

Comment ID	Organization Name	Comment Type (Burden, Substantive, Other/Policy)	Relevant Section in Original Certification Application	Relevant Language in Original Certification Application	Summary of Comment	Comment Page #	Accept or Deny?	Proposed "Generic" CCIO Response for PRA purposes	Booz Allen Comments Related to Making Edits to Cert Application
CCIO Technical Assistance									
1	State of Indiana	Burden	N/A	N/A	Certification and monitoring process should not be a lengthy and cumbersome process. The process needs to be nimble to respond to market changes.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
2	State of Indiana	Other/Policy	N/A	N/A	States will have limited time to meet Exchange requirements that are likely to be amended with upcoming regulatory updates.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
3	State of Indiana	Substantive	Governance	Provide a list of all current members and a resume for each member.	States may not have selected or hired board members at time of application, and therefore may not be able to provide their names. States should be permitted to provide descriptions of jobs and descriptions of board seats in lieu of details.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
4	State of Indiana	Other/Policy	N/A	N/A	The Application should have requested comments on the State Partnership Exchange.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
5	State of Indiana	Substantive	Federal Standards		Requests an attestation of HHS intentions to be provided along side the state required attestation, that states will not interfere with federal standards.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
15	State of Indiana	Substantive	Reporting	Please provide Implementation plan, including key milestones, high-level timeline, and detailed progress reports showing acceptable achievement of milestones, including readiness for initial open enrollment.	In several sections of the Application, states are asked to provide reports. Commenter requests clarification as to what specific content is required in the reports.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
17	State of Indiana	Substantive	Governance	If contracting out any oversight operation - provide name of contractor, contact point, address, evidence of contractor qualifications, and conflict of interest assessment.	States may not be able to specifically identify contractors because they may not have selected specific contractors before the submission of the application.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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18	Blue Cross and Blue Shield Association	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Operational readiness criteria should be clearly specified.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
19	Blue Cross and Blue Shield Association	Other/Policy	N/A	N/A	HHS should clarify what is required for conditional approval.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
20	Blue Cross and Blue Shield Association	Substantive	Federal Standards	Non-interference with Federal Standards Section 1311(k) of the Affordable Care Act specifies that an Exchange may not establish rules that conflict with or prevent the application of regulations promulgated by the Secretary related to the Exchange.	HHS should adopt the requirement as specified in Section 1321(d) that would preempt state law if it "prevents the application" of the federal law.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
22	Blue Cross and Blue Shield Association	Substantive	Governance	N/A	HHS should give states more flexibility for Exchange governance.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
23	Blue Cross and Blue Shield Association	Substantive	Governance	N/A	Detailed information on contracted entities should be omitted as required data in the application.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
25	National Immigration Law Center	Substantive	Governance	Contracted Entities Section 1311(f)(3)(B) of the Affordable Care Act authorizes an Exchange to enter into agreements with eligible entities to carry out one or more responsibilities of the Exchange.	The Application should require states to include a specific description of how each contracted entity will comply with the nondiscrimination, as well as privacy, confidentiality and security protections of the ACA and related federal laws.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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26	National Immigration Law Center	Substantive	R/S Exchanges	a. Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	The Application should requires states to specifically demonstrate how the state, regional, and subsidiary Exchanges will comply with the nondiscrimination, as well as privacy, confidentiality and security protections of the ACA and related federal laws.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
39	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that the Application clarify that states' implementation of the Exchange is bound to the content of their application/Exchange plan, and that states must seek HHS approval to make any significant deviation during the Exchange Implementation to what they proposed in their application.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
40	National Partnership for Women and Families	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Request clarification on Operation Readiness standards.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
41	National Partnership for Women and Families	Other/Policy	N/A	N/A	Requests information on what the Exchange plan will be for a partnership Exchange and for a Federal Facilitated Exchange.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
42	National Partnership for Women and Families	Other/Policy	N/A	N/A	Requests information on what standards HHS will use to review State applications, and specifically what will elicit a HHS approval, conditional approval or denial.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
43	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that states are required to confirm that they are complying with ACA and relevant regulations.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
44	National Partnership for Women and Families	Substantive	Governance	N/A	Governing boards have consumer representation, including consumer groups and individuals, that constitute a majority of the board.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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45	National Partnership for Women and Families	Substantive	Governance	Provide conflict of interest policy and procedure for preventing or mitigating conflicts of interest- include explanation if any conflicts of interest exist	Recommends that governance boards are prohibited from having individuals with a conflict of interest.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
46	National Partnership for Women and Families	Substantive	Governance	N/A	Recommends that states that house the Exchange governance board within an already existing board be required to establish a stakeholder consultation process to ensure Exchange governance reflects consumer interests.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
47	National Partnership for Women and Families	Substantive	R/S Exchanges	N/A	Recommends that states be required to provide adequate evidence that these alternative forms of exchanges will work well.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
48	National Partnership for Women and Families	Substantive	R/S Exchanges	N/A	Recommends that states provide a memorandum of understanding stating that the non-discrimination laws and consumer protections of the state that the consumer resides in will apply to the resident.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
49	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that the states be prohibited from discriminating against consumers in areas protected under section 1557 of ACA and other federal nondiscrimination provisions, as a condition of application approval.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
53	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	States should be required to submit privacy policies that have been subject to public notice and comment.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
54	Families USA	Substantive	General/Not Specific	N/A	Requests clarification on what is specifically required for each key Exchange function.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
55	Families USA	Substantive	General/Not Specific	N/A	Requests publishing of federal standards for key Exchange functions that states can reference as a standard.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
56	Families USA	Substantive	Governance	N/A	Recommends that states be required to affirm in their governance authority that they have the authority to specifically establish an "ACA-compliant exchange".	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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57	Families USA	Substantive	Governance	Governance Section 1311(d) of the Affordable Care Act requires that an Exchange be a governmental agency or non-profit entity established by the State. The State may decide to establish an Exchange in an existing State agency or establish a new agency or non-profit organization to serve as the Exchange	Recommends that states be required to show specific compliance with board composition federal requirements, and demonstrate staffing capacity	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
58	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Request greater clarification on how regional exchanges are to use grant funding	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
59	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Recommends that Regional Exchanges be required to demonstrate how they will coordinate eligibility in order to prevent consumers from falling in the cracks.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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60	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Recommends that states enter into a memorandum of understanding with state's department of insurance and regional exchanges to address variances between states in health insurance rating and consumer protection laws	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
73	Families USA	Substantive	Oversight	N/A	Recommends that states be required to describe how they will conduct regular evaluations of the functioning of their exchange and its ability to serve consumers. Such evaluations must be conducted by independent entities.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
74	Families USA	Substantive	Oversight	N/A	Recommends that states be required to describe a plan to prevent adverse selection of enrollees.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
75	Families USA	Substantive	General/Not Specific	N/A	Recommend that HHS clarify that this draft certification application applies specifically to fully state-run exchanges and that HHS will also be developing thorough documents to assess the readiness of Federally Facilitated Exchanges, whether they are fully federally facilitated or operated in partnership with a state.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
76	America's Health Insurance Plans	Other/Policy	N/A	N/A	When creating Exchanges, we believe it is imperative to avoid duplicating administrative functions and creating overly burdensome processes. States are faced with implementing Exchanges at a time when both resources and budgets are tight.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
77	America's Health Insurance Plans	Other/Policy	N/A	N/A	Recommends transparency to the public; that applications, amendments, decision letters, and determinations that relate to the application process be made public.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
