



**From:** DHHS/CMS/OA/CCIIO/State Exchange Group

**To:** Office of Management and Budget

**Re:** Requested Approval of Non-substantive Change to Notice of Action: State-based Marketplace Annual Reporting Tool (SMART) (OMB Control Number 0938-1191)

**Date:** 13 April 2016

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### **Summary**

The Centers for Medicare and Medicaid Services' (CMS') Center for Consumer Information and Insurance Oversight (CCIIO) is responsible for the oversight and monitoring of State-based Marketplaces (SBMs) pursuant to 45 C.F.R. § 155.1200 (General Program Integrity and Oversight Responsibilities) and 45 C.F.R. § 155.1210 (Maintenance of Records). This final rule requires SBMs to conduct a defined set of oversight activities, including external financial and programmatic audits, to track and monitor how it is meeting Affordable Care Act (ACA) program integrity standards. CCIIO utilizes the State-based Marketplace Annual Reporting Tool (SMART) to document an SBM's compliance with these and other regulatory requirements

The Plan Year (PY) 2014 SMART was approved by the Office of Management and Budget (OMB) on Thursday, July 3, 2014 (OMB Control Number: 0938-1191) and the first SMART was submitted to CCIIO by each SBM on April 1, 2015. Based on lessons learned collected during the first year of the SMART's development and implementation, CCIIO has taken a closer review of the Program Integrity (PI) Final Rule Part II requirements. Since this time, SEG has identified changes to the PY 2015 SMART to better align to the reporting requirements provided in the PI Final Rule Part II. As a result there are some key amendments to the attestations in the SMART that would provide clarification on the reporting requirements and oversight activities States are to carry out.

We do not anticipate that this amendment will result in a significant increase in the burden to respondents. We are requesting that non-substantive change for this package be approved and issued by 30, April 2016. This will provide respondents with ample opportunity to prepare for the change ahead of the 01 June 2016 reporting due date.

## Changes

CCIIO requests approval of non-substantive changes around:

- 1) Minor editorial changes to the Executive Summary, Performance Metrics, and Financial and Program Integrity sections;
- 2) Removing the State-Blueprint Profiles and Updates and Information Technology, Privacy, and Security sections;
- 3) Converting performance monitoring data information from the Establishment Grant information collection into an attestation; and
- 4) Converting eligibility and enrollment information from the Exchange Final Rule information collection into attestations.

## Anticipated Burden Impact

CCIIO anticipates there will be no substantial increase in burden to SBMs based on these changes.

| SUMMARY SMART REQUIREMENTS                    |   |   |
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| SMART Section                                 | Requirement   | Change  |
| <b>Executive Summary</b>                      | <ul style="list-style-type: none"> <li>Opportunity for Marketplace to highlight Marketplace accomplishments</li> </ul>  | <ul style="list-style-type: none"> <li>Minor editorial changes</li> </ul>   |
| <b>Performance Metrics</b>                    | <ul style="list-style-type: none"> <li>The performance metrics were created to provide insight into the performance and impact of SBMs. This set of standardized metrics ensures basic transparency and allows consistent cross-state comparisons of the impact of varying approaches to SBM implementation.</li> </ul> | <ul style="list-style-type: none"> <li>Moved section from II to III.</li> <li>Minor editorial changes.</li> <li>Converted performance monitoring data content (weekly enrollment metrics) from the Establishment Grant information collection into an attestation.</li> </ul> |
| <b>State-Blueprint Profiles &amp; Updates</b> | <ul style="list-style-type: none"> <li>State Blueprint Profiles are created through data collected from SBMs on policy and operational decisions. These profiles are used to track and analyze varying approaches to implementation of each Marketplace.</li> </ul>   | <ul style="list-style-type: none"> <li>Removed this section including all attestations listed and State-Blueprint Profile upload.</li> </ul>  |
| <b>Eligibility and Enrollment</b>             | <ul style="list-style-type: none"> <li>Eligibility and enrollment requirements were created to enhance transparency and ensure fairness for consumers. SBMs should submit reports regarding eligibility and enrollment to CMS as part</li> </ul>  | <ul style="list-style-type: none"> <li>Moved this section from IV to II.</li> <li>Removed duplicative attestations since the performance metrics reporting includes the</li> </ul>  |

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|  | of this SMART. These reports should focus on eligibility verifications, inconsistencies, non-discrimination safeguards, accessibility of information, and fraud and abuse incidences.   | reporting requirements.<br><ul style="list-style-type: none"> <li>• Converted eligibility and enrollment content from the Exchange Final Rule information collection into attestations.</li> </ul> |
| <b>Financial and Program Integrity</b> | <ul style="list-style-type: none"> <li>• Requirements on financial and program integrity were developed to ensure proper oversight, accurate accounting of all activities, receipts, and expenditures, and assurance for identifying and addressing incidences of fraud, waste, and abuse.</li> </ul> | <ul style="list-style-type: none"> <li>• Minor editorial changes</li> <li>• Moved O&amp;M plan submission from State-Blueprint Profile section.</li> </ul>   |
| <b>Privacy and Security</b>            | <ul style="list-style-type: none"> <li>• Each SBM is required to submit information technology (IT), privacy and security plans and documentation to ensure compliance with state and federal requirements.</li> </ul>  | <ul style="list-style-type: none"> <li>• Removed this section, including all attestations listed.</li> </ul>   |