

Supporting Statement – Part A

Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel - CAC (CMS-10494/OMB Control Number: 0938-1205)

A. Background

On March 23, 2010, the Patient Protection and Affordable Care Act was signed into law. On March 30, 2010, the Health Care and Education Reconciliation Act of 2010 was also signed into law. The two laws, collectively, are referred to as the Affordable Care Act.

The Affordable Care Act created Health Insurance Exchanges (Exchanges), marketplaces where consumers and small businesses can purchase private health insurance. Consumers who access health insurance coverage through Exchanges can receive skilled assistance from certified application counselors (CACs) who provide information and help facilitate enrollment in qualified health plans (QHPs) and insurance affordability programs through an Exchange. The CAC program supplements other consumer assistance programs established under the Affordable Care Act, such as Navigators and non-Navigator Assistance Programs. As further discussed and clarified in the Final Rule, “Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel; Consumer Assistance Tools and Programs of an Exchange and Certified Application Counselors,” (78 FR 42824, July 17, 2013), codified at 45 CFR 155.225, certified application counselors play a more limited role relative to other assistance programs, as they primarily focus on providing skilled application assistance.

This information collection includes the following information collections: (1) certified application counselor designated organization (CDO) application; (2) follow-up questions to certain organizations that submit a CDO application; (3) information collections associated with entering into the agreement between CMS and the CDO, including collection requirements in the agreement; (4) agreements executed between CMS and a CDO; (5) initial training registration for CAC applicants, (6) disclosure requirements for CACs, (7) recordkeeping requirements for CACs and CDOs, (8) third-party disclosure requirements for CACs, (9) notice requirements for the Exchanges, (10) Exchange or CDO-created recertification requests; (11) recertification notices issued by an Exchange or CDO; (12) training certificate disclosures; (13) recordkeeping requirements associated with (1)-(3); (14) making updates and corrections to CDO information submitted to CMS; (15) collection of information through an optional questionnaire included in the certification and recertification training to evaluate the quality of the training; (16) recordkeeping requirements associated with the requirement that CDOs track the performance of their CACs as well as the new information collection associated with the information and data reporting requirements for CDOs set forth in the HHS Notice of Benefit and Payment Parameters for 2017, published in February 2016. The rule added §155.225(b)(1)(iii) requiring CDOs to

submit data and information to Exchanges regarding the performance of their CACs and the consumer assistance they provide, upon request, in a form and manner specified by the Exchange. CMS has obtained approval for these collections under OMB control number 0938-1205.

HHS is requesting approval by the Office of Management and Budget (OMB) for the revision of this supporting statement to (1) clarify recordkeeping requirements associated with the requirement that CDOs must retain a record of each certification provided under this provision for a period of no less than six (6) years, unless a different and longer retention period has already been provided under other applicable Federal law; (2) specify that CDO applications are submitted during the application period beginning July 1 – September 30 of any given year; (3) collect the FEIN tax number from all applicants; (4) modify the composition of Exchange staff to more accurately reflect the CDO structure; (5) indicate that CDOs will be re-designated every two years; and (6) ensure consistent references to CDOs and/or CACs throughout the document.

B. Justification

1. Need and Legal Basis

Section 1413 of the Affordable Care Act directs the Secretary of HHS to establish, subject to minimum requirements, a streamlined enrollment system for QHPs offered through the Exchange and insurance affordability programs. In addition, section 1321(a)(1) of the Affordable Care Act directs and authorizes the Secretary to issue regulations setting standards for meeting the requirements under title I of the Affordable Care Act, with respect to, among other things, the establishment and operation of Exchanges. Pursuant to this authority, regulations establishing the CAC program were finalized at 45 CFR 155.225. Specifically, 45 CFR 155.225(a) requires an Exchange to establish a CAC program that complies with the requirements of the rule. Section 155.225(b)(1) allows each Exchange to designate certain organizations, including organizations designated by state Medicaid or CHIP agencies, which will certify their staff and volunteers to act as CACs. In accordance with 45 CFR 155.225(b)(2), Exchanges may choose to certify directly individuals who seek to act as CACs, designate certain organizations which will certify staff or volunteers to perform application services, or do both.

The duties of CACs and standards for certification, such as training and disclosure of potential conflicts of interest, withdrawal and applicant/enrollee authorization requirements are set forth under 45 CFR 155.225(c) through (g).

The ICR was previously approved so that HHS could account for the burdens of CDOs associated with tracking CAC performance data and the proposed requirements for CDOs to report CAC performance data and information to Exchanges. The reporting requirements were set forth in the HHS Notice of Benefit and Payment Parameters for 2017, published on December 2, 2015. The reporting requirements were finalized in the final rule, published February 2016.

We are revising this information collection to clarify the recordkeeping requirements that CDOs must retain a record of each certification provided under this provision for a period of no less than six (6) years, unless a different and longer retention period has already been provided under other applicable Federal law. We are also specifying that CDO applications are submitted during the application period beginning July 1 – September 30 of any given year. We will also collect FEIN tax numbers from CDO applicants to support the review process. We note that CDOs will undergo a re-designation every two years to ensure the organization and CACs are actively participating in the program. We have also modified the composition of CDO staff to accurately reflect staffing. This ICR also contains minor edits to ensure consistency with references to CDOs and CACs.