78	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends publishing of requirements HHS has outlined for contractors and vendors currently developing the federally facilitated Exchange's system and platforms.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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79	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends making available model Request for Proposal (RFP) templates for states to use, and providing states access to the systems and technology developed by vendors awarded the federal contracts for state-facilitated exchanges.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
80	America's Health Insurance Plans	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Recommends providing clarification on the technical requirements and Exchange transactions to the states.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
81	America's Health Insurance Plans	Other/Policy	N/A	N/A	CMS should establish a process for expedited review of applications.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
82	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	States should be afforded a right of appeal for adverse determinations on its Application for Certification; and during the timeframe of the appeal, states should be afforded an extension on the application timeframe.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
83	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends avoiding duplication of existing functions and relying on close coordination with existing agencies, especially state insurance regulators. Recommends that application include a description of the analysis of existing state agencies' roles and responsibilities to assure that states have worked to eliminate duplication of efforts. States should be asked to demonstrate an integration of functions to eliminate administrative complexity, costs, and redundancies, with a goal of creating streamlined, cost-effective Exchange operations.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
84	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends that the Application should provide for a process to protect confidential information, such as contractors identity and address, that does not impede the process for implementing Exchanges.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
91	National Council on La Raza	Substantive	Governance	The submission of this application indicates your State's formal application for certification as a State-based Exchange.	Suggests inclusion of clarification in the preamble to the application that states that Exchanges are established and function under required consumer protections of ACA.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
92	National Council on La Raza	Substantive	Governance	N/A	Recommends that Governing Boards be required to have a member with expertise on the uninsured	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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93	National Council on La Raza	Substantive	R/S Exchanges	N/A	Recommends clarification that regional and subsidiary exchanges are held to the same consumer protection standards a state exchanges	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
94	National Council on La Raza	Substantive	Federal Standards	Non-interference with Federal Standards Section 1311(k) of the Affordable Care Act specifies that an Exchange may not establish rules that conflict with or prevent the application of regulations promulgated by the Secretary related to the Exchange.	Section 1557 of the ACA and other federal nondiscrimination standards should be listed as a condition of Exchange approval	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
100	The Center on Budget and Policy Priorities	Substantive	General/Not Specific	N/A	State Exchange Application should include citations to relevant regulations and guidance to help inform states' responses to the Application.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
102	The Center on Budget and Policy Priorities	Substantive	Enabling Authority	N/A	Recommends that information collected in Enabling Authority section should apply to both the individual market and the SHOP exchange.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
103	The Center on Budget and Policy Priorities	Substantive	Governance	N/A	Recommends that the application should require that states show that its Exchange board meets the federal standards for board composition in the federal regulations	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
104	The Center on Budget and Policy Priorities	Substantive	R/S Exchanges	N/A	States seeking to establish regional or subsidiary exchanges should be required to submit (as part of the State Exchange Application) a rationale for doing so.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
114	Legal Services of Eastern Missouri	Substantive	Enabling Authority	N/A	Recommends that each state's enabling authority specify that it is facilitating an ACA-compliant Exchange.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
115	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Suggests that states be required to provide HHS with a copy of any comments received in response to the states selection of a governing board.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
116	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Recommends that governing boards be required to have members who represent consumers and the disable population	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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117	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Recommends that members of governing boards should not have conflict of interest.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
118	Legal Services of Eastern Missouri	Substantive	R/S Exchanges	N/A	States should provide documentation of how regional exchanges will use their grant funding.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
124	Asian and Pacific Islander American Health Forum	Other/Policy	N/A	N/A	Linguistic and cultural barriers add complexities to the eligibility and enrollment process, preventing many in these populations from attaining quality health care.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs
126	Asian and Pacific Islander American Health Forum	Substantive	Governance	N/A	Recommends that governing boards be required to include an individual with experience in minority health issues, either through policy and advocacy or direct health care service delivery.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
127	Asian and Pacific Islander American Health Forum	Substantive	Federal Standards	N/A	Recommend clarification that Title VI of the Civil Rights Act of 1964 and Section 1557 of the ACA apply to both the individual Exchanges and the SHOP.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
130	Enroll America	Substantive	General/Not Specific	N/A	Suggests that the application be revised to request specific, quantifiable metrics that are directly aligned to ACA.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
131	Enroll America	Substantive	General/Not Specific	N/A	Suggests that states be required to provide an evaluation plan as to how it will evaluate the Exchange's success.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
132	Enroll America	Substantive	General/Not Specific	N/A	Suggests that the application should be revised to request budget and staffing estimates.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
133	Enroll America	Substantive	R/S Exchanges	N/A	States should be required to discuss how partnership exchanges will work.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
135	State of New York	Substantive	General/Not Specific	N/A	Application should not depend so much on yet to be released guidance.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
136	State of New York	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests that HHS consider a states' effort to work collaboratively with HHS as an indicator of operational readiness, in place of actual evidence of operational readiness.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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137	State of New York	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests clarification on factors that will be used to assess operational readiness	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
138	State of New York	Substantive	General/Not Specific	N/A	Request a 2 part Certification Application process: Part 1 should only require state legislation that is created to enable the Exchange, Part 2: should include the detailed documentation and should not be due until 2013.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
139	American Federation of State, County and Municipal Employees	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	States' effort in working collaboratively with CMS should be considered as a factor in determining their level of readiness to operate an Exchange.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
140	American Federation of State, County and Municipal Employees	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests clarification on factors that will be used to assess operational readiness	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
142	American Federation of State, County and Municipal Employees	Other/Policy	N/A	N/A	Requests clarification of relationship between IT Gate reviews and the Certification process.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.	Yes - consider addressing through guidance or FAQs

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Consumer and Stakeholder Engagement and Support									
6	State of Indiana	Substantive	Consumer functions	Display health plan quality rating information and enrollee satisfaction information	Requests that rules on Quality rating be issued soon to enable states to develop compliant quality ratings and enrollee satisfaction Display requirements.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
14	State of Indiana	Substantive	Consumer functions	Describe who can assist and act on behalf of employers and employees in registering the employer, assisting in any employer and employee eligibility determinations, assisting employers in making available employer choices, and enrolling in health plans,	States need a more flexible timeframe for implementing programs involving brokers, agents and navigators.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
21	Blue Cross and Blue Shield Association	Substantive	Consumer functions	N/A	The proposed application should ensure states maintain critical consumer protections that will help ensure success of Exchanges.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
27	National Immigration Law Center	Substantive	Consumer functions	N/A	Require the states to demonstrate how outreach and education will be done in a culturally and linguistically appropriate manner to ensure that all eligible individuals are aware of the new options for health insurance and their responsibilities.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
28	National Immigration Law Center	Substantive	Consumer functions	N/A	Recommends a more inclusive interpretation of "advocates for hard to reach" populations that specifically includes advocates for individuals who need culturally and linguistically appropriate services.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
29	National Immigration Law Center	Substantive	Consumer functions	N/A	State should also be required to demonstrate how the online insurance portal will be accessible to limited-English proficient individuals.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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30	National Immigration Law Center	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	States should be required to describe in detail how the Navigator program meets federal requirements: reflect stakeholders interest including community/consumer focused non-profits, provide information that is fair, accurate and impartial, provide information in a culturally and linguistically appropriate manner, ensure accessibility and usability for the disabled, maintain expertise in eligibility and enrollment, comply with privacy and security provisions.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
