

Responses to Comments Received

Proposed Rule CMS-2334-F2

CMS received no comments regarding the information collection requirements proposed in the Certified Application Counselor PRA package which was published in connection with proposed 45 CFR §155.225, published on January 22, 2013 (78 FR 4594, 4661) in the Federal Register notice of proposed rulemaking, “Medicaid, Children's Health Insurance Programs, and Exchanges: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Exchange Eligibility Appeals and Other Provisions Related to Eligibility and Enrollment for Exchanges, Medicaid and CHIP, and Medicaid Premiums and Cost Sharing.”¹

We note that CMS solicited comments in a separate notice of proposed rulemaking that was published on April 5, 2013, in connection with the Navigator/non-Navigator proposed rule. Specifically, CMS solicited comments on the extent the requirements for Navigators and/or non-Navigator Assistance personnel should extend to certified application counselors. CMS received a number of comments to the substantive regulatory requirements for certified application counselors, some of which were relevant to the information collection requirements for certified application counselors that we are finalizing in the Final Rule, “Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel; Consumer Assistance Tools and Programs of an Exchange and Certified Application Counselors”, which we are publishing simultaneously with this information collection. Please refer to the final rule for a full discussion of the substantive comments received through notice in the Federal Register that we considered as we finalized §155.225 and associated information collections.

¹ The PRA package estimated the burden associated with these provisions as the time and effort necessary for the Exchange to develop and execute agreements with applicable application counselors. For each provision we estimate that it will take 105 hours per Exchange to meet these reporting requirements. This includes a mid-level health policy analyst drafting the agreement with managerial oversight and comprehensive review of the agreement. The estimated cost for each Exchange is \$6,733 and a total cost of \$343,383 for 51 Exchanges.