

## **Appendix D – Comments and Responses for Information Collection Requirements Related to CAC Recertification**

Comment: One commenter, Advanced Patient Advocacy, requested clarification on the method of recertification for CACs.

Response: Under 45 CFR 155.225(d)(7), individual certified application counselors are required to successfully complete Exchange-approved recertification training and be recertified on at least an annual basis. Each Exchange establishes its own recertification standards consistent with these requirements. In the Federally-facilitated Exchanges (including State Partnership Exchanges), the organizations designated by CMS to participate in the certified application counselor program are responsible for recertifying individual CACs. CMS will make training available for individuals who seek recertification in summer 2014. If training is successfully completed, the individual CAC will show proof of successful completion to his or her host organization. The organization will issue a certificate to the individual.

Comment: One commenter, U.S. Chamber of Commerce, requested further justification based on empirical evidence for a number of estimates, for example: 1.) the one hour time burden estimated to review each individual's request form, notify the individual of the result of its review and issue a new certificate, if appropriate; 2.) the one minute time burden estimated to maintain a record of each certificate issued to each individual who completes recertification; 3.) the estimated number of 5,000 designated organizations in Federally-facilitated Exchanges or State Exchanges that would directly certify individual CACs; and 4.) the 10 minute time burden estimated for each individual certified application counselor to complete and submit a recertification request.

Response: We are finalizing the information collection requirements and the applicable burden estimates as they were discussed in the proposed rule, with no changes.

First, we note that while recertification of CACs is a new requirement for a relatively new program and therefore it is not possible to estimate with precision the burdens associated with recertification, we believe that the one hour time burden to review each individual's recertification request form and notify the individual of the result of the review is based on reasonable assumptions and is a reasonable estimate. First, we expect that the request form will be succinct and straightforward and contain information that is readily verifiable, such as the individual's name, contact information, CAC ID number, proof of training, any potential conflicts of interest, in accordance with 45 CFR 155.225(d)(2), and any proof of completion of applicable state requirements, in accordance with 45 CFR 155.225(d)(8). Further, we expect that organizations will issue notifications and/or new certificates using model, fillable forms. We note that CMS has and will continue to provide designated organizations in the Federally-facilitated Exchanges with a model certificate.

Second, we believe that the one minute time burden estimated for recordkeeping with respect to maintaining a record of each certificate issued to each individual who successfully completes recertification is sufficient and reasonable. We note that for the Federally-facilitated Exchanges, CMS will provide a model certificate in electronic form, so we expect designated

organizations to maintain a record of each certificate electronically. Use of this information technology will substantially reduce the time burden associated with recordkeeping.

Third, we estimated 5,000 designated organizations based on the approximate 3,000 CAC organizations operating in Federally-facilitated Exchanges (public database found at <https://data.healthcare.gov/dataset/Find-Local-Help-Map-View/6b77-3589>), or 90 per Exchange. For 51 Exchanges, including the District of Columbia, we estimated there would be about 4,640 CAC organizations nationwide. As a conservative estimate and to account for newly designated organizations, we rounded this figure to 5,000.

Fourth, we note that while recertification of CACs is a new requirement for a relatively new program and therefore it is not possible to estimate with precision the burdens associated with recertification, we believe that the ten minute time burden estimate for each individual CACs to complete a recertification request form is based on reasonable assumptions and is a reasonable estimate. We expect that the request form will be succinct and straightforward and contain information that is readily available, such as the individual's name, contact information, CAC ID number, proof of training, any potential conflicts of interest, in accordance with 45 CFR 155.225(d)(2), and any proof of completion of applicable state requirements, in accordance with 45 CFR 155.225(d)(8). Further, to expedite completion of the process, it is possible that organizations may use an electronic form and/or pre-fill portions of the form, as some of the information is already available to the organization.