31	National Immigration Law Center	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	States must describe what standards and training will be put in place for Navigators.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
32	National Immigration Law Center	Substantive	Consumer functions	a. Agents/Brokers Section 1312(e) of the Affordable Care Act allows States to use agents or brokers to enroll individuals and employers.	Agents and brokers must be required to comply with all privacy and security regulations of section 1411 g.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
50	National Partnership for Women and Families	Substantive	Consumer functions	Provide a description of the approach to ensure sufficient consumer outreach, interpretation services, and overall consumer experience	Recommends revising the application to clarify that in-person assistance is available.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
51	National Partnership for Women and Families	Substantive	Consumer functions	Provide a description of the approach to ensure sufficient consumer outreach, interpretation services, and overall consumer experience	States should be required to provide detailed description of how they will provide real time consumer assistance.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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61	Families USA	Substantive	Consumer functions	Outreach and Education: Section 1311(d)(6) of the Affordable Care Act requires an Exchange to consult with relevant stakeholders, including: consumers, individuals and entities with experience in facilitating enrollment in health plans, representatives of small businesses and self-employed individuals, State Medicaid offices, and advocates for enrolling hard to reach populations. In addition, Section 1311(d)(4) lays out the functions of an Exchange, many of which will entail conducting of outreach and education for consumers as well as other stakeholders	Requests that application include federal benchmarks or standards to help states understand what is required for: outreach plans, employee training, call center, and calculator.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
62	Families USA	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Recommends that states be required to provide a funding description of strategy for Navigator program.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
63	Families USA	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Recommends that states be required to demonstrate how they are considering the interests of the uninsured in designing the Navigator program.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
72	Families USA	Substantive	Consumer functions	N/A	Recommends requiring states to provide proof of compliance with the Affordable Care Act's insurance market reforms.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
85	Sargent Shriver National Center on Poverty Law	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Suggests requiring states to discuss plan for oversight over Navigators.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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95	National Council on La Raza	Substantive	Consumer functions	N/A	Recommends that consumer tools take language and culture into consideration.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
96	National Committee for Quality Assurance	Substantive	Consumer functions	Provide a description of the approach to providing outreach and educational materials to the public about the Exchange	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
98	National Committee for Quality Assurance	Substantive	Consumer functions	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Exchange Administrators should be required to provide written translations or provide taglines in documents that instruct how to access language services.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
105	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Require states to describe their plan to ensure outreach and meaningful access to educational materials and information for people with Limited English Proficiency and people with disabilities	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
106	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Require that states indicate what services will be provide in the call center, and describe the call center monitoring plan.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
107	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommend that state be required to describe how the portal will help ensure that there are seamless eligibility and enrollment processes for all insurance affordability programs: premium tax credits, Medicaid, the Children's Health Insurance Program and Basic Health. States should be required to describe a monitoring service for the portal.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
108	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that states be required to describe process for selecting Navigators, describe process to ensure that Navigators are meeting language and cultural needs, and that Navigators have the requisite expertise.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
109	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that states should provide greater specification on agents and brokers roles and responsibilities.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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111	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that section on brokers and navigators be separated because their roles are distinct.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
112	State of Louisiana	Substantive	Consumer functions	N/A	The application should require states to discuss how they will ensure that brokers and navigators include plan value in their discussions with consumers to help consumers make an informed decision.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
119	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	States should be required to list all tools that they will create to help consumer find and use affordable coverage.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
120	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that the web portal be available in the 2 most common languages, in addition to English.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
121	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that states conduct a needs assessment on consumer functions and use the feedback to design each other consumer functions.	7	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
122	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that states require agents and brokers to agree to adhere to privacy requirements.	8	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
134	Enroll America	Substantive	Consumer functions	N/A	States should provide more detailed information about their outreach strategies	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
141	American Federation of State, County and Municipal Employees	Substantive	Consumer functions	Call Center Section 1311(d)(4)(B) of the Affordable Care Act requires an Exchange to provide for the operation of a toll-free telephone hotline to respond to requests for assistance.	Requests clarification on how state portals will interact with healthcare.gov., and whether health plans will continue to submit information through Health Insurance Oversight System (HIOS) or to the Federal exchange. Recommend that healthcare.gov be a gateway to the states' portal. Support concept of shared dictionary among systems (HIPS, SERFF) to permit states to enter data one time and have it shared.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
144	American Federation of State, County and Municipal Employees	Substantive	Consumer functions	N/A	Call center can perform Medicaid, premium subsidy, and tax credit enrollment decisions if it is a publicly operated.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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Eligibility and Enrollment									
7	State of Indiana	Substantive	Eligibility	Provide evidence of capacity, including adequate staffing, to accept and process applications through channels including in-person, online, mail, and phone, and to conduct verifications.	Requests revision of requirement for evidence of adequate staffing, and recommend a plan for adequate staffing be acceptable.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
8	State of Indiana	Substantive	Eligibility	If not using the single, streamlined application provided by CMS, provide a copy of State-developed application.	States may not have enough time to develop their alternative application since CMS has not released specifics about the application. States should only be required to signify their intent to develop a state specific application. The selection of the final version of the application should not be a condition of 1/1/13 Exchange approval.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
9	State of Indiana	Substantive	Eligibility	Provide a description of relevant notices.	Request publishing of rules regarding required notices.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
10	State of Indiana	Substantive	Eligibility	Provide Internal Revenue Service Safeguards Procedures Report letter of acceptance verifying adequate safeguards are in place to receive federal tax information which is required for eligibility determinations and renewals for Premium Tax Credit and cost-sharing reductions.	Request inclusion of a note that state based Exchanges can cede this and other eligibility functions to the federal government.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
11	State of Indiana	Substantive	IR Exemptions	Provide a description of the exemption process, along with business process models	Request inclusion of a note that state based Exchanges can cede this and other eligibility functions to the federal government.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
16	State of Indiana	Substantive	Program Integration/ PCIP Transition	Description of the plan for PCIP transition.	Requests clarification on how states that have transferred PCIP administration to the federal government are to coordinate transition of PCIP enrollees to the Exchange.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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33	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	States should be required to show how their eligibility and redetermination processes comply with: Section 1411(g) which limits the information that may be collected from applicants to only what is "strictly necessary to authenticate identity, determine eligibility, and determine the amount of the credit or reduction;" and Section 155.310(a)(2) of CMS-9974-P which prohibits the Exchange from requiring Social Security numbers and information about citizenship or immigration status to be collected from non-applicants.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
34	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Suggests that an applicant whose information cannot be electronically verified, and who is not in immediate possession of relevant documentation, should be given a reasonable period of at least 90 days to obtain the relevant documentation or to resolve the inconsistency, during which time they should be enrolled in a Qualified Health Plan (QHP) and provided advance payments of the tax credits based on the information attested to by the application filer.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
35	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Suggests that states be required to demonstrate when language assistance services will be provided.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
64	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommends requiring states to describe their online, phone, in-person application process.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
65	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommends requiring states to demonstrate compliance with ACA requirements for paper application	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
