

Justification for No material/Nonsubstantive Change

The Department is submitting a no material/non-substantive change request for the National Medical Support Notice-Part B (OMB Control Number 1210-0113, which currently is scheduled to expire on October 31, 2022). As further discussed below, the Department is not making any program changes to the forms and instructions at this time.

The Department of Health and Human Services (HHS) and the Department of Labor (DOL) jointly promulgated the National Medical Support Notice Final Rule on December 27, 2000 (65 FR 82128) (NMSN Regulation). The NMSN Regulation simplifies the issuance and processing of medical child support orders; standardizes communication between state agencies, employers, and Plan Administrators; and creates a uniform and streamlined process for enforcement of medical child support to ensure that all eligible children receive the health care coverage to which they are entitled.

The NMSN Regulation, codified at 29 CFR 2590.609-2, includes a model National Medical Support Notice (NMSN) that is comprised of two parts: Part A (HHS) is a notice from the state agency to the employer, entitled: “Notice to Withhold for Health Care Coverage;” and Part B (DOL) is a notice from the employer to the Plan Administrator, entitled: “Medical Support Notice to Plan Administrator.” Both Parts have detailed instructions informing the recipient to whom responses are due depending on varying circumstances.

DOL is seeking to correct errors on the form that was uploaded into ROCIS during the most recent renewal of the control number. These corrections would restore the form to what was previously approved in 2016 and match content on the HHS recently renewed National Medical Support Notice-Part A. It also corrects the PRA burden displayed on the form.

The Department notes that this change will affect approximately 425,000 plan administrators who would then be required to make a Part B determination and respond as required in the Part B instructions. This change is non-material and will not affect the hour or cost burden associated with the annual information collection.