

Supporting Statement for Paperwork Reduction Act Submissions

Initial Request for State Implemented Moratorium Form
CMS-10628/OMB Control Number: 0938-NEW

A. BACKGROUND

Congress has enacted section 1866 (j)(7) of the Social Security Act, which allows for the imposition of temporary moratorium. CMS promulgated 42 CFR 424.570 in order to comply with that statute, which requires that prior to implementing state Medicaid moratoria the state Medicaid agency must notify the Secretary in writing, including all of the details of the moratoria, and obtain the Secretary's concurrence with the imposition of the moratoria.

The Initial Request for State Medicaid Implemented Moratorium, named the "Initial Request for State Medicaid Implemented Moratorium" has been created to collect that data, in a uniform manner, which the states report to CMS when they request a moratorium. Currently, CMS is collecting this data on an ad-hoc basis, however this process needs to be standardized so that moratoria decisions are being made based on the same criteria each time.

Goals of the enrollment form

The goal of the Initial Request for State Medicaid Implemented Moratorium form is to provide a uniform application process that all of the states may follow so that CMS is able to administer the Medicaid or Children's Health Insurance Program moratorium process in a standardized and repeatable manner. This form creates a standardized process so that moratoria decisions are being made with the same criteria each time.

JUSTIFICATION

1. Need and Legal Basis

42 CFR § 455.470(b)(3) requires that the State Medicaid agency must notify the Secretary in writing in the event the State Medicaid agency seeks to impose a moratoria, including all details of the moratoria; and obtain the Secretary's concurrence with imposition of the moratoria.

The above regulation is promulgated from 1866 (j)(7) of the Social Security Act, which allows for the imposition of temporary moratorium.

2. Information Users

The form may be used by states and territories who wish to impose a Medicaid or Children's Health Insurance Program moratorium. CMS will use this information as a standardized method to collect and track state imposed moratoria requests..

3. Use of Information Technology

This form lends itself to email or hardcopy submission ONLY. The form may be emailed to providerenrollmentmoratoria@cms.gov and paper submissions will be mailed to CMS Central Office, Center for Program Integrity.

4. Duplication of Efforts

There is no duplicative information collection instrument or process.

5. Small Business

This form may affect small businesses; however, CMS does not have the regulatory authority to exclude small business from state-implemented moratoria.

6. Less Frequent Collection

This information is collected on an as needed basis, as defined by state Medicaid and CHIP programs.

7. Special Circumstances

This is a special circumstance because this form only lends itself to email or hardcopy submission. It should not be made available to the public via the cms.gov forms list or any state forms list accessible to the public. The providers/suppliers should not know what or where fraud is taking place, nor should the providers/suppliers be able to determine the request for a moratoria based on specific fraudulent activities or supplies via the data fields on the form. It would allow illegitimate providers/suppliers to determine and begin evasive measures so as to not be part of the moratoria. The form can be requested via the email providerenrollmentmoratoria@cms.gov, completed, and emailed back to the same address or mailed back in a paper submission to CMS Central Office, Center for Program Integrity.

8. Federal Register Notice/Outside Consultation

The 60-day Federal Register notice published August 18, 2016 (81 FR 55203). No comments were received.

No outside consultation was sought.

9. Payment/Gift to Respondents

Respondents will not receive payments or gifts.

10. Confidentiality

CMS will comply with all Privacy Act, Freedom of Information laws and regulations that apply to this collection. Privileged or confidential commercial or financial information is protected from public disclosure by Federal law 5 U.S.C. 522(b)(4) and Executive Order 12600.

11. Sensitive Questions

There are no sensitive questions associated with this collection.

12. Burden Estimate (Hours and Wages)

A. Paperwork Burden Estimate (hours)

The state burden associated with completion of this form is estimated at five hours per form, which will include completion of moratoria design, contact information, and access to care assessment. In the past four months CMS has received four moratorium requests, and so CMS estimates that CMS will receive 15 moratorium requests per year. This will be a total of 75 hours per year.

Initial Request: 5 hours/per form x 15 forms = 75 hours per year

B. Paperwork Burden Estimate (cost)

This form will be completed by states as a part of their program integrity efforts. Estimated cost burden is estimated at \$37.36 an hour for 5 hours, totaling \$186.80. Estimated annual burden for 15 moratoria request totals \$14,010. To derive average costs, we used data from the Bureau of Labor Statistics' May 2016 National Occupational Employment and Wage Estimates by ownership / Federal, state, and local government, including government-owned schools and hospitals and the U.S. Postal Service for the occupation of management analyst , 13-1111(<https://www.bls.gov/oes/current/999001.htm#11-0000>).

13. Capital Cost

There is no capital cost associated with this collection.

14. Cost to Federal Government

Applications will be processed in the normal course of Federal duties for a GS-9 Estimated cost burden is estimated at \$26.34 (salary for District of Columbia / Maryland region) an hour for 5 hours, totaling \$131.70. Estimated annual burden for 15 moratoria request totals \$1,975.50.

15. Changes to Burden

This is a new data collection. There are no changes.

16. Publication/Tabulation Dates

The outcome of this data collection will not be published.

17. Expiration Date

The expiration date will be displayed on each data collection instrument.