

## Overview of Revisions to PRA Package 0938-1087, submitted to OMB on 10/31/2011.

### **Background**

On December 22, 2010, OMB approved the above referenced information collection PRA package on an emergency basis. The terms of approval indicated that the next approval of this PRA package must be obtained through regular PRA notice and comment procedures. To initiate that process, that approved package went out for the 60-day public comment period, which closed February 22, 2011. No comments were submitted on the package.

HHS is submitting the accompanying materials for purposes of the 30-day OMB review (and simultaneous 30-day public comment period) that follows the initial 60-day public comment period, as required by the regular PRA notice and comment procedures. As compared to the material submitted for emergency approval in December 2010 (which also were the materials and burden estimates that went out for the 60-day public comment period) the materials are changed as described in the Crosswalk accompanying this revised PRA submission. (The most significant change is that, instead of listing the data elements required to submit Claims Lists, we are providing the actual claims layouts. But the data elements specified in those claims layouts, are essentially the same as the data elements listed in the already-approved PRA submission). Also note however, that in the Supporting Statement accompanying this revised PRA submission, we estimate that the Early Retiree Reinsurance Program will require 10 full-time CMS employees, as opposed to the 14 previously estimated. The program's estimated cost to the government, however (\$30 million) remains the same.

HHS has exercised its authority under the ERRP statute and regulation, to cease accepting applications for the program as of May 6, 2011, based on the availability of program funding (see announcement at 76 FR 18766, April 5, 2011). However, a sponsor has an obligation to update any incorrect or outdated information in its application. Therefore, we continue to include the application in the Data Collection Instrument, to allow HHS to collect from plan sponsors any and all corrected and updated information related to the application. We have also added a burden estimate for providing such corrections and updates. We have also added an estimate for the burden associated with preparing and submitting an appeal under the program, and the burden associated with preparing and submitting a reopening request under the program. When previously submitting this PRA package, we were under the impression that no such burden estimates were necessary pursuant to 5 CFR 1320.4(a)(2)..

The materials submitted in December 2010 as part of the request for emergency clearance included references to guidance documents that HHS wished to publish in the near future. OMB's terms of clearance for the emergency approval stated that those guidance documents must be submitted for OMB review as revisions to PRA package 0938-1087 under normal clearance procedures before publication.

Therefore, HHS is submitting three guidance documents as part of information collection 0938-1087, for purposes of the simultaneous 30-day OMB and public comment review to follow the February 22, 2011 closing of the 60-day public comment period.

The three guidance documents are as follows:

- The guidance paper entitled Explanation of the Processes for Reporting Early Retiree and Claims Data Inaccuracies, and for Reopening. This is being submitted as a separate document, but is to be considered part of Information Collection 0938-1087.
- The guidance paper entitled Explanation of the Appeals Process for the Early Retiree Reinsurance Program. This is being submitted as a separate document, but is to be considered part of Information Collection 0938-1087.
- A Prima Facie Evidence Cover Sheet to be used by plan sponsors participating in the Early Retiree Reinsurance Program that choose to submit costs of health benefits paid by early retirees, their spouses, surviving spouses, and dependents (as opposed to costs paid by the plan). This is being submitted as a separate document, but is to be considered part of Information Collection 0938-1087.

The data elements sponsors must provide that are discussed in these three documents, were included, and approved by OMB, as part of the emergency clearance of 0938-1087, and were included in the information collection package that went out for 60-day public comment. This is also true of the burden associated with reading and completing these documents. (The burden associated with reading the above referenced guidance paper on reporting data inaccuracies and on reopenings was included in the burden estimates for disclosing data inaccuracies. The burden associated with reading the instructions to and completing the Prima Facie Evidence Cover Sheet, was included in the burden estimates for submitting reimbursement requests). .