

0938-0832
PRA Package for CMS-1561 and CMS-1561A
CMS Response to OMB Passback Questions

OMB Comment #1: Why not use electronic signatures?

CMS Response to OMB Comment #1: Both the form CMS-1561 and CMS-1561A are in a pdf format that the facility can download from the CMS website. This pdf form is not fillable. For the CMS-1561, the facility is required to fill in their legal name, DBA name, and to read and sign the form. As for the CMS-1561A, the facility is required to fill in the name of their clinic and to read and sign the form. With both forms, once signed the facility then sends 2 original copies of the form to CMS/the appropriate MAC via U.S. mail. Therefore, this form does not lend itself to electronic signature or electronic submission at this time.

If, a later date, CMS considers converting this form to electronic submission, electronic signatures could be used.

OMB Comment #2:

It seems that the 5 minutes cited below does not include the time necessary to assess compliance that is being agreed to. We recommend examining this burden estimate to ensure it encompasses not just filling out the form.

(2) The term “burden” means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

- A. reviewing instructions;
- B. acquiring, installing, and utilizing technology and systems;
- C. adjusting the existing ways to comply with any previously applicable instructions and requirements;
- D. searching data sources;
- E. completing and reviewing the collection of information; and
- F. transmitting, or otherwise disclosing the information;

CMS Response to OMB Comment #2:

Although previous submissions of this PRA package presumed the applicant has full knowledge of the Medicare program requirements in which they’re requesting participations via completion of the Medicare application (CMS-855), one could also presume the likelihood of an individual not having such knowledge is probable.

Therefore, we agree that since both the form CMS-1561/CMS-1561A are based on certain statutes and regulatory law, the burden estimate for each form should include the estimated time it takes for the signer of the form to read the applicable statutory and regulatory language. For form CMS-1561/CMS-1561A, this statutory and regulatory law includes Section 1861(aa)(2)(K)(ii) of the Act, the implementing regulations at 42 CFR Part 405 Subpart X; 42 CFR Part 491, and 42 CFR 489.

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Therefore, we have revised our burden estimate to consider that it would take the signer of the CMS-1561 or CMS-1561(A) form, who is minimally familiar with this statutory and regulatory language, approximately **60 minutes** to review the applicable law. This would be a Chief Executive Officer or comparable senior official who is authorized to sign on behalf of the facility. This would likely be performed by the facility manager, CEO or Medical Director

As in our current burden estimate, we estimated that it would take an additional **10 minutes** to fill in the required information and sign the CMS-1561 or CMS-1561(A) form. We had also estimated that it would take an additional **10 minutes** of time by a Medical Secretary to prepare two original signed copies of the CMS-1561/CMS-1561A form for mailing and put them into the mail. We further estimate that there would be costs in the amount of \$1.00 for two 1st class postage stamp.¹

Our revised total estimated time burden associated with the completion of CMS-1561/CMS-1561(A) form is **60 minutes**. (***See attached detailed revised burden estimate***).

OMB Comment #3:

Is this number based on who applied in 2016 or a mean of a few years of data?

CMS Response to OMB Comment #3:

This number was based on the number of CHOWS that occurred in CY 2015. This data was obtained from the CMS Survey & Certification OCQR database.

OMB Comment #4:

CY 2015 is a long time ago and the form was submitted in 7/2017. Seems like this wasn't updated.

CMS Response to OMB Comment #4:

The original package was submitted in 2016; therefore, the data provided was based on CY 2015. We've updated the form to capture CY 2016 new provider/CHOW data. This data shows that 2,454 new facilities entered into a provider agreement with Medicare in CY 2016.

¹ The price of a 1st class postage stamp is currently \$0.49. However, this cost is scheduled to increase to \$0.50 in February 2018.

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These new facilities from CY 2016 are listed below by provider type and number:

<u>Type of Facility</u>	<u>Number</u>
ASC	159
CMHCs	3
CORFs	0
CRTF	6
ESRD	329
FQHC	716
HHA	320
Hospice	293
Hospital	69
ICF	96
PXR	16
OPT/SP	69
RHCs	222
SNFs / NHs	156
<hr/> TOTAL:	<hr/> 2,454