66	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommend requiring states to provide details of how fluid the transfer of eligibility cases will be between relevant agencies	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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68	Families USA	Substantive	Enrollment	N/A	Recommends that enrollment dates are nationally standardized, and that states should be required to affirm in the application that their enrollment dates align with the national standard.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
71	Families USA	Substantive	Appeals	N/A	Recommend that the application ask states to certify their compliance with a federally required "safe harbor" where individuals will be able to remain covered during their appeals processes so that they do not experience gaps in coverage.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
86	Sargent Shriver National Center on Poverty Law	Substantive	Enrollment	Section 1312(a)(1) of the Affordable Care Act specifies that a qualified individual may enroll in any qualified health plan available to such individual.	Recommends requiring states to explain disenrollment and reenrollment policies.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
87	Sargent Shriver National Center on Poverty Law	Substantive	Eligibility	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
88	Sargent Shriver National Center on Poverty Law	Substantive	Enrollment	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
89	Sargent Shriver National Center on Poverty Law	Substantive	IR Exemptions	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
90	National Council on La Raza	Substantive	Enrollment	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
101	The Center on Budget and Policy Priorities	Substantive	Eligibility	N/A	Recommends revising the application to include the option that states CAN USE federally managed services	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
110	The Center on Budget and Policy Priorities	Substantive	Eligibility	N/A	States should be required to indicated how cases will be transferred between agencies.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
123	Legal Services of Eastern Missouri	Substantive	Eligibility	N/A	Recommends that state be required to show how the Exchange will coordinate with Medicaid.	8	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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125	Asian and Pacific Islander American Health Forum	Substantive	Enrollment	N/A	Recommends inclusion of federal requirement that all limited English proficient persons receive oral language assistance if needed.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
128	Asian and Pacific Islander American Health Forum	Substantive	Enrollment	Provide a brief summary of approach for engagement of agents/brokers.	Recommends revision in application to include engagement of agents/brokers working in racial and ethnic minority populations, limited English proficient persons and immigrants.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
129	Asian and Pacific Islander American Health Forum	Substantive	Notices	N/A	Suggests that states should be required to include a plan to publish notices in languages other than English.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
143	American Federation of State, County and Municipal Employees	Substantive	Eligibility	N/A	Request that Exchanges be required to ensure that Medicaid, premium subsidy, tax credit eligibility enrollment decisions be made by employees subject to merit personnel systems because such determinations are government functions.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
145	American Federation of State, County and Municipal Employees	Substantive	Appeals	N/A	Request that Exchanges be required to ensure that Appeal decisions be made by employees subject to merit personnel systems because such determinations are government functions.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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Financial Management									
13	State of Indiana	Substantive	Financial Management	Risk Adjustment Program Section 1343 of the Affordable Care Act defines requirements for adequate risk adjustment within the Exchanges.	States may need more time to select the components of their risk adjustment program.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
67	Families USA	Substantive	Financial Management	Provide a description of implementation plan, including key milestones and high-level timeline, for establishment of the Exchange financial management operations.	Requests clarification on how states should submit proposed budgets, and how these budgets will be assessed.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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Plan Management									
12	State of Indiana	Substantive	QHP Certification and Plan Management	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Consideration needs to be given to the release of System for Electronic Rate and Form Filing (SERFF) enhancements. This may affect those states that use SERFF for state rate filing requirements. QHP's implementation, oversight and monitoring may depend on SERFF's release and states implementation.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
36	National Immigration Law Center	Substantive	QHP Certification and Plan Management	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Suggests that the Application require certification that applicants understand that ACA nondiscrimination, privacy, and language access requirements applicable to Exchanges are equally binding on QHPs.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing
52	National Partnership for Women and Families	Substantive	QHP Certification and Plan Management	N/A	Recommends that CMS establish a uniform federal floor for network adequacy and marketing standards.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
113	State of Louisiana	Substantive	QHP Certification and Plan Management	N/A	Application should ask states how they plan to use the quality data collected from issuers.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Yes - consider addressing

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SHOP									
24	National Immigration Law Center	Burden	SHOP	N/A	Inquiry of immigration status of employees in the SHOP Exchange is not only disallowed under the ACA, it will saddle businesses with unnecessary administrative burden, defeat streamlining, thereby discouraging participation by small businesses.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
37	National Immigration Law Center	Substantive	SHOP	Program (SHOP) Section 1311(b)(1) of the Affordable Care Act provides for the establishment of a SHOP Exchange that is designed to assist qualified employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market in the State	Suggests that the Application require that states demonstrate the eligibility and enrollment process for the SHOP is distinct from the enrollment process for the Individual Market Exchange, in order to minimize administrative barriers and help ensure small business employers will participate in the SHOP.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
38	National Immigration Law Center	Substantive	SHOP	Program (SHOP) Section 1311(b)(1) of the Affordable Care Act provides for the establishment of a SHOP Exchange that is designed to assist qualified employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market in the State	Recommends that the SHOP's main role should be to help facilitate the pre-enrollment process between the employer and QHP, but not to perform the enrollment functions.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
69	Families USA	Substantive	SHOP	N/A	Recommend minimum federal standardized requirements for "how employer and employee contributions are calculated" and having the portal calculate and display the employee's contribution for SHOP coverage.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application
70	Families USA	Substantive	SHOP	N/A	Recommends standardization in "the role of the SHOP in billing employers, receiving employer and employee contributions toward premiums, making aggregated premium payments to issuers, and reconciling accounts."	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point

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97	National Committee for Quality Assurance	Substantive	SHOP	N/A	Disenrollments should have an opportunity to cure or appeal the disenrollment decision before the effective date of the disenrollment.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	No - should not consider addressing at this point
99	National Committee for Quality Assurance	Burden	SHOP	N/A	Inquiries of SHOP Exchange employee's Immigration status is prohibited and is an unnecessary administrative burden	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.	Already addressed or taken into consideration with Revised Application

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Org ID	Organization Name	Organization Type	Contact Person	Phone Number	Email Address	Date Comments Received
1	State of Indiana	State	Michael Gargano (Secretary Indiana Family and Social Services Administration); Stephen Robertson (Commissioner, Indiana Department of Insurance)	Not Listed	Not Listed	1/10/2012
2	Blue Cross and Blue Shield Association	Member Association	Justine Handelman (Vice President, Legislative and Regulatory Policy)	Not Listed	Not Listed	1/10/2012
3	National Immigration Law Center	Advocacy Group	Jenny Rejeske (Health Policy Analyst)	202-683-1994	rejeske@nilc.org	1/9/2012
4	National Partnership for Women and Families	Advocacy Group	Christine Monahan (Health Policy Advisor), Kirsten Sloan (Vice President)	202-986-2600	cmonahan@nationalpartnership.org, ksloan@nationalpartnership.org	1/9/2012
5	Families USA	Advocacy Group	Clair McAndrew (Senior Health Policy Analyst)	202-628-3030	info@familiesusa.org	1/9/2012
6	America's Health Insurance Plans	Member Association	Daniel Durham (Executive VP-Policy and Regulatory Affairs), Colleen Gallaher (Senior VP-State Policy)	202-772-3800	Not Listed	1/9/2012
7	Sargent Shriver National Center on Poverty Law	Advocacy Group	Margaret Stapleton (Community Justice Director)	312.368.3327	mstapleton@povertylaw.org	1/9/2012
8	National Council on La Raza	Advocacy Group	Sergio E. Muñoz (Senior Policy Analyst-Health Policy Project), Jennifer Ng'andu (Deputy Director-Health Policy Project)	202-776-1562, 202-776-1762	semunoz@nclr.org, jngandu@nclr.org	1/9/2012
9	National Committee for Quality Assurance	Non profit	Sarah Thomas (Vice President of Public Policy and Communications)	202-955-1705	Thomas@ncqa.org	1/5/2012
10	The Center on Budget and Policy Priorities	Non profit	Sarah Lueck, Dave Chandra, January Angeles, Shelby Gonzales	202-408-1080	lueck@cbpp.org, chandra@cbpp.org, angeles@cbpp.org, gonzales@cbpp.org	Not Listed
11	State of Louisiana	State	Not Listed	Not Listed	Not Listed	1/9/2012
12	Legal Services of Eastern Missouri	Legal Services	Joel Ferber (Attorney), James Frost (Attorney)	314-534-4200 (ext: 1202)	Not Listed	1/9/2012
13	Asian and Pacific Islander American Health Forum	Advocacy Group	Priscilla Huang (Policy Director)	202-466-7772	phuang@apiahf.org	1/9/2012
14	Enroll America	Non profit	Jennifer Sullivan (Director of Enroll America's Best Practices Institute)	202-737-6340	jennys@enrollamerica.org	1/9/2012
15	State of New York	State	Not Listed	Not Listed	Not Listed	Not Listed
16	American Federation of State, County and Municipal Employees	Union	Steven Kreisberg (Director of Collective Bargaining and Health Policy)	202-429-1000	Not Listed	1/9/2012

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1	State of Indiana	Burden	N/A	N/A	Certification and monitoring process should not be a lengthy and cumbersome process. The process needs to be nimble to respond to market changes.	1	Accept	We addressed this comment with the revised Certification Application, which is now more concise and involves a more streamlined process for States seeking Exchange certification/ approval.
