

Non-Substantive Change Request to CMS-10430

This is a non-substantive change request to CMS-10430 (Information Collection Requirements for Compliance with Individual and Group Market Reforms under Title XXVII of the Public Health Service Act) to allow CMS to change how sponsors of self-funded, non-Federal governmental plans submit HIPAA opt-out elections to CMS. Currently sponsors can submit their elections via U.S. mail or facsimile. We would like to instead ask sponsors to submit the election through CMS' Health Insurance Oversight System (HIOS). We believe that this change will make the process more efficient, and not affect the burden on individual sponsors. Hard copy election documents via U.S. mail or facsimile will only be accepted through December 31, 2014, after which only elections submitted through electronic submission will be accepted.

In addition, we wish to request that the Plan and Benefit template be submitted into the HIOS Form Filing module for all plans that are not applying to for a qualified health plan status in direct enforcement states. This will enable CCIIO, as the direct enforcer of the ACA requirements in Alabama, Missouri, Oklahoma, Texas, and Wyoming, to use the tools available to states and issuers in the form filing review process. Non-QHP issuers are already required to submit this template to CCIIO as part of the RBIS data collection. Therefore, we do not expect this change to increase issuer burden. It will enable CCIIO to conduct form filing reviews for plans not applying for qualified health plan status as well as plans applying for qualified health plan status using the same process and tools.

The HIPAA opt-out guidance providing instruction to plan sponsors was issued on July 21, 2014.