

Appendix F: Data Elements for Administrative Review of QHP Issuer Sanctions in Federally-facilitated Exchanges (Part 156, Subpart J)

The data elements for the collections of information included in Part 156, Subpart J – Administrative Review in Federally-facilitated Exchanges (FFE), are as follows:

Form and Content of Request for Hearing (§156.907)

As proposed in §156.905, an issuer has the right to hearing before an administrative law judge if it files a request for a hearing that complies with proposed §156.907(a) within 30 days of the issuance of a notice of proposed assessment from HHS under proposed §156.805. In addition to identifying the relevant notice of assessment or decertification by date and attaching a copy of the notice to the request for hearing, the request for a hearing must:

1. Identify any factual or legal bases for the assessment or decertification with which the issuer disagrees; and
2. Describe with reasonable specificity the basis for the disagreement, including any affirmative facts or legal arguments on which the respondent is relying.

We assume the request for a hearing will contain basic administrative information about the issuer as well as all evidence needed to meet the standards listed above; therefore, we assume the request may include the following information:

1. Issuer name
2. Issuer address
3. Date of receipt of notice from HHS
4. Date of submission of request for hearing
5. Type of notice received
6. Factual or legal bases used by HHS in their assessment or decertification with which the issuer disagrees
7. The basis for the issuer's disagreement (including facts or legal arguments to support its argument)
8. Evidence to counteract any specific details specified in the notice from HHS that give grounds for its assessment or decertification
9. Evidence that shows the issuer's overall financial and regulatory good standing as proof against the assessment or decertification