

**SUPPORTING STATEMENT**  
**OMB 1545-2182**  
**TD 9494**

**1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

Section 2719 of the Public Health Service Act, incorporated into Code section 9815 by section 1563(f) of the Patient Protection and Affordable Care Act, Public Law 111-148, requires group health plans and issuers of group health insurance coverage, in connection with internal appeals of claims denials, to provide claimants free of charge with any evidence relied upon in deciding the appeal that was not relied on in making the initial denial of the claim.

**2. USE OF DATA**

This is a third party disclosure requirement. Individuals appealing a denial of a claim should be able to respond to any new evidence the plan or issuer relies on in the appeal, and this disclosure requirement is essential so that the claimant knows of the new evidence.

**3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN**

Plans and issuers may satisfy this disclosure requirement by electronic means if they comply with applicable electronic disclosure requirements.

**4. EFFORTS TO IDENTIFY DUPLICATION**

The regulations provide that the satisfaction of this obligation by either the plan or the issuer satisfies the obligation for both parties.

**5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

The regulations provide that disclosure by either the plan or the issuer will satisfy the obligation for both parties responsible for the disclosure. Most small businesses maintaining a group health plan provide benefits through health insurance coverage. In such a case, it is expected that the issuer of the health insurance coverage will satisfy the disclosure obligation on behalf of both the plan and the issuer.

**6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES**

Not applicable -- occasional third-party disclosure requirement.

**7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)**

Not applicable.

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

In response to the **Federal Register** Notice dated September 27, 2013 (78 FR 59767), we received no comments during the comment period regarding Reg-125592-10/TD 9494.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

This information collection does not collect PII.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Total burden hours are estimated at 700 hours (50% is assigned to DOL and 50% is assigned to IRS).

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our **Federal Register** Notice dated September 27, 2013 (78 FR 59767), requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of these cost burdens are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Estimated annualized cost to the Federal government is \$26,000.

15. REASONS FOR CHANGE IN BURDEN

There is an increased in the total number of expected annualized burden because the Departments estimate the foregoing total burden hours: 300 hours in 2011, 500 hours in 2012, and 700 hours in 2013.

This collection is also being submitted for renewal.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the form expires as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB PRA SUBMISSION FORM

Not applicable.

19. REASON FOR EMERGENCY SUBMISSION

Not applicable.