

CMS Response to Public Comments Received for CMS-10494

The Centers for Medicare and Medicaid Services (CMS) received comments from certified application counselor organizations, consumer advocacy organizations, trade groups, and states CMS-10494. This is the reconciliation of the comments.

Comment:

The Centers for Medicare and Medicaid Services (CMS) received mixed comments related to our proposal to collect data from certified application counselor organizations. Many commenters supported the proposal, noting the value of tracking performance data. Many commenters also requested that we coordinate with the Health Resources and Services Administration (HRSA) on their ACA Health Center Outreach and Enrollment Assistance grant reporting requirements that affect Federally Qualified Health Centers that are also serving as certified application counselor organizations in order to reduce duplication and administrative burden.

Response:

CMS agrees that the data will enhance the Exchanges' ability to oversee and support certified application counselor organizations, target outreach and education efforts, and identify training needs. In FFEs, CMS believes the information and data we proposed to be collected aligns well with HRSA's ACA Health Center Outreach and Enrollment Assistance grant reporting metrics.

Comment:

CMS also received several specific suggestions for data elements to be collected by Exchanges, including metrics related to re-enrollment, assistance to non-English speakers, and post-enrollment activities. One commenter requested that CMS develop a means for certified application counselor organizations to voluntarily report additional information that falls outside of the proposed performance measures.

Response:

To minimize the burden on certified application counselor organizations, CMS is not adding to or changing the kind of information and data to be collected. Because certified application counselors are not required to perform post-enrollment activities, CMS will not require them to report on any post-enrollment assistance they provide.

Comment:

A few commenters opposed this proposal, arguing that the requirements would be overly burdensome and could lead some certified application counselor organizations to discontinue their programs. Many commenters urged CMS to minimize the burden associated with certified

application counselor performance data reporting. Several commenters expressed concern regarding the scope and frequency of the proposed reporting requirements, and recommended requiring less frequent reporting.

Response:

CMS intends that any FFE information collection be straightforward, and place little burden on certified application counselor organizations, particularly given the resource constraints faced by many certified application counselors. CMS recognizes that certified application counselor programs are not required to be funded by Exchanges. In FFEs, to help minimize any burden on certified application counselors and certified application counselor organizations, while still providing FFEs enough information to meaningfully improve oversight of certified application counselor programs, CMS finalized a quarterly, rather than monthly, reporting schedule. CMS believes that quarterly reports will provide FFEs with sufficient information to meaningfully improve oversight of certified application counselor programs.

Comment:

A few commenters agreed that SBEs should have the option to establish their own reporting requirements to align with their needs. A few commenters requested that SBEs be allowed an exemption from this proposal if they determine that the administrative costs are too burdensome. One commenter requested that HHS establish limits on both the scope and frequency of performance data reporting requirements in all Exchanges. Commenters also noted that certified application counselor organizations that operate under the umbrella of national organizations would benefit from standardized reporting requirements across all Exchanges.

Response:

In SBEs and SBE-FPs, this provision only requires that organizations submit information and data to the SBE upon request, in the form and manner specified by the SBE, and therefore affords SBEs and SBE-FPs the flexibility to establish standards appropriate to their own specific needs and objectives. SBEs and SBE-FPs may weigh any increased administrative costs of requiring regular reports against the benefits of having additional information about the consumer assistance landscape in their State and decide whether, how, and when to collect data from certified application counselor organizations. In addition, CMS encourages SBEs and SBE-FPs to take into consideration the impact their reporting requirements will have on organizations that also serve as certified application counselor organizations in States with an FFE. CMS encourages SBEs and SBE-FPs to consider using, at a minimum, the data elements used by the FFE, in order to minimize the burden on organizations that also serve as certified application counselor organizations in States with an FFE, but they are not required to do so if they do not believe that doing so fits their State's circumstances.