

**OMB Comments: 30-day PRA for Exemptions Applications**

December 15, 2013

Comment	Response
Presumably CMS preferred to use an application similar to the Exchange application, but did you consider including the definition of a tax household or referring applicants to somewhere else for help?	We tried to leverage the extensive work done on the coverage application to the maximum extent possible. We anticipate leveraging what is already on healthcare.gov to support the coverage process to help individuals with the tax household concept for exemptions as well. Further, what is potentially easier about exemptions is that unlike coverage, in order to claim an exemption, you have to file taxes – so hopefully the tax concepts are more familiar. We have also and will continue to make it clear that individuals who need assistance can contact the Marketplace call center.
Religious objection application: have you considered using application language similar to that provided in the supporting statement for this application – ie, that this exemption is for members of sects with objections to insurance, including Social Security nad Medicare? This could improve PI and reduce the number of individuals falsely claiming membership in an objecting sect.	We have included this.
Unable to afford coverage application for SBM: Why does this application not include a separate worksheet to help individuals calculate their yearly income, similar to the FFE application? Also on page 4, where they are required to provide the screen from the plan comparison tool, have you considered including a footnote with directions on how to do this? Or is the plan to let them call the Marketplace, who can help them with this? Finally, for Appendix A, have you considered providing suggestions of how the employee can figure out if the plan meets MV – ie, through the 18B notice from their employer?	The affordability exemption applications include the same income questions that are on the coverage application. Regarding the cost of the lowest-cost bronze plan, we anticipate developing some additional instructions, but this will be challenging due to variability between state-based Marketplaces. We will work with the call center on scripts to provide assistance to consumers. Regarding appendix A – this is the exact same question that is used on the coverage app. We will be closely monitoring both applications and will make any changes across both forms.

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<p>Unable to afford coverage application for FFE: can you provide the rationale for different FFE and SBM applications? We assume it's because of the different requirements for exemption eligibility determination and access to data that are outlined in previous guidance, but please confirm.</p>	<p>For individuals in FFM states, the FFM is responsible for computing the cost of the lowest-cost bronze plan net of APTC. For individuals in SBM states, this is the responsibility of the SBM. Accordingly, the FFM application has more questions than the SBM app, and if we were to combine them, then applicants in SBM states would have to wade through unnecessary questions.</p>
<p>Our understanding is that tribe/Indian-related exemptions include 1) the explicit exemption for Federally-recognized tribes provided in statute, and 2) the exemption for non-Federally recognized tribe members that are eligible for IHS (defined under the hardship definition in the MEC reg). Does this application include both the explicit statutory exemption plus the hardship exemption recognized by the Secretary? This makes sense from a consumer perspective not to provide the IHS exemption in the hardship application, but we would like to clarify.</p>	<p>Yes, this application covers both the statutory exemption and the hardship exemption defined through regulation.</p>
<p>Our understanding is that the State Marketplace Director Letter provided sub-regulatory guidance that the hardship exemption is provided for A) significant increase in expenses that prevent purchase of coverage, B) where purchasing coverage would cause significant deprivation of food, shelter, etc., or C) "other circumstances" defined as the list here that includes homelessness and domestic violence. These criteria clearly apply to C, but will other criteria address A and B? Ie, what if purchasing such coverage would result in deprivation of food?</p>	<p>The hardship application represents the criteria that the FFM will use for the first year of operations. We may revise this for future periods, and state-based Marketplaces also have some flexibility.</p>
<p>(Less Frequent Collection) Suggest reframing this slightly. For example, this section could address program integrity related to individual entitlement to exemptions and/or consistency with IRS/CMS program information collection related to eligibility.</p>	<p>We have modified the section accordingly.</p>
<p>(Supporting Statement) Recommend removing multiple references to "conservative" since this number is going to be relatively difficult to estimate.</p>	<p>We have removed the references.</p>
<p>(Supporting Statement) Operationally, we also anticipate individuals applying for multiple exemptions and potentially qualifying on several criteria. May want to mention this, but defer to CMS.</p>	<p>We would prefer not to speculate on this point at this juncture. We do think this is possible, but we are unsure of how frequently it will occur.</p>

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