

Appendix E: Data Elements for Enforcement Remedies in Federally-facilitated Exchanges (Part 156, Subpart I)

The data elements for the collections of information included in Part 156, Subpart I—Enforcement Remedies in Federally-facilitated Exchanges (FFE), are as follows:

Grounds for Imposing Civil Monetary Penalties (§156.805)

Proposed §156.805 sets forth the bases for imposing a civil monetary penalty against an issuer in response to an issuer’s actions of non-compliance. We assume the issuer is expected to acknowledge receipt of this notice by providing a written statement that includes the following issuer information:

1. Issuer name
2. Issuer address
3. Date of receipt of notice
4. Date of submission of acknowledgement
5. Type of notice received

We also assume that each issuer who receives a notice of intent to issue a civil monetary penalty will request a hearing to appeal that penalty. As proposed in § 156.905(a), the issuer has a right to a hearing; therefore, no specific evidence of the issuer’s compliance needs to be presented in addition to the basic request. We assume the request for a hearing will include the following information:

1. Issuer name
2. Issuer address
3. Date of receipt of notice
4. Date of submission of request for hearing
5. Type of notice received

If an issuer does not request a hearing within 30 days of the issuance of the notice by HHS, then HHS may assess the proposed penalty and notify the issuer of this action in writing. The issuer may request a hearing to appeal this penalty but must show evidence of “good cause” for failing to request the hearing within the set 30-day period. We assume this late request for a hearing will include the following information:

1. Issuer name
2. Issuer address
3. Date of receipt of notice
4. Date of submission of request for hearing
5. Type of notice received
6. Evidence that explains why the issuer was unable to request a hearing within the initial 30 days of the notice being issued to demonstrate good cause

Bases and Process for Decertification of a QHP (§156.810)

Section 156.810 states the ability of HHS to impose a decertification action against an issuer in response to an issuer's actions of non-compliance. There are two types of decertification – standard and expedited. We assume the issuer is expected to acknowledge receipt of either type of notice in the same way, by providing a written statement that includes the following issuer information:

1. Issuer name
2. Issuer address
3. Date of receipt of notice
4. Date of submission of acknowledgement
5. Type of notice received