2. Information Users

Exchanges will use the information collected to certify individual CACs or CDOs and to maintain CMS records related to those certifications and designations.

CDOs will use the information collected to manage their internal processes to certify individual CACs.

Exchanges will also use the information collected to inform the public about the availability of application services from designated organizations.

Under 45 CFR 155.225(d)(1) and (7), CACs in all Exchanges are required to be initially certified and then recertified on at least an annual basis and successfully complete Exchange-required recertification training, which will include an optional questionnaire to evaluate the quality of the training.

Under 45 CFR 155.225(b)(1)(ii), CDOs are required to maintain a registration process and methodology to track the performance of CACs. CDOs will use the information and data collected under the proposed data and information reporting requirements in conjunction with tracking the performance of the staff and volunteers that have been certified as CACs by the organizations.

Under new provisions at §155.225(b)(1)(iii), CDOs are required to submit data and information to Exchanges regarding the performance of their CACs and the consumer assistance they provide, upon request, in a form and manner specified by the Exchange. Each Exchange would use the information and data as an aid in its oversight of CAC programs, and to help improve the Exchange's understanding of the scope of consumer assistance being provided in the Exchange service area by CAC programs. Each Exchange would also use the information and data to help

focus its outreach and education efforts, target its recruitment of CDOs, and identify the need for increased technical assistance and support for CDOs.

3. Use of Information Technology

Organizations seeking designation submit an application, which is available online in addition to a paper process. FFEs maintain a model application and agreement and make training materials available through electronic means.¹ FFEs use a public facing website to display information collected from CDOs when they apply for designation, and updates and corrections to that information can be submitted electronically by the CDO to ensure that the information available to the public is complete, up-to-date and accurate.² In addition, FFEs maintain a record of noncompliance as a basis for withdrawal by electronic means. The HHS-developed certification process includes training of CACs through an online portal maintained by CMS; the optional questionnaire to evaluate the quality of the training is also accessed through this portal.³

In States with a FFE, CDOs will apply for re-designation every two years. CDOs must attest to the accuracy of their organizational content, including specifying if there are any changes to service locations, personnel, etc. CDOs can electronically review previously submitted content and update their information accordingly. These organizational updates will ensure that CMS has up-to-date information. A new signed agreement will be provided to CDOs with any updated information.

Under §155.225(b)(1)(iii), CDOs will submit information and data using the format and reporting standards prescribed by an Exchange. In States with a FFE, CMS may collect information and data from CDOs on a quarterly basis. The information and data that a FFE requires from these organizations include, at a minimum, data regarding the number of individuals who have been certified by the organization; the total number of consumers who received application and enrollment assistance from the organization; and of that number, the number of consumers who received assistance applying for and selecting a QHP, enrolling in a QHP, or applying for Medicaid or the Children's Health Insurance Plan (CHIP). The quarterly reports submitted to a FFE will provide information and data from the preceding quarter, and may be submitted electronically, through the Health Insurance Oversight System (HIOS) or another electronic submission vehicle. The FFE may collect this information in the future as deemed necessary and will provide CDOs with advance notice of data collection deadlines.

¹ See Appendix A, "Organization Application" for the application HHS uses to solicit applications from interested organizations in FFEs.

² See Appendix B, "CAC Agreement," for the requirements to provide updated contact and location information; see Appendix C, "FLH Updates," for screen shots of an electronic option for updating contact information. ³ See Appendix D, "Registration Screen Shots," for screen shots of the registration portal; see Appendix E for a sample training completion certificate; see Appendix F "Training Quality Questionnaire," for the optional training quality questionnaire.

4. Duplication of Efforts

This information collection does not duplicate any other effort and the information cannot be obtained from any other source. We expect that most organizations and individuals will go through an initial designation or certification process, as applicable, and CDOs FFEs will redesignate every two years. However, exceptions may occur when amendments to the agreement between CMS and the CDO are made and require a new signature or e-signature from the designated organization.

5. Small Businesses

Small businesses may seek designation from an Exchange on a voluntary basis. Further, organizations, including small businesses, which provide enrollment assistance, are not required to be designated under these provisions to continue providing these services. The burden on small businesses that are eligible organizations and choose to seek to be designated to certify staff or volunteers to act as application counselors will be minimized by the use of a model application and agreement developed by the Exchange. In addition, small businesses that may be designated will have discretion in developing processes to register and track the performance of CACs, withdraw certification from an individual staff or volunteer, and obtain authorization from applicants and enrollees. As provided above, HHS has issued guidance with respect to implementation of the CAC program in FFEs to clarify what is required of the organization.

6. Less Frequent Collection

Implementation of the CAC program, in accordance with final regulations at 45 CFR §155.225, requires information collection to allow each Exchange to establish a process for designating organizations or certifying individuals, as applicable. Collections will allow designated organizations to comply with these provisions, such as maintaining a registration process, providing required disclosures and obtaining required authorizations, and responding appropriately to the withdrawal of designation. Organizations that seek to be designated to certify staff or volunteers as application counselors would only be required to submit the required application and agreement with the Exchange as well as re-designate every two years. The information and data reporting requirements require CDOs to comply with reporting standards established by an Exchange, based on the specific needs and objectives of the Exchange. In States with a FFE, CMS may begin collecting information and data from CDOs on a quarterly basis in future years, if deemed necessary. We believe that this information is needed quarterly because quarterly reporting will allow Exchanges to receive timely data regarding CAC outreach and education activities, without overburdening CDOs with monthly reporting requirements. This information can inform an Exchange's targeted outreach efforts and identify areas in need of additional assistance. Less frequent collection would create a delay in the Exchange receiving up to date information about current enrollment efforts.