2	State of Indiana	Other/Policy	N/A	N/A	States will have limited time to meet Exchange requirements that are likely to be amended with upcoming regulatory updates.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
3	State of Indiana	Substantive	Governance	Provide a list of all current members and a resume for each member.	States may not have selected or hired board members at time of application, and therefore may not be able to provide their names. States should be permitted to provide descriptions of jobs and descriptions of board seats in lieu of details.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
4	State of Indiana	Other/Policy	N/A	N/A	The Application should have requested comments on the State Partnership Exchange.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
5	State of Indiana	Substantive	Federal Standards		Requests an attestation of HHS intentions to be provided along side the state required attestation, that states will not interfere with federal standards.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
6	State of Indiana	Substantive	Consumer functions	Display health plan quality rating information and enrollee satisfaction information	Requests that rules on Quality rating be issued soon to enable states to develop compliant quality ratings and enrollee satisfaction Display requirements.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
7	State of Indiana	Substantive	Eligibility	Provide evidence of capacity, including adequate staffing, to accept and process applications through channels including in-person, online, mail, and phone, and to conduct verifications.	Requests revision of requirement for evidence of adequate staffing, and recommend a plan for adequate staffing be acceptable.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
8	State of Indiana	Substantive	Eligibility	If not using the single, streamlined application provided by CMS, provide a copy of State-developed application.	States may not have enough time to develop their alternative application since CMS has not released specifics about the application. States should only be required to signify their intent to develop a state specific application. The selection of the final version of the application should not be a condition of 1/1/13 Exchange approval.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
9	State of Indiana	Substantive	Eligibility	Provide a description of relevant notices.	Request publishing of rules regarding required notices.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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10	State of Indiana	Substantive	Eligibility	Provide Internal Revenue Service Safeguards Procedures Report letter of acceptance verifying adequate safeguards are in place to receive federal tax information which is required for eligibility determinations and renewals for Premium Tax Credit and cost-sharing reductions.	Request inclusion of a note that state based Exchanges can cede this and other eligibility functions to the federal government.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
11	State of Indiana	Substantive	IR Exemptions	Provide a description of the exemption process, along with business process models	Request inclusion of a note that state based Exchanges can cede this and other eligibility functions to the federal government.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
12	State of Indiana	Substantive	QHP Certification and Plan Management	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Consideration needs to be given to the release of System for Electronic Rate and Form Filing (SERFF) enhancements. This may affect those states that use SERFF for state rate filing requirements. QHP's implementation, oversight and monitoring may depend on SERFF's release and states implementation.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
13	State of Indiana	Substantive	Financial Management	Risk Adjustment Program Section 1343 of the Affordable Care Act defines requirements for adequate risk adjustment within the Exchanges.	States may need more time to select the components of their risk adjustment program.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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14	State of Indiana	Substantive	Consumer functions	Describe who can assist and act on behalf of employers and employees in registering the employer, assisting in any employer and employee eligibility determinations, assisting employers in making available employer choices, and enrolling in health plans,	States need a more flexible timeframe for implementing programs involving brokers, agents and navigators.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
15	State of Indiana	Substantive	Reporting	Please provide Implementation plan, including key milestones, high-level timeline, and detailed progress reports showing acceptable achievement of milestones, including readiness for initial open enrollment.	In several sections of the Application, states are asked to provide reports. Commenter requests clarification as to what specific content is required in the reports.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
16	State of Indiana	Substantive	Program Integration/ PCIP Transition	Description of the plan for PCIP transition.	Requests clarification on how states that have transferred PCIP administration to the federal government are to coordinate transition of PCIP enrollees to the Exchange.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
17	State of Indiana	Substantive	Governance	If contracting out any oversight operation - provide name of contractor, contact point, address, evidence of contractor qualifications, and conflict of interest assessment.	States may not be able to specifically identify contractors because they may not have selected specific contractors before the submission of the application.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
18	Blue Cross and Blue Shield Association	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Operational readiness criteria should be clearly specified.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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19	Blue Cross and Blue Shield Association	Other/Policy	N/A	N/A	HHS should clarify what is required for conditional approval.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
20	Blue Cross and Blue Shield Association	Substantive	Federal Standards	Non-interference with Federal Standards Section 1311(k) of the Affordable Care Act specifies that an Exchange may not establish rules that conflict with or prevent the application of regulations promulgated by the Secretary related to the Exchange.	HHS should adopt the requirement as specified in Section 1321(d) that would preempt state law if it "prevents the application" of the federal law.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
21	Blue Cross and Blue Shield Association	Substantive	Consumer functions	N/A	The proposed application should ensure states maintain critical consumer protections that will help ensure success of Exchanges.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
22	Blue Cross and Blue Shield Association	Substantive	Governance	N/A	HHS should give states more flexibility for Exchange governance.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
23	Blue Cross and Blue Shield Association	Substantive	Governance	N/A	Detailed information on contracted entities should be omitted as required data in the application.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
24	National Immigration Law Center	Burden	SHOP	N/A	Inquiry of immigration status of employees in the SHOP Exchange is not only disallowed under the ACA, it will saddle businesses with unnecessary administrative burden, defeat streamlining, thereby discouraging participation by small businesses.	2	Accept	We addressed this comment with the revised Certification Application; this requirement is no longer included in the Application and has been removed from the associated Exchange Final Rule.
