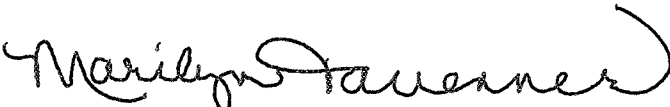


DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Center for Consumer Information & Insurance Oversight  
200 Independence Avenue SW  
Washington, DC 20201



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DATE: August 6, 2013  
TO: Howard Shelanski  
Administrator, OIRA

FROM: Marilyn Tavenner   
Administrator

SUBJECT: Request for Emergency Clearance of the Paperwork Reduction Act Revision  
for State-based Exchange Establishment Grants

**Emergency Justification**

The Centers for Medicare & Medicaid Services (CMS) is requesting a Paperwork Reduction Act (PRA) revision for Cooperative Agreements to Support Establishment of the Affordable Care Act's Health Insurance Exchanges ("Establishment Grants") to be processed under the emergency clearance process associated with 5 CFR 1320.13(a)(2)(i). Public harm is reasonably likely to ensue if the normal clearance procedures are followed. The approval of the data collection tools for outcomes and operational metrics is essential to ensuring that State-based Marketplaces provide substantive operational and monitoring data to CMS in a uniform format from the beginning of the open enrollment period, October 1, 2013. Without an emergency clearance process, systematic data collection would not begin until well into the open enrollment period, and states would have to delay critical steps to integrating this reporting into their information systems. Without consistent data, CMS will be limited in its ability to effectively track states' progress and identify problems during this crucial early implementation period.

The existing PRA package is pending OMB review under control number 0938-1119. The 30-day public comment period ended September 16; however, OMB's 60th day of review falls after October 1, 2013.

**Background**

Section 1311 of the Affordable Care Act provides for grants to states for the planning and establishment of Marketplaces. Given the innovative nature of Marketplaces and the statutorily-prescribed relationship between the Secretary and states in their development and operation, it is critical that the Secretary work closely with states to provide necessary guidance and technical assistance to ensure that states can meet the prescribed timelines, federal requirements, and goals of the statute. These grants are funded through the Health Insurance Marketplaces Cooperative Agreement to Support Establishment of the Affordable Care Act's Health Insurance Exchanges (Funding Opportunity Number: IE-HBE-12-001).

On May 28th, the Federal Register published a proposed revision to the existing PRA package, submitted by CCIIO, of data collection pertaining to these Establishment Grants. The revised PRA package reflected substantial changes in the Establishment Review process, the number of applications expected each year, and number of grantees that are expected to report each year. In addition, it reflected more intensive measurement of Marketplace effectiveness and impact on affordability. The expanded reporting of several operational and outcomes metrics, and expansion to weekly, monthly, and quarterly reporting of some measures will facilitate early problem identification, quality improvement, and targeted technical assistance. Finally, the expanded reporting of outcome measures in the revised PRA package allows CCIIO to be in compliance with the Affordable Care Act (P.L. 111-148 and 111-152), which requires federal oversight of the programmatic integrity of State-based Marketplaces. The states will begin data collection during open enrollment beginning October 1, 2013. This data collection will be carefully coordinated with other data collection efforts and will not duplicate other efforts.

In the PRA revision package currently under review, CCIIO provided a comprehensive estimate of the burden associated with this data collection, and also submitted lists of the data elements to be reported by the States. No comments were submitted during the 60-day comment period ending July 23, 2013. The data collection tools, e.g., the Outcomes Metrics and Operational Metrics template are the subject of this request for emergency action.

Under existing timelines, the PRA revision package cannot be approved, and an OMB control number assigned, until after the October 1. As such we are now seeking OMB approval for the data collection tools under the emergency PRA process.

#### **Requested and Proposed Timeline**

September 6, 2013

- Submit PRA package to OSORA

September 9, 2013

- Target display date for the Emergency FR notice
- Start of the 15-day public comment period
- PRA package submitted to OMB
- Start of informal OMB review period

September 23 2013

- End of 15-day public comment period. OMB begins review.

September 24, 2013

- Requested OMB approval date
- Operational metrics data collection tool is posted