7. Special Circumstances

There are no special circumstances associated with this data collection.

8. Federal Register/Outside Consultation

A 60-day Notice published in the Federal Register on January 17, 2018 (83 FR 2448). No comments were submitted. A 30-day Notice will publish on June 25, 2018.

No additional outside consultation was sought.

9. Payments/Gifts to Respondents

Payments and gifts will not be provided.

10. Confidentiality

In the event of investigations into potential violations of program standards or noncompliance with other requirements that apply to CACs or CDOs, HHS may collect some personally identifiable information of CACs (e.g., name, unique ID number) or consumers (e.g., name), as this information is provided on the consumer authorization form that is used prior to a CAC assisting a consumer. To the extent provided by law, we will maintain the privacy of any respondent with respect to the information being collected.

We do not expect that information and data collected from CDOs in connection with the proposed information and data reporting requirements will include the collection of any consumer PII.

11. Sensitive Questions

We do not foresee circumstances that would require the collection of any questions of a sensitive nature.

12. Burden Estimates (Hours & Wages)

This revised collection relates to an additional burden associated with compiling performance information and data and submitting it to an Exchange. In States with a FFE, if CMS determines to collect reporting requirements in future years, it will collect three performance data points each quarter from CDOs: the number of individuals who have been certified by the organization; the total number of consumers who received application and enrollment assistance from the organization; and of that number, the number of consumers who received assistance applying for and selecting a QHP, enrolling in a QHP, or applying for Medicaid or CHIP. This data will be reported to a FFE through an electronic submission vehicle. For the purpose of estimating costs and burdens, we assume that State Exchanges will collect the same information with the same

frequency, although our proposal gives Exchanges the flexibility to determine which data to collect and the form and manner of the collection.

This collection also relates to other requirements of §155.225, including burdens associated with §155.225(b)(1) which requires that designated organizations enter into agreements with CMS, and with §155.225(d)(1) and (7) which, require CACs to take initial certification training and recertification training and become recertified on an annual basis. All participating organizations voluntarily support the CAC Program by providing enrollment assistance to consumers within local communities. CMS does not fund CACs to provide enrollment assistance. As such, CACs may largely serve as volunteers within designated organization, while some CACs may be employed as actual staff.

Wage per hour for organization and Exchange staff include CACs, other office/administrative support worker, CAC project director, and senior official:³ The wage rates for organization and Exchange staff account for 100% inflation with fringe benefits and are as follows:

CACs (counselors) range	\$0.00 - \$39.06-
Other office/administrative support worker	\$35.54
CAC project director	\$87.46
Senior official	\$102.76

A. CDO application

Organizations seeking to be designated by CMS as a CDO must submit an application. A sample application is provided as an appendix (Appendix A) to this request.

We estimate that it will take an organization up to .5 hour to review instructions, complete, and submit an application. For purposes of the cost burden, we estimate it will take a CAC project director with a wage of \$87.46 an hour up to .5 hour to complete and submit the application. The total estimated cost burden is \$43.73 for each organization seeking designation. We estimate that there will be 5,000 total applicants for a total cost burden for all organizations nationwide of \$218,650.

After two years, the organization must re-designate their status as a CDO. Applicants may review their current application content and attest to any changes. We estimate it will take a CAC project director with a wage of \$87.46 an hour up to .25 hour to review and complete the re-designation. The total estimated cost burden is \$21.87 for each organization seeking recertification. An estimate using 3,500 total CDOs that are seeking re-designation will have a total cost burden of \$76,528 for all organization in FFEs.

³ Based on Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, http://www.bls.gov/oes/current/naics5_524290.htm. Wage rates have been inflated by 100% to account for fringe benefits.

B. Follow-up questions to certain organizations that submit a CDO application

The information submitted by some organizations on their CDO application will trigger CMS to seek some additional information from these organizations. Many completed applications will not require this follow-up information. The follow-up information that may be collected will consist of:

- Description of the processes the organization has in place to protect consumers' personally identifiable information (PII);
- Identification of any rules concerning PII which the organization is already required to follow; and
- Description of the screening processes they use or intend to use for staff and volunteers who they certify to be CACs.

We estimate that it will take an organization up to .5 hours total to respond to this collection. For purposes of the cost burden, we estimate that it will take a CAC project director with a wage of \$87.46 an hour up to .5 hour to complete and submit the follow-up information electronically. The total estimated cost burden is \$43.73 for each organization that is required to provide the follow up information. While we do not know exactly how many applicants will receive these follow-up questions, for purposes of analysis we estimate that no more than 20% of applicants might receive them. Therefore, we estimate that these questions will be sent to no more than 1,000 applicants.

C. Information collections associated with the agreement between CMS and the CDO

Each organization that CMS designates as a CDO must enter into an agreement with CMS. That agreement will include a number of provisions, including the following information collections:

Reporting

- The organization must provide CMS with updates, changes and corrections to the information originally provided on its application, so that information about the organization that is provided to the public on a CMS website will remain current, accurate and complete. These updates, changes and corrections will be submitted electronically.