25	National Immigration Law Center	Substantive	Governance	Contracted Entities Section 1311(f)(3)(B) of the Affordable Care Act authorizes an Exchange to enter into agreements with eligible entities to carry out one or more responsibilities of the Exchange.	The Application should require states to include a specific description of how each contracted entity will comply with the nondiscrimination, as well as privacy, confidentiality and security protections of the ACA and related federal laws.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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26	National Immigration Law Center	Substantive	R/S Exchanges	a. Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	The Application should requires states to specifically demonstrate how the state, regional, and subsidiary Exchanges will comply with the nondiscrimination, as well as privacy, confidentiality and security protections of the ACA and related federal laws.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
27	National Immigration Law Center	Substantive	Consumer functions	N/A	Require the states to demonstrate how outreach and education will be done in a culturally and linguistically appropriate manner to ensure that all eligible individuals are aware of the new options for health insurance and their responsibilities.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
28	National Immigration Law Center	Substantive	Consumer functions	N/A	Recommends a more inclusive interpretation of "advocates for hard to reach" populations that specifically includes advocates for individuals who need culturally and linguistically appropriate services.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
29	National Immigration Law Center	Substantive	Consumer functions	N/A	State should also be required to demonstrate how the online insurance portal will be accessible to limited-English proficient individuals.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
30	National Immigration Law Center	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	States should be required to describe in detail how the Navigator program meets federal requirements: reflect stakeholders interest including community/consumer focused non-profits, provide information that is fair, accurate and impartial, provide information in a culturally and linguistically appropriate manner, ensure accessibility and usability for the disabled, maintain expertise in eligibility and enrollment, comply with privacy and security provisions.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
31	National Immigration Law Center	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	States must describe what standards and training will be put in place for Navigators.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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32	National Immigration Law Center	Substantive	Consumer functions	a. Agents/Brokers Section 1312(e) of the Affordable Care Act allows States to use agents or brokers to enroll individuals and employers.	Agents and brokers must be required to comply with all privacy and security regulations of section 1411 g.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
33	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	States should be required to show how their eligibility and redetermination processes comply with: Section 1411(g) which limits the information that may be collected from applicants to only what is "strictly necessary to authenticate identity, determine eligibility, and determine the amount of the credit or reduction;" and Section 155.310(a)(2) of CMS-9974-P which prohibits the Exchange from requiring Social Security numbers and information about citizenship or immigration status to be collected from non-applicants.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
34	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Suggests that an applicant whose information cannot be electronically verified, and who is not in immediate possession of relevant documentation, should be given a reasonable period of at least 90 days to obtain the relevant documentation or to resolve the inconsistency, during which time they should be enrolled in a Qualified Health Plan (QHP) and provided advance payments of the tax credits based on the information attested to by the application filer.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
35	National Immigration Law Center	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Suggests that states be required to demonstrate when language assistance services will be provided.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
36	National Immigration Law Center	Substantive	QHP Certification and Plan Management	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Suggests that the Application require certification that applicants understand that ACA nondiscrimination, privacy, and language access requirements applicable to Exchanges are equally binding on QHPs.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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37	National Immigration Law Center	Substantive	SHOP	Program (SHOP) Section 1311(b)(1) of the Affordable Care Act provides for the establishment of a SHOP Exchange that is designed to assist qualified employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market in the State	Suggests that the Application require that states demonstrate the eligibility and enrollment process for the SHOP is distinct from the enrollment process for the Individual Market Exchange, in order to minimize administrative barriers and help ensure small business employers will participate in the SHOP.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
38	National Immigration Law Center	Substantive	SHOP	Program (SHOP) Section 1311(b)(1) of the Affordable Care Act provides for the establishment of a SHOP Exchange that is designed to assist qualified employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market in the State	Recommends that the SHOP's main role should be to help facilitate the pre-enrollment process between the employer and QHP, but not to perform the enrollment functions.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
39	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that the Application clarify that states' implementation of the Exchange is bound to the content of their application/Exchange plan, and that states must seek HHS approval to make any significant deviation during the Exchange Implementation to what they proposed in their application.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
40	National Partnership for Women and Families	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Request clarification on Operation Readiness standards.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
41	National Partnership for Women and Families	Other/Policy	N/A	N/A	Requests information on what the Exchange plan will be for a partnership Exchange and for a Federal Facilitated Exchange.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.

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42	National Partnership for Women and Families	Other/Policy	N/A	N/A	Requests information on what standards HHS will use to review State applications, and specifically what will elicit a HHS approval, conditional approval or denial.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
43	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that states are required to confirm that they are complying with ACA and relevant regulations.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
44	National Partnership for Women and Families	Substantive	Governance	N/A	Governing boards have consumer representation, including consumer groups and individuals, that constitute a majority of the board.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
45	National Partnership for Women and Families	Substantive	Governance	Provide conflict of interest policy and procedure for preventing or mitigating conflicts of interest- include explanation if any conflicts of interest exist	Recommends that governance boards are prohibited from having individuals with a conflict of interest.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
46	National Partnership for Women and Families	Substantive	Governance	N/A	Recommends that states that house the Exchange governance board within an already existing board be required to establish a stakeholder consultation process to ensure Exchange governance reflects consumer interests.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
47	National Partnership for Women and Families	Substantive	R/S Exchanges	N/A	Recommends that states be required to provide adequate evidence that these alternative forms of exchanges will work well.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
48	National Partnership for Women and Families	Substantive	R/S Exchanges	N/A	Recommends that states provide a memorandum of understanding stating that the non-discrimination laws and consumer protections of the state that the consumer resides in will apply to the resident.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
49	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	Recommends that the states be prohibited from discriminating against consumers in areas protected under section 1557 of ACA and other federal nondiscrimination provisions, as a condition of application approval.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
50	National Partnership for Women and Families	Substantive	Consumer functions	Provide a description of the approach to ensure sufficient consumer outreach, interpretation services, and overall consumer experience	Recommends revising the application to clarify that in-person assistance is available.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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51	National Partnership for Women and Families	Substantive	Consumer functions	Provide a description of the approach to ensure sufficient consumer outreach, interpretation services, and overall consumer experience	States should be required to provide detailed description of how they will provide real time consumer assistance.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
52	National Partnership for Women and Families	Substantive	QHP Certification and Plan Management	N/A	Recommends that CMS establish a uniform federal floor for network adequacy and marketing standards.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
53	National Partnership for Women and Families	Substantive	General/Not Specific	N/A	States should be required to submit privacy policies that have been subject to public notice and comment.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
54	Families USA	Substantive	General/Not Specific	N/A	Requests clarification on what is specifically required for each key Exchange function.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
55	Families USA	Substantive	General/Not Specific	N/A	Requests publishing of federal standards for key Exchange functions that states can reference as a standard.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
56	Families USA	Substantive	Governance	N/A	Recommends that states be required to affirm in their governance authority that they have the authority to specifically establish an "ACA-compliant exchange".	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
57	Families USA	Substantive	Governance	Governance Section 1311(d) of the Affordable Care Act requires that an Exchange be a governmental agency or non-profit entity established by the State. The State may decide to establish an Exchange in an existing State agency or establish a new agency or non-profit organization to serve as the Exchange	Recommends that states be required to show specific compliance with board composition federal requirements, and demonstrate staffing capacity	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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58	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Request greater clarification on how regional exchanges are to use grant funding	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
59	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Recommends that Regional Exchanges be required to demonstrate how they will coordinate eligibility in order to prevent consumers from falling in the cracks.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
