

Response to Public Comments
External Quality Review (EQR) of Medicaid Managed Care, EQR Protocols, and
Supporting Regulations in 42 CFR 438.350, 438.352, 438.354, 438.356, 438.358, 438.360,
438.362, 438.364, and 438.370
CMS-R-305, OMB 0938-0786

In our June 1, 2015, proposed rule (80 FR 31098) we solicited public comment on each of the External Quality Review and supporting regulation changes. PRA-related comments were received (see below for a summary of the comments along with our response). While one PRA-related public comments was received with regard to our proposed requirements and burden estimates for EQR at section 438.358, we have considered the comment and are not modifying this estimate in response to this comment. However, we are revising this ICR to reflect the changes to the external quality review sections described in final rule and to make minor adjustments to hourly rates. CMS received no PRA-related comments related to §§438.350, 438.352, 438.354, 438.356, 438.360, 438.362, 438.364, or 438.370.

Comment: One commenter noted that the proposed changes to EQR (§438.358) (along with the proposed changes to QAPI and the proposed CQS) drove the new burden associated with the proposed quality revisions. The commenter believed that the cost estimates for these changes seemed understated, and that state might not be able to successfully bear this burden without consideration of a temporary enhanced match or other funding.

Response: While the commenter believed that the EQR estimates were understated, it is not clear to us in what respect that is the case. We developed the EQR estimates based off of established estimates for MCOs and PIHPs for this topic and our experience via EQR technical report submissions. We note that these are estimates, and actual states practices and implementation may cause actual experience to be more, less or the same as these estimates. Without clearer direction as to where our estimate is lacking, we decline to revise the EQR burden estimates. We also note that there is an enhanced 75 percent match rate available for EQR and EQR-related activities conducted by an EQRO on an MCO (see §438.370); we lack statutory authority to provide any additional enhanced match rate or other financial support for EQR and EQR-related activities.

CMS Action: CMS made minor adjustments to hourly rates and other small adjustments related to the final rule.