We estimate that 5,000 organizations will electronically submit updates, changes and corrections to CMS, on average, a total of 3 times. We estimate it will take a CAC project director with a professional wage of \$87.46 up to .25 hours to provide this information to CMS each time, for a total cost burden of \$65.60 for each organization and a total cost burden of \$327,975 for all 5,000 organizations.

- The organization must attest that the organization has entered into agreements with its individual CACs requiring their compliance with CAC requirements.⁴

Due to a streamlined application process, we estimate it will take a senior official at the organization up to .10 hours (6 minutes) to read and sign each agreement. We estimate the cost burden is \$10.28 per agreement, and we estimate that there will be 5,000 agreements.

- The organization must provide CMS with the names of individuals it has certified as CACs.

After two years, we estimate it take a senior official at the organization up to .10 hours (6 minutes) to read and sign each agreement for re-designation. We estimate the cost burden is \$10.28, and we estimate that there will be 3,500 agreements from CDOs operating in the FFE.

We estimate it will take a CAC project director with a professional wage of \$87.46 up to .15 hours (9 minutes) to provide a list of certified application counselors to CMS for a cost burden of \$13.12 per update. We estimate that there will be up to 5,000 lists provided to CMS.

Third-party disclosures

- The organization must issue certificates to its CAC staff and volunteers when it certifies or recertifies them.⁵

We estimate it will take a CAC project director with a professional wage of \$87.46 up to .016 hours (1 minute) to issue a certificate for a cost burden of \$1.40 per certification. We estimate that there will be 30,000 certificates.

Recordkeeping requirements

- The CDO must retain a record of authorization provided by consumers to the organization's CACs for the CAC to obtain access to a consumer's PII.⁶

We estimate it will take an office/administrative support worker with a professional wage of \$35.54 up to .016 hours (1 minute) to collect each record of authorization for a cost burden of \$0.57 per authorization. We estimate that the time burden associated with maintaining record of

⁴ See appendix G for "Individual CAC Agreement," for a model agreement between an organization and an individual.⁶ See Appendices H and I for sample certification certificates, English and Spanish.

⁵ See Appendices H and I for sample certification certificates, English and Spanish.

⁶ See Appendices J and K for a model authorization form, English and Spanish, which certified application counselors may use to fulfill this requirement.⁸ This number is based on number of consumers who sought assistance from counselors in the State Health Insurance Assistance Programs (SHIPs) counselor program in 2012. CMS New SHIP Director Training 4 (7th ed., 2013).

the authorization is 0.016 hours (1 minute). We estimate the total cost for the organization to maintain the record of authorization is \$0.57. We estimate that the total cost burden for each organization to collect and maintain authorization is \$1.13 per authorization. Assuming that 2.2 million individuals⁷ provide authorization, this brings the total estimate for this recordkeeping requirement to \$2,502,016.

In addition, with respect to the requirement on the CAC to receive authorization from each consumer before obtaining access to the consumer's PII, we estimate it will take a certified application counselor with a wage of \$39.06 an hour 0.25 hours (15 minutes) to obtain the authorization. The total cost estimate for disclosures by each individual CAC is therefore \$9.77. We estimate that the time burden associated with maintaining a record of the authorization is 0.016 hours (1 minute). We estimate the total cost for the individual to maintain the record of authorization is \$1.13, for a total cost burden of \$10.90 per response.

Therefore, assuming that 2.2 million individuals provide authorization, this brings the total estimate for this recordkeeping requirement for all organizations to \$23,980,000.

D. CAC recertification request form

Third-party disclosures

- CACs seeking to be recertified by an Exchange or designated organization directly certifying CACs must submit a recertification request form. We expect that establishing a process for recertification would include creating a recertification request form (or similar document).

For an Exchange that performs direct certification, we estimate that up to 18 State Exchanges would develop their own recertification request form.⁸ It would take an office/administrative support work (at \$35.54 labor cost per hour) up to 1 hour to create, a CAC project director (at \$87.46 cost per hour) up to .5 hours (30 minutes) for review. We estimate that the cost burden would be \$79.27 for each Exchange, and the total cost for 18 State Exchanges would be \$1426.86 and the total time burden would be 36 hours.

For a CDO that performs direct certification, we estimate that up to 5,000 CDOs would develop their own recertification request form.⁸ We estimate that the development of a recertification

⁷ This number is based on number of consumers who sought assistance from counselors in the State Health Insurance Assistance Programs (SHIPs) counselor program in 2012. CMS New SHIP Director Training 4 (7th ed., 2013). ⁸ We estimate 18 State Exchanges (which includes Utah) and one Federally-facilitated Exchange will develop their own processes for recertification. HHS will establish a single process in all Federally-facilitated Exchanges.

⁸ A model recertification request form that organizations may use or modify is attached as appendix L.¹¹ See Appendix F "Training Quality Questionnaire," for screen shots of the optional training quality questionnaire.¹² We estimate that a certified application counselor would have a professional wage equivalent to that of healthcare support

request form would take an office/administrative support worker (at \$35.54 labor cost per hour) up to 1 hour to create, a CAC project director (at \$87.46 labor cost per hour) up to .5 hours (30 minutes) for review. We estimate that the time burden would be two hours and the cost burden would be \$79.27 for each organization. The total time burden for 5,000 organizations nationwide would be 10,000 hours and the total cost burden would be \$396,350.

