Document

- The Information Collection Instrument has been heavily revised for purposes of making it 508 compliant.

- All previous statutory cites to the Public Law number for the Affordable Care Act (P.L. 111-148), are now immediately followed by the United States Code cite (42 U.S.C. §18002).

Specific Changes Made to the Document

Reimbursement Request Information

Part I. B (pages 13-14)

This paragraph B. has been retitled "Submit Claim List(s)." It formerly was titled "Submit Detailed Data List(s)." (This change of terms was made globally throughout the document).

Part II. E (page 21)

This paragraph E has been retitled "Submit Claim List(s)". It formerly was titled "Submit Detailed Claims Data List(s)."

Part II. E. (pages 21-91)

The previously submitted version of the Information Collection Instrument had listed all the data elements necessary for ERRP plan sponsors to include in a Claim List. This version of the document instead includes the actual required claims layout format for each type of claim (i.e., institutional, professional, prescription drug). Each data element that is relevant to that specific type of claim, is included in the layout for that specific type of claim. The data elements included, are the same data elements that had been listed in the previous version of the Information Collection Instrument, with three exceptions. The "Claim Type" and" Type of Service" data elements have been eliminated, as they duplicate the information that can be gleaned the "Record Type" data element. One new data element has been added. That new data element is Cost Adjustment (i.e., price

concessions), to be reported at the individual early retiree level. A sponsor must include this data element with respect to each individual for which the sponsor is submitting claims data, to the extent any Cost Adjustments apply to the costs submitted for that individual. We estimate the burden of providing this information to be nominal. This is because the previous version of the Information Collection Instrument required sponsors to provide this Cost Adjustment data on an aggregate basis for all such individuals, which required the sponsor to first determine the amount of Cost Adjustments for each individual, before summing the amounts. We believe that most of the burden associated with reporting the amounts on an individual basis, is the burden of first determining the amounts for each such individual. That burden existed, and was already accounted for, in the previous PRA submission, as part of the burden associated with submitting a reimbursement request.

Part II.F (page 92)

This paragraph has been retitled "Submit Prima Facie Evidence of Early Retiree Payment." It formerly was titled "Submit Evidence of Early Retiree Payment." This language change makes the title consistent with the applicable regulatory provision (45 CFR 149.335(b)).

Part II.F lists the data elements that must appear on each piece of prima facie evidence, to demonstrate that an early retiree actually paid his or her share of a claim. It lists the same four data elements as in the previously submitted Information Collection Instrument, but clarifies that if the provider of services is an individual, as opposed to an entity, the individual must be named. It also adds a fifth data element – a description of the health benefit item or service for which the sponsor seeks reimbursement. There is no additional burden to the plan sponsor for providing this data, because the receipt itself (i.e., the piece of prima facie evidence) will already include that information.

Part II. F also lists the data elements that must appear on the Cover Sheet that accompanies prima facie evidence. All the data elements listed in the previously submitted Information Collection Instrument are listed here, except for the first and last name of the individual who paid the costs. (This information is not necessary for the plan sponsor to submit, as it can be identified through other information provided by the sponsor).

Part II, F also lists data elements that must appear on the Cover Sheet, that were not included in the previously submitted Information Collection Instrument. These data elements are: Plan Sponsor Name, Plan Year End Date, Today's Date, Contact Name, Contact Phone Number, and the following information related to the Summary Cost Data for that reimbursement request: Reimbursement Request Number, Current Cost Paid by Early Retiree, Old Cost Paid by Early Retiree, Net Cost Paid by Early Retiree, Reimbursement Request Date, and Reimbursement Request Total.

A copy of the Cover Sheet, with separate detailed instructions for its completion, is being submitted with this PRA package. The burden associated with reading those detailed instructions and completing the Cover Sheet, was accounted for in the previous PRA submission under the burden hours for submitting a reimbursement request. The change to the data elements that must be submitted as part of a submission of prima facie evidence, as described in the immediately preceding three paragraphs, reduce burden nominally. This is because, as described above, a sponsor no longer must provide the first name and last name of every individual who paid costs, for each record of Prima Facie Evidence on the Cover Sheet. Although there are additional data elements that a sponsor must provide on the Cover Sheet that were not required in the previously submitted Information Collection Instrument, these additional data elements must be provided only once on the Cover Sheet, as opposed to providing the first and last name of each person for whom prima facie evidence is being submitted, a burden which has been eliminated in this Information Collection Instrument. Also, we believe that only a small fraction of plan sponsors will be subject to these prima facie evidence requirements, as they only apply to plan sponsors that submit costs paid by early retirees (as opposed to cost paid by the plan). Thus far in the program, only a small percentage of sponsors have submitted such costs.

Reopening Information (page 94)

We have added this section, which sets forth the data elements a sponsor must submit when submitting a request for a reopening. These data elements are discussed in the guidance document entitled Explanation of the Processes for Reporting Early Retiree and Claims Data Inaccuracies, and for Reopening, which is submitted as part of this PRA package. A plan sponsor has a right to request a reopening pursuant to the ERRP regulations at 45 CFR 149.610. The burden associated with requesting a reopening is the time and effort necessary for a sponsor to read the applicable guidance and draft and submit a reopening request, including supporting documentation. The submission of an ERRP reopening request is similar to the submission of an ERRP appeal under 45 CFR 149.500. Therefore, while this requirement under section 149.610 is subject to the PRA, we believe the associated burden is exempt under 5 CFR 1320.4. In this case, the information associated with a reopening request would be collected subsequent to an administrative action, that is, a reimbursement determination.