

Supporting Statement for Information Collection Requirements for Non-Exchange Entities – CMS-10633

A. Background

The Patient Protection and Affordable Care Act, Public Law 111-148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111-152, enacted on March 30, 2010 (collectively, “Affordable Care Act”), expand access to health insurance for individuals and employees of small businesses through the establishment of new Affordable Insurance Exchanges (Exchanges), also called Marketplaces, including the Small Business Health Options Program (SHOP). The Exchanges, which became operational on January 1, 2014, enhance competition in the health insurance market, expand access to affordable health insurance for millions of Americans, and provide consumers with a place to easily compare and shop for health insurance coverage.

This Information Collection Request (ICR) serves as the formal request for a new data collection clearance associated with the HHS Notice of Benefit and Payment Parameters for 2018 Final Rule (2018 Payment Notice). This ICR includes ICRs related to the ability of states to permit agents and brokers to assist qualified individuals, qualified employers, or qualified employees enrolling in Qualified Health Plans in the Federally Facilitated Exchange (§155.220) and ICRs related to non-exchange entities (§155.260).

B. Justification

1. Need and Legal Basis

Section 1312(e) of the Affordable Care Act directs the Secretary to establish procedures under which a State may permit agents and brokers to enroll qualified individuals and qualified employers in QHPs through an Exchange, and to assist individuals in applying for advance payments of the premium tax credit and cost-sharing reductions.

2. Information Users

The data collection will assist HHS in monitoring Web-brokers for compliance with Federal Web-broker standards.

3. Use of Information Technology

HHS anticipates that a majority of the systems, notices, and information collection required will be automated. A majority of the information that is required by the collection of information will be submitted electronically. HHS staff will analyze or review the data in the same manner by which it was submitted and communicate with States, health insurance issuers, and other entities using e-mail, telephone, or other electronic means.

4. Duplication of Efforts

This information collection does not duplicate any other Federal effort.

5. Small Businesses

This information collection will not have a significant impact on small business.

6. Less Frequent Collection

If information is collected on a less frequent basis, the enrollment for qualified individuals and providers will be affected.

7. Special Circumstances

There are no special circumstances.

8. Federal Register/Outside Consultation

The proposed rule HHS Notice of Benefit and Payment Parameters for 2018 published September 6, 2016 (81 FR 61455) providing the public with a 60-day period to submit written comments on the ICRs included with the rule. The final rule published December 22, 2016 (81 FR 94058). No comments were received.

Outside consultation was not sought.

9. Payments/Gifts to Respondents

No payments and/or gifts will be provided to respondents.

10. Confidentiality

To the extent of the applicable law and HHS policies, we will maintain respondent privacy with respect to the information collected. Nothing in the information collection should be interpreted as preventing a State from being allowed to disclose its own data.

11. Sensitive Questions

There are no sensitive questions included in this information collection effort.

12. Burden Estimates (Hours & Wages)

The following sections of this document contain estimates of burden imposed by the associated information collection requirements (ICRs); however, not all of these estimates are subject to the ICRs under the PRA for the reasons noted. Salaries for the positions cited were mainly taken from the Bureau of Labor Statistics (BLS), Occupational Outlook Handbook, December 2015, (<http://www.bls.gov/ooh/>).

ICR Regarding Differential Display of Standardized Options on the Web Sites of Agents and Brokers (§155.220) and QHP Issuers (§156.265)

We propose to require web-brokers and QHP issuers that utilize the direct enrollment pathway to differentially display standardized options in the 2018 plan year and beyond, consistent with the approach adopted by HHS for display on the Exchange Web site, unless HHS approved a deviation. This policy would require direct enrollment entities to prominently display standardized options in a manner that makes them clear to consumers. We estimate that a total of 160 web-brokers and QHP issuers participate in the FFEs and SBE-FPs and would be required to comply with the standard. We estimate it would take a mid-level software developer (at a rate of \$96.82 per hour) approximately 2 hours annually to develop a differential display for standardized options. We estimate an annual cost burden of approximately \$193.64 per direct enrollment entity. The total annual burden will be 320 hours with an equivalent cost of approximately \$30,982.40.

We anticipate that fewer than 10 web-brokers and issuers would submit a request to deviate from the manner adopted by HHS for display on HealthCare.gov. Under 5 CFR 1320.3(c)(4), this ICR is not subject to the PRA as it would affect fewer than 10 entities in a 12-month period.

Labor Category	Number of Respondents	Hourly Labor Costs (Hourly rate + 100% Fringe benefits)	Burden Hours	Total Burden Costs (per Respondent)	Total Burden Costs (All Respondents)
Software Developer	160	\$96.82	2	\$193.64	\$30,982

13. Capital Costs

There are no anticipated capital costs associated with these information collections.

14. Cost to Federal Government

The burden to the Federal government for the continuing the established systems and policies associated with this information collection is \$37,776.62. The calculations for CCIIO employees' hourly salary was obtained from the OPM website: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/DCB_h.pdf

Table 1 – Administrative Burden Costs for the Federal Government Associated with the Program Integrity and Additional State Collections

Task	Estimated Cost
Technical Assistance to States	
15 GS-13: 15 x \$44.15 x 50 hours	\$33,112.50
Managerial Review and Oversight	
2 GS-15: 2 x \$61.37 x 38 hours	\$4,664.12
Total Costs to Government	\$37,776.62

15. Changes to Burden

There are no changes to the burden. This is a new data collection.

16. Publication/Tabulation Dates

There are no plans to publish the outcome of the data collection.

17. Expiration Date

The expiration date will be displayed on each instrument (top, right-hand corner)