Recordkeeping requirements

For an Exchange that performs direct certification, we estimate that the time burden associated with maintaining a copy of the request form would be .016 hours (1 minute); we assume an office/administrative support worker (would maintain the form through electronic copies at minimal cost, which we estimate as \$0.57 for the Exchange. The total cost burden for 18 State Exchanges would be \$10.24, and the total time burden would be .288 hours.

For an organization that performs direct certification, there would be recordkeeping requirements associated with developing and maintaining a request form. We estimate that the time burden associated with maintaining a copy of the request form would be .016 hours (1 minute); we assume an office/administrative support worker with a labor cost of \$35.54 an hour would maintain the form through electronic copies at minimal cost, which we estimate as \$0.57 for each organization, and the total cost for 5,000 organizations nationwide would be \$2,850, the total time burden would be 80 hours.

E. CAC Recertification Submission

Reporting

Individual CACs may provide responses to an optional training quality questionnaire associated with completing the requirements for certification and recertification.

Completion of the optional training quality user questionnaire is estimated to have a burden of 0.25 hours (15 minutes) per respondent.⁹ While completion of the questionnaire is optional, for the purposes of estimating total time and cost burdens we are assuming all individual CACs will complete the questionnaire. For purposes of the cost burden, we estimate that it would take a CAC with a labor cost of \$39.06 an hour up to .25 hours (15 minutes) to complete the optional training quality questionnaire. The estimated cost burden would be \$9.77 for each individual

worker for assistance from government programs and agency resources. According to the U.S. Bureau of Labor Statistics, a healthcare support worker (occupation no 31-9099) has a labor cost of \$39.06 (including 100 percent fringe benefits).

⁹ See Appendix F “Training Quality Questionnaire,” for screen shots of the optional training quality questionnaire.¹² We estimate that a certified application counselor would have a professional wage equivalent to that of a healthcare support worker for assistance from government programs and agency resources. According to the U.S. Bureau of Labor

completing the questionnaire. We estimate that potentially 30,000 individual CACs will complete the optional questionnaire for a total cost burden of \$293,100 and a total time burden of 7,500 hours.

Third-party disclosures

There would be third-party disclosure requirements for individual CACs associated with completing the requirements for recertification, whether done directly through the Exchange or through an Exchange-CDO.

- On an annual basis, this would require completing Exchange required training and might also include satisfying other requirements consistent with the Exchange-established processes, such as providing conflicts of interest disclosures, other attestations and submitting a recertification request form (or similar document) and other attestations.

We estimate that it would take an individual CAC up to .17 hours (10 minutes) to respond to this collection. For purposes of the cost burden, we estimate that it would take a CAC with a labor cost of \$39.06 an hour up to .17 hours (10 minutes) to complete and submit the recertification request to the organization or Exchange, as applicable.¹¹ The estimated cost burden would be \$6.64 for each individual seeking recertification. We estimate that there would be approximately 30,000 recertification requests provided, for a total cost burden of \$199,206 and a total time burden of 5,000 hours for all CACs nationwide.

F. CAC Recertification Review

Third-party disclosures

There would also be third-party disclosure requirements for State Exchanges and CDOs associated with reviewing each CAC's recertification request. This collection would be required on an annual basis.

Statistics, a healthcare support worker (occupation no. 31-9099) has a labor cost of \$39.06 (including 100 percent fringe benefits).

¹¹

- The Exchange or designated organization would notify the individual of the result of its review and issue a new certificate for each individual who successfully completes recertification.¹⁰ This notice requirement would apply to the Exchange or organization, as applicable, on an annual basis for each individual CAC.

¹⁰ A model certificate that an organization may use or modify is attached as an appendix H and I (in Spanish and English language versions).

For an Exchange directly re-designating, we estimate that it would take a CAC project director in the Exchange up to .08 hours (5 minutes) to notify an individual and issue a certificate if appropriate. The estimated cost burden is \$6.99 for each individual notice, including the certificate. For purposes of this analysis, we estimate that there would be approximately 30,000 CACs nationwide, or approximately 10,600 application counselors in 18 State Exchanges. The total cost burden would be approximately \$4,120 for each State Exchange, and the total cost for 18 State Exchanges would be approximately \$74,166.

For an organization directly re-designating, we estimate that it would take a CAC project director up to .08 hours (5 minutes) to notify an individual and issue a certificate if appropriate. The estimated cost burden is \$6.99 for each individual notice. For purposes of estimating the burden on designated organizations, of the estimated 30,000 CACs nationwide, we assume that approximately 19,400 of them would be directly certified by CDOs, or four CACs on average per designated organization. We estimate that it would take a CAC project director up to .08 hours (5 minutes) to notify an individual and issue a new certificate. The estimated cost burden is \$6.99 for each individual notice. For an estimated 19,400 CACs nationwide, or approximately four CACs on average in each organization, the total cost burden would be approximately \$18.68 for each organization. The total burden for 5,000 CDOs nationwide would be approximately 1,552 hours and the total cost burden would be \$135,738.

Recordkeeping requirements

- There would be recordkeeping requirements associated with issuing each individual notice.

For Exchanges that directly certify, we estimate that the time burden associated with maintaining a copy of the notice and certificate would be .016 hours (1 minute); we assume a CAC project director with a labor cost of \$87.46 an hour would maintain the form through electronic copies at minimal cost, which we estimate as \$1.39 per notice for each individual CAC. The total recordkeeping cost for 10,600 CACs in 18 State Exchanges would be \$14,833, or \$824 per Exchange. The total time burden is 170 hours.

