

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 0938-1244)

Summary

The Centers for Medicare & 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 SBM compliance with these and other regulatory requirements

The SMART was originally approved by the Office of Management and Budget (OMB) on July 3, 2014, (OMB Control Number: 0938-1191) and subsequently approved without change on May 5, 2016. Based on lessons learned collected from the second year of the SMART's implementation, the State Exchange Group (SEG) identified additional non-substantive changes to the SMART that would better align it with the reporting requirements provided in the Program Integrity Final Rule Part II. As a result, SEG has amended the attestations in the SMART to provide additional clarification on the reporting requirements and oversight activities that states must carry out.

Based on our analysis, this amendment will not result in an increase in the burden to respondents. We are requesting that non-substantive change for this package be approved and issued by December 31, 2016. This will provide respondents with ample opportunity to prepare for the change ahead of the April 1, 2017, reporting due date.

Changes

CCIIO requests approval of non-substantive changes, including:

- 1) Removing the Executive Summary section.
- 2) Incorporating minor editorial changes to the Eligibility and Enrollment, Performance Monitoring Data, and Financial and Program Integrity sections.
- 3) Converting eligibility and enrollment and consumer assistance tool 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		
SMART Section	Requirement	Change
Executive Summary	<ul style="list-style-type: none"> Opportunity for the Marketplace to highlight Marketplace accomplishments. 	<ul style="list-style-type: none"> Removed this entire section requiring a free-text response.
Eligibility and Enrollment	<ul style="list-style-type: none"> 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 of the SMART. These reports should focus on eligibility verifications, inconsistencies, and accessibility of information. 	<ul style="list-style-type: none"> Eliminated the requirement for SBMs using the Federal platform (SBM-FPs) to complete this section. Removed three attestations related to Eligibility Standards, Enrollment Standards, and the Streamlined Application. Moved two attestations related to Non-discrimination Policies and Standards and Consumer Assistance Tools to the Financial and Program Integrity section. Added four attestations related to the Exchange Final Rule. Made minor editorial corrections.
Performance Monitoring Data	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Removed one attestation related to the Final Plan Year Outcomes Metric Report. Made minor editorial corrections.
Financial and Program Integrity	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Added one attestation from the Exchange Final Rule. Made minor editorial corrections.