60	Families USA	Substantive	R/S Exchanges	Regional Exchange Section 1311(f)(1) of the Affordable Care Act provides the option for States to establish Regional Exchanges that operate in more than one State if this operation is permitted by each State and if the Regional Exchange is approved by the Secretary of Health and Human Services.	Recommends that states enter into a memorandum of understanding with state's department of insurance and regional exchanges to address variances between states in health insurance rating and consumer protection laws	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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61	Families USA	Substantive	Consumer functions	Outreach and Education: Section 1311(d)(6) of the Affordable Care Act requires an Exchange to consult with relevant stakeholders, including: consumers, individuals and entities with experience in facilitating enrollment in health plans, representatives of small businesses and self-employed individuals, State Medicaid offices, and advocates for enrolling hard to reach populations. In addition, Section 1311(d)(4) lays out the functions of an Exchange, many of which will entail conducting of outreach and education for consumers as well as other stakeholders	Requests that application include federal benchmarks or standards to help states understand what is required for: outreach plans, employee training, call center, and calculator.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
62	Families USA	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Recommends that states be required to provide a funding description of strategy for Navigator program.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
63	Families USA	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Recommends that states be required to demonstrate how they are considering the interests of the uninsured in designing the Navigator program.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
64	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommends requiring states to describe their online, phone, in-person application process.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
65	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommends requiring states to demonstrate compliance with ACA requirements for paper application	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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66	Families USA	Substantive	Eligibility	Eligibility Section 1411 of the Affordable Care Act defines eligibility criteria for Exchange participation.	Recommend requiring states to provide details of how fluid the transfer of eligibility cases will be between relevant agencies	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
67	Families USA	Substantive	Financial Management	Provide a description of implementation plan, including key milestones and high-level timeline, for establishment of the Exchange financial management operations.	Requests clarification on how states should submit proposed budgets, and how these budgets will be assessed.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
68	Families USA	Substantive	Enrollment	N/A	Recommends that enrollment dates are nationally standardized, and that states should be required to affirm in the application that their enrollment dates align with the national standard.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
69	Families USA	Substantive	SHOP	N/A	Recommend minimum federal standardized requirements for "how employer and employee contributions are calculated" and having the portal calculate and display the employee's contribution for SHOP coverage.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
70	Families USA	Substantive	SHOP	N/A	Recommends standardization in "the role of the SHOP in billing employers, receiving employer and employee contributions toward premiums, making aggregated premium payments to issuers, and reconciling accounts."	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
71	Families USA	Substantive	Appeals	N/A	Recommend that the application ask states to certify their compliance with a federally required "safe harbor" where individuals will be able to remain covered during their appeals processes so that they do not experience gaps in coverage.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
72	Families USA	Substantive	Consumer functions	N/A	Recommends requiring states to provide proof of compliance with the Affordable Care Act's insurance market reforms.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
73	Families USA	Substantive	Oversight	N/A	Recommends that states be required to describe how they will conduct regular evaluations of the functioning of their exchange and its ability to serve consumers. Such evaluations must be conducted by independent entities.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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74	Families USA	Substantive	Oversight	N/A	Recommends that states be required to describe a plan to prevent adverse selection of enrollees.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
75	Families USA	Substantive	General/Not Specific	N/A	Recommend that HHS clarify that this draft certification application applies specifically to fully state-run exchanges and that HHS will also be developing thorough documents to assess the readiness of Federally Facilitated Exchanges, whether they are fully federally facilitated or operated in partnership with a state.	6	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
76	America's Health Insurance Plans	Other/Policy	N/A	N/A	When creating Exchanges, we believe it is imperative to avoid duplicating administrative functions and creating overly burdensome processes. States are faced with implementing Exchanges at a time when both resources and budgets are tight.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
77	America's Health Insurance Plans	Other/Policy	N/A	N/A	Recommends transparency to the public; that applications, amendments, decision letters, and determinations that relate to the application process be made public.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
78	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends publishing of requirements HHS has outlined for contractors and vendors currently developing the federally facilitated Exchange's system and platforms.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
79	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends making available model Request for Proposal (RFP) templates for states to use, and providing states access to the systems and technology developed by vendors awarded the federal contracts for state-facilitated exchanges.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
80	America's Health Insurance Plans	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Recommends providing clarification on the technical requirements and Exchange transactions to the states.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
81	America's Health Insurance Plans	Other/Policy	N/A	N/A	CMS should establish a process for expedited review of applications.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
82	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	States should be afforded a right of appeal for adverse determinations on its Application for Certification; and during the timeframe of the appeal, states should be afforded an extension on the application timeframe.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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83	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends avoiding duplication of existing functions and relying on close coordination with existing agencies, especially state insurance regulators. Recommends that application include a description of the analysis of existing state agencies' roles and responsibilities to assure that states have worked to eliminate duplication of efforts. States should be asked to demonstrate an integration of functions to eliminate administrative complexity, costs, and redundancies, with a goal of creating streamlined, cost-effective Exchange operations.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
84	America's Health Insurance Plans	Substantive	General/Not Specific	N/A	Recommends that the Application should provide for a process to protect confidential information, such as contractors identity and address, that does not impede the process for implementing Exchanges.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
85	Sargent Shriver National Center on Poverty Law	Substantive	Consumer functions	Navigators Section 1311(d)(4)(K) of the Affordable Care Act requires an Exchange to establish a Navigator program.	Suggests requiring states to discuss plan for oversight over Navigators.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
86	Sargent Shriver National Center on Poverty Law	Substantive	Enrollment	Section 1312(a)(1) of the Affordable Care Act specifies that a qualified individual may enroll in any qualified health plan available to such individual.	Recommends requiring states to explain disenrollment and reenrollment policies.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
87	Sargent Shriver National Center on Poverty Law	Substantive	Eligibility	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
88	Sargent Shriver National Center on Poverty Law	Substantive	Enrollment	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
89	Sargent Shriver National Center on Poverty Law	Substantive	IR Exemptions	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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90	National Council on La Raza	Substantive	Enrollment	N/A	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
91	National Council on La Raza	Substantive	Governance	The submission of this application indicates your State's formal application for certification as a State-based Exchange.	Suggests inclusion of clarification in the preamble to the application that states that Exchanges are established and function under required consumer protections of ACA.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
92	National Council on La Raza	Substantive	Governance	N/A	Recommends that Governing Boards be required to have a member with expertise on the uninsured	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
93	National Council on La Raza	Substantive	R/S Exchanges	N/A	Recommends clarification that regional and subsidiary exchanges are held to the same consumer protection standards a state exchanges	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
94	National Council on La Raza	Substantive	Federal Standards	Non-interference with Federal Standards Section 1311(k) of the Affordable Care Act specifies that an Exchange may not establish rules that conflict with or prevent the application of regulations promulgated by the Secretary related to the Exchange.	Section 1557 of the ACA and other federal nondiscrimination standards should be listed as a condition of Exchange approval	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
95	National Council on La Raza	Substantive	Consumer functions	N/A	Recommends that consumer tools take language and culture into consideration.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
96	National Committee for Quality Assurance	Substantive	Consumer functions	Provide a description of the approach to providing outreach and educational materials to the public about the Exchange	States should be required to discuss notice and appeals processes for each of the determinations made.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
97	National Committee for Quality Assurance	Substantive	SHOP	N/A	Disenrollments should have an opportunity to cure or appeal the disenrollment decision before the effective date of the disenrollment.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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98	National Committee for Quality Assurance	Substantive	Consumer functions	Section 1311(d)(4)(A) of the Affordable Care Act requires that an Exchange must implement procedures for the certification, recertification, and decertification of QHPs.	Exchange Administrators should be required to provide written translations or provide taglines in documents that instruct how to access language services.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
99	National Committee for Quality Assurance	Burden	SHOP	N/A	Inquiries of SHOP Exchange employee's Immigration status is prohibited and is an unnecessary administrative burden	2	Accept	We addressed this comment with the revised Certification Application; this requirement is no longer included in the Application and has been removed from the associated Exchange Final Rule.