For organizations that directly certify, we estimate that the time burden associated with maintaining a copy of each certificate issued at recertification would be .016 hours (1 minute); we assume a CAC project director with a labor cost of \$87.46 an hour would maintain the form through electronic copies at minimal cost, which we estimate as \$1.39 as a per certificate for each organization. The total recordkeeping cost per organization would be \$5.42, and the total cost for 5,000 organizations nationwide would be \$27,148. The total time burden would be 310 hours.

G. CAC Recertification Training

Third-party disclosures

- On an annual basis, each individual CAC would provide proof to the organization or Exchange that he or she has successfully completed the recertification training, in accordance with the Exchange's process

We estimate that it would take an individual CAC up to .03 hours (2 minutes) to respond to this collection. For purposes of the cost burden, we estimate that it would take a CAC with a labor cost of \$39.06 an hour up to .03 hours (2 minutes) to provide the training certificate to the organization or Exchange, as may be required. The total estimated cost burden is \$1.17 for each individual seeking recertification. We estimate that there would be approximately 30,000 training certificates provided, for a total cost burden of \$35,154, and the total time burden would be 900 hours for all CACs nationwide.

Recordkeeping requirements

- Each person who receives training would obtain and maintain a record of training certification

We estimate that the time burden associated with maintaining proof of training certification is .016 hours (1 minute), since we assume this proof would be maintained through electronic copies, at minimal cost. The total cost estimated for each individual to maintain proof of training certification would be \$0.62. The total cost burden would be \$18,749 and the total time burden would be 480 hours for all CACs nationwide.

H. Tracking CAC Performance

Reporting

- Each CDO will maintain a method to track the performance of its CACs.

We expect that maintaining a method to track performance data will include the development of a tracking form or similar document. We expect that an office/administrative support worker (at an hourly wage rate of \$35.54) will spend 1 hour to prepare the form at a cost of \$35.54; and a CAC project director (at an hourly rate of \$87.46) will spend .50 hours to review the form at a cost of \$43.73 per CDO. We estimate that the total cost burden will be \$396,350 and the total time burden will be 2,500 hours for all CDOs nationwide.

- Each CAC would report performance information and data to its CDO.

We expect that each CAC will need to submit information and data regarding its performance to its CDO on a quarterly basis, using a process and form developed by its CDO. We anticipate that some CDOs will have an electronic form that can be used to submit this data and information. We estimate that it will take each CAC (at a wage of \$39.06 an hour) up to 1 hour to compile and submit its performance data and information to the CDO on a quarterly basis, at a total annual cost burden of \$156.24 and a total annual time burden of 4 hours for each CAC. We estimate that on average, there will be 4 CACs submitting quarterly performance data to 5,000 CDOs nationwide. The total annual cost burden will be \$3,124,800 and the total time burden will be 80,000 hours for all CACs nationwide.

Recordkeeping requirements

We estimate that the time burden associated with maintaining data and information to track the performance of CACs will be minimal, since we assume this data and information would be maintained through electronic copies. We estimate that a CAC project director (at an hourly wage rate of \$87.46) will spend .064 hours (4 minutes) each quarter to maintain a record of the data and information received from 4 CACs. The total annual cost burden for each CDO will be \$22.39 for a total time burden of 0.256 hours. We estimate the total annual cost burden to maintain a record of CAC performance data and information will be \$111,949 and the total annual time burden will be 1,280 hours for all CDOs nationwide.

I. Reporting Performance Data and Information

Reporting

The rule under §155.225(b)(1)(iii) requires CDOs to provide the Exchange with information and data regarding the performance of the organization's CACs, and the consumer assistance they provide. This would require that these organizations compile performance information and data and submit it to the Exchanges.

In States with FFEs, HHS may determine in future years to collect three performance data points each quarter from CDOs: the number of individuals who have been certified by the organization; the total number of consumers who received application and enrollment assistance from the organization; and of that number, the number of consumers who received assistance applying for and selecting a QHP, enrolling in a QHP, or applying for Medicaid or CHIP. For the purpose of estimating costs and burdens, we assume that State Exchanges will collect the same information with the same frequency, although the proposed regulation would give Exchanges the flexibility to determine which data to collect and the form and manner of the collection.

We estimate that CDOs will have an office/administrative support worker prepare the reports and a CAC project director will review each quarterly report. HHS expects that an

office/administrative support worker (at an hourly wage rate of \$35.54) will spend 2 hours each quarter to provide the required quarterly submissions and a CAC project director (at an hourly wage rate of \$87.46) will spend .375 hour to review the submissions. Therefore, we estimate each quarterly report will require 2.375 hours and a cost burden of \$103.88 per quarter per organization, or 9.50 hours with a cost (4 quarterly reports) of \$415.52 annually per CDO. Nationwide, we estimate there are 5,000 CDOs, resulting in an annual cost burden of \$2,077,600 and 47,500 hours for all CDOs.

Under §155.225(b)(1)(iii), if an Exchange requests these CAC reports, the Exchange would also need to review the reports. We assume that all Exchanges will require quarterly reports and will utilize in-house staff to review them. We assume that an employee earning a wage that is equivalent to a mid-level GS-11 employee would review quarterly report submissions from CDOs. We estimate that a mid-level employee (at an hourly wage rate of \$29.25) will spend 10 minutes reviewing each quarterly report for a cost burden of approximately \$4.88 per quarterly report per CDO. For State Exchanges, we estimate that there are 1,500 CDOs resulting in a cost burden of 1,000 hours and approximately \$29,220 annually.

Table 1 - Annual Recordkeeping and Reporting Requirements

Regulation Section(s)	Respondents	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
§155.225(b)(1) (organization designation by Exchange)	5,000	5,000	.5	2,500	87.46 (for one respondent)	218,650
CDO re-designation every 2 years	3,500	3,500	.25	875	87.46	76,528
§155.225(b)(1) (updates by organization)	5,000	15,000	.25	3,750	21.865 (per update response)	327,975
§155.225(b)(1) (organization follow-up for application)	1,000	1,000	.5	500	29.22 (for one respondent)	29,220
§155.225(b)(1)(i) (organization attestation)	5,000	5,000	.1	500	10.276 (per agreement)	5,138
CDO re-designation every 2 years	3,500	3,500	.1	350	10.276 (per agreement)	3,597
§155.225(b)(1) (list by organization)	5,000	5,000	.15	750	13.119 per updated list	65,595
§155.225(b)(1)(i) (certificate)	5,000	30,000	.016	480	1.39936 per certificate	41,981

issuance)						
§155.225(d)(1) and (7) (training quality optional questionnaire)	30,000	30,000	.25	7,500	9.765 (per user feedback)	292,971
§155.225(d)(2) and (f) (organization record of authorization)	5,000	2,200,000	.032	70,400	1.13728 (per authorization)	2,502,016
§155.225(d)(2) and (f) (CAC authorization to consumer)	30,000	2,200,000	.266	585,200	10.90 (per response)	23,980,000
§155.225(d)(7) (recertification request form by Exchange)	18	18	2	36	79.27 (for one respondent)	1,427

§155.225(d)(7) (recertification request form by organization)	5,000	5,000	2	10,000	79.27 (for one respondent)	396,350
§155.225(d)(7) (recertification request form recordkeeping by Exchange)	18	18	.016	1.08	0.57 (for one respondent)	10.26
§155.225(d)(7) (recertification request form recordkeeping by organization)	5,000	5,000	.016	80	0.57 (for one respondent)	2,850
optional training quality user questionnaire	30000	30000	.25	7,500	7.31 (for one respondent)	219,300

§155.225(d)(7) (recertification request submission)	30,000	30,000	.17	5,100	6.6402 (for one respondent)	199,206
§155.225(d)(7) (proof of training)	30,000	30,000	.03	900	1.1718 (for one respondent)	35,154
§155.225(d)(7) (training certificate recordkeeping)	30,000	30,000	.016	480	.62496 (for one respondent)	18,749
§155.225(d)(7) (recertification review by	18	10,600	.08	848	6.9968 (for one response)	74,166

Exchange)						
§155.225(d)(7) (recertification review recordkeeping by Exchange)	18	10,600	.016	170	1.39936 (for one response)	14,833
§155.225(d)(7) (recertification review by organization)	5,000	19,400	.08	1,552	6.9968 (for one response)	135,738
§155.225(d)(7) (recertification review recordkeeping by organization)	5,000	19,400	.016	310	1.39936 (for one response)	27,148
§155.225 (b)(ii) (performance tracking form by organization)	5,000	5,000	.5	2,500	79.27 (per respondent)	396,350
§155.225 (b)(ii) (reporting performance data by certified application counselor)	20,000	20,000	4	80,000	156.24 (per respondent)	3,124,800
§155.225 (b)(ii) (recordkeeping performance data by organization)	5,000	5,000	0.256	1,280	\$22.39	111,943

Regulation Section(s)	Respondents	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
§155.225 (b)(1)(iii)- (reporting by organizations)	5,000	20,000	2.375	47,500	\$103.88 (per response)	2,077,600
§155.225 (b)(1)(iii)- (review by State Exchange)	1,500	6,000	0.167	1,002	\$4.68	28,080
§155.225 (b)(1)(iii)(review by Federallyfacilitated Exchange)	3,500	14,000	0.167	2,338	\$4.68	\$65,520
Total	278,072	4,758,036		857,046		\$34,472,900

13. Capital Costs

There are no capital costs needed for this collection requirement.

14. Cost to Federal Government

The designation requirements provided under §155.225 would apply to an Exchange that is being operated by HHS as a Federally-facilitated Exchange or as a State Partnership Exchange, pursuant to HHS authority under section 1321(c)(1) of the Affordable Care Act. These Exchanges are collectively referred to here as Federally-facilitated Exchanges. We note that HHS has created a process for designating these organizations to certify their staff or volunteers as CACs, including the creation of a single model application and agreement for use in the Federally-facilitated Exchanges. Existing organizations will be required to re-designate every two years. The burden associated with these provisions is the time and effort necessary for the Federally-facilitated Exchange to create an application, as well as review applications and execute agreements with designated organizations. Additionally, the Federally-facilitated Exchange investigates and verifies potential noncompliance and determine whether to withdrawal an entity’s designation.