100	The Center on Budget and Policy Priorities	Substantive	General/Not Specific	N/A	State Exchange Application should include citations to relevant regulations and guidance to help inform states' responses to the Application.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
101	The Center on Budget and Policy Priorities	Substantive	Eligibility	N/A	Recommends revising the application to include the option that states CAN USE federally managed services	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
102	The Center on Budget and Policy Priorities	Substantive	Enabling Authority	N/A	Recommends that information collected in Enabling Authority section should apply to both the individual market and the SHOP exchange.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
103	The Center on Budget and Policy Priorities	Substantive	Governance	N/A	Recommends that the application should require that states show that its Exchange board meets the federal standards for board composition in the federal regulations	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
104	The Center on Budget and Policy Priorities	Substantive	R/S Exchanges	N/A	States seeking to establish regional or subsidiary exchanges should be required to submit (as part of the State Exchange Application) a rationale for doing so.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
105	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Require states to describe their plan to ensure outreach and meaningful access to educational materials and information for people with Limited English Proficiency and people with disabilities	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
106	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Require that states indicate what services will be provide in the call center, and describe the call center monitoring plan.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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107	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommend that state be required to describe how the portal will help ensure that there are seamless eligibility and enrollment processes for all insurance affordability programs: premium tax credits, Medicaid, the Children's Health Insurance Program and Basic Health. States should be required to describe a monitoring service for the portal.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
108	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that states be required to describe process for selecting Navigators, describe process to ensure that Navigators are meeting language and cultural needs, and that Navigators have the requisite expertise.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
109	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that states should provide greater specification on agents and brokers roles and responsibilities.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
110	The Center on Budget and Policy Priorities	Substantive	Eligibility	N/A	States should be required to indicated how cases will be transferred between agencies.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
111	The Center on Budget and Policy Priorities	Substantive	Consumer functions	N/A	Recommends that section on brokers and navigators be separated because their roles are distinct.	4	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
112	State of Louisiana	Substantive	Consumer functions	N/A	The application should require states to discuss how they will ensure that brokers and navigators include plan value in their discussions with consumers to help consumers make an informed decision.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
113	State of Louisiana	Substantive	QHP Certification and Plan Management	N/A	Application should ask states how they plan to use the quality data collected from issuers.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
114	Legal Services of Eastern Missouri	Substantive	Enabling Authority	N/A	Recommends that each state's enabling authority specify that it is facilitating an ACA-compliant Exchange.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
115	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Suggests that states be required to provide HHS with a copy of any comments received in response to the states selection of a governing board.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
116	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Recommends that governing boards be required to have members who represent consumers and the disable population	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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117	Legal Services of Eastern Missouri	Substantive	Governance	N/A	Recommends that members of governing boards should not have conflict of interest.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
118	Legal Services of Eastern Missouri	Substantive	R/S Exchanges	N/A	States should provide documentation of how regional exchanges will use their grant funding.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
119	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	States should be required to list all tools that they will create to help consumer find and use affordable coverage.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
120	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that the web portal be available in the 2 most common languages, in addition to English.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
121	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that states conduct a needs assessment on consumer functions and use the feedback to design each other consumer functions.	7	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
122	Legal Services of Eastern Missouri	Substantive	Consumer functions	N/A	Recommends that states require agents and brokers to agree to adhere to privacy requirements.	8	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
123	Legal Services of Eastern Missouri	Substantive	Eligibility	N/A	Recommends that state be required to show how the Exchange will coordinate with Medicaid.	8	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
124	Asian and Pacific Islander American Health Forum	Other/Policy	N/A	N/A	Linguistic and cultural barriers add complexities to the eligibility and enrollment process, preventing many in these populations from attaining quality health care.	1	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
125	Asian and Pacific Islander American Health Forum	Substantive	Enrollment	N/A	Recommends inclusion of federal requirement that all limited English proficient persons receive oral language assistance if needed.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
126	Asian and Pacific Islander American Health Forum	Substantive	Governance	N/A	Recommends that governing boards be required to include an individual with experience in minority health issues, either through policy and advocacy or direct health care service delivery.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
127	Asian and Pacific Islander American Health Forum	Substantive	Federal Standards	N/A	Recommend clarification that Title VI of the Civil Rights Act of 1964 and Section 1557 of the ACA apply to both the individual Exchanges and the SHOP.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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128	Asian and Pacific Islander American Health Forum	Substantive	Enrollment	Provide a brief summary of approach for engagement of agents/brokers.	Recommends revision in application to include engagement of agents/brokers working in racial and ethnic minority populations, limited English proficient persons and immigrants.	3	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
129	Asian and Pacific Islander American Health Forum	Substantive	Notices	N/A	Suggests that states should be required to include a plan to publish notices in languages other than English.	5	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
130	Enroll America	Substantive	General/Not Specific	N/A	Suggests that the application be revised to request specific, quantifiable metrics that are directly aligned to ACA.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
131	Enroll America	Substantive	General/Not Specific	N/A	Suggests that states be required to provide an evaluation plan as to how it will evaluate the Exchange's success.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
132	Enroll America	Substantive	General/Not Specific	N/A	Suggests that the application should be revised to request budget and staffing estimates.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
133	Enroll America	Substantive	R/S Exchanges	N/A	States should be required to discuss how partnership exchanges will work.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
134	Enroll America	Substantive	Consumer functions	N/A	States should provide more detailed information about their outreach strategies	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
135	State of New York	Substantive	General/Not Specific	N/A	Application should not depend so much on yet to be released guidance.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
136	State of New York	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests that HHS consider a states' effort to work collaboratively with HHS as an indicator of operational readiness, in place of actual evidence of operational readiness.	1	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
137	State of New York	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests clarification on factors that will be used to assess operational readiness	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.

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138	State of New York	Substantive	General/Not Specific	N/A	Request a 2 part Certification Application process: Part 1 should only require state legislation that is created to enable the Exchange, Part 2: should include the detailed documentation and should not be due until 2013.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
139	American Federation of State, County and Municipal Employees	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	States' effort in working collaboratively with CMS should be considered as a factor in determining their level of readiness to operate an Exchange.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
140	American Federation of State, County and Municipal Employees	Substantive	Operational Readiness	Please demonstrate operational ability to meet the requirements outlined in Parts 1 & 2.	Requests clarification on factors that will be used to assess operational readiness	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
141	American Federation of State, County and Municipal Employees	Substantive	Consumer functions	Call Center Section 1311(d)(4)(B) of the Affordable Care Act requires an Exchange to provide for the operation of a toll-free telephone hotline to respond to requests for assistance.	Requests clarification on how state portals will interact with healthcare.gov., and whether health plans will continue to submit information through Health Insurance Oversight System (HIOS) or to the Federal exchange. Recommend that healthcare.gov be a gateway to the states' portal. Support concept of shared dictionary among systems (HIPS, SERFF) to permit states to enter data one time and have it shared.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
142	American Federation of State, County and Municipal Employees	Other/Policy	N/A	N/A	Requests clarification of relationship between IT Gate reviews and the Certification process.	2	Deny	Thank you, but this comment is outside of the scope of the Certification Application.
143	American Federation of State, County and Municipal Employees	Substantive	Eligibility	N/A	Request that Exchanges be required to ensure that Medicaid, premium subsidy, tax credit eligibility enrollment decisions be made by employees subject to merit personnel systems because such determinations are government functions.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
144	American Federation of State, County and Municipal Employees	Substantive	Consumer functions	N/A	Call center can perform Medicaid, premium subsidy, and tax credit enrollment decisions if it is a publicly operated.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.
145	American Federation of State, County and Municipal Employees	Substantive	Appeals	N/A	Request that Exchanges be required to ensure that Appeal decisions be made by employees subject to merit personnel systems because such determinations are government functions.	2	Accept	We will take this under advisement for future iterations of the Certification Application or in future rulemaking.