The burdens on HHS operating a Federally-facilitated Exchange and by extension, the certified application counselor program in the Federally-facilitated Exchange, include the following

burdens: the time and effort necessary to establish a process for designating organizations seeking to have its staff or volunteers certified as application counselors in accordance with §155.225(b) (1) including the time and effort necessary to establish a withdrawal process in accordance with §155.225(e)(1); the time and effort necessary to develop training materials for the training described in §155.225(d)(1); the time and effort necessary to develop the agreement identified in §155.225(b)(1)(A).

The process for designating organizations will be required every two years for the Federally-facilitated Exchange; for recertification purposes, we estimate that it will take the Federally-facilitated Exchange up to 25 hours to create a model application and agreement and procedures for withdrawal. For purposes of the cost burden, we estimate it would take two GS-11 level staff up to 10 hours each, a GS-14 level staff up to 5 hours for review and. The estimated cost burden would be \$796.15 for the Federally-facilitated Exchange.

Labor Category	Number of Employees	Hourly Labor Costs (Hourly rate)	Burden Hours	Total Burden Costs
GS-11 level staff	2	\$29.25	20	\$585.00
GS-14 level staff	1	\$42.23	5	\$211.15
Total	3		25	\$796.15

There are recordkeeping requirements associated with developing and maintaining a model application. The Federally-facilitated Exchange would be expected to maintain a copy of the model application. It is estimated that the time burden associated with maintaining a copy of the model application would be 0.016 hours (1 minute); we assume the model application will be maintained through electronic copies with minimal cost. We assume two GS-11 level staff with a professional wage of \$29.25 an hour each will maintain the model application through electronic copies with minimal cost, which we estimate as \$0.94 for the Federally-facilitated Exchange.

The cost burden associated with reviewing each application and notifying the organization of the result of its review would apply to the Federally-facilitated Exchange for each organization that seeks to be designated. It is anticipated that CDOs would re-designate every two years. Therefore, the burden estimated for reviewing the application is on a per organization basis. We estimate that it would take the Federally-facilitated Exchange up to 1.32 hours to review an application. For purposes of the cost burden, we estimate it would take two (2) GS-11 level staff up to ½ hour each and a GS-14 level staff up to .32 hours to review. The estimated cost burden would be \$42.76 for each organization.

Labor Category	Number of Employees	Hourly Labor Costs (Hourly rate)	Burden Hours	Total Burden Costs (per organization)
GS-11 level staff	2	\$29.25	1	\$29.25
GS-14 level staff	1	\$42.23	.32	\$13.51
Total	3		1.32	\$42.76

In accordance with §155.225(e), when appropriate, the Exchange will withdraw designation from an organization when it finds noncompliance with the terms and conditions of the organization's CMS-CDO agreement. The Exchange will investigate instances of noncompliance it identifies or that are reported, and notify the appropriate organization, or individual as applicable, when it determines noncompliance necessitates withdrawing the applicable entity's designation. There are recordkeeping requirements associated with these procedures. The Exchange is expected to maintain a record of each verification review and copy of any withdrawal notification. We estimate that it will take the Exchange up to 1.32 hours to investigate, maintain a record, and notify an organization or individual, as applicable, of the withdrawal of its certification, respectively. For purposes of the cost burden, we estimate it will take two (2) GS-13 level staff up to 1 hour each to investigate, draft, and send notification of withdrawal. We estimate the cost burden is \$58.50 for each occurrence.

	Number of Employees	Hourly Labor Costs (Hourly rate)	Burden Hours	Total Burden Costs (per reported occurrence)
GS-11 level staff	2	\$29.25	1	\$58.50

There are recordkeeping requirements associated with this requirement that will be captured in the automated database.

Responses to the training quality optional questionnaire will be reviewed by CMS staff responsible for developing and updating the CAC certification and recertification training, with an estimated wage of \$29.25 per hour each for a GS-11 level staff. The time to review each completed questionnaire is estimated to be 0.125 hours (7.5 minutes total).

Hours: 0.125 hours (7.5 minutes) per submission

Cost: \$29.25 GS-11 level staff (2) x .125 hours (7.5 minutes) per submission = **\$7.31 per submission**

CDOs may submit data and information to the Exchanges regarding the performance of their CACs and the consumer assistance they provide, upon request, in a form and manner specified by the Exchange. Under §155.225(b)(1)(iii), if a Federally-facilitated Exchange requests these CAC reports, the Exchange would also need to review them. If the Federally-facilitated Exchanges require quarterly reports, in-house staff will review them. We assume that an employee earning a wage that is equivalent to a GS-11 employee would review quarterly report submissions from CDOs. We estimate that the employee (at an hourly wage rate of \$29.25) will spend 10 minutes (.167 hours) reviewing each quarterly report for a cost burden of approximately \$4.68 per quarterly report per CDO. We estimate there are 3,500 CDOs in the Federally-facilitated Exchanges, resulting in a total annual burden of 2,338 hours, at a cost of \$65,520.

15. Changes to Burden

The burden increased from 855,821 hours to 857,046 hours due the added requirement for the certified counselor designation organization (CDO) application. The change in burden is associated with implementing the CDP application which will support how CDO data is tracked and reviewed.

16. Publication/Tabulation Dates

At this time, HHS does not expect that the information and data collected from CDOs in accordance with proposed §155.225(b)(1)(iii) will be published or shared with other agencies.

17. Expiration Date

The expiration date and OMB control number will display on the first page of each instrument (top right-hand corner).