

### **Justification for Nonmaterial/Nonsubstantive Change**

The Department of Labor (the Department) and the Department of Health and Human Services (HHS) jointly promulgated the National Medical Support Notice Final Rule on December 27, 2000 (65 FR 82128) (NMSN Regulation). 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 is a notice from the state agency to the employer, entitled: “Notice to Withhold for Health Care Coverage” (HHS); Part B is a notice from the employer to the Plan Administrator, entitled: “Medical Support Notice to Plan Administrator” (the Department). Both parts have detailed instructions informing the recipient to whom responses are due depending on varying circumstances.

HHS’ office of Child Support Enforcement is automating the NMSN to allow employers and plan administrators to submit both Part A and Part B of the notice electronically. Child support agencies and employers have expressed interest in e-NMSN, and it was one of the recommendations in a 2019 Employer Symposium Report.

[https://www.acf.hhs.gov/sites/default/files/programs/css/employer\\_symposium\\_report\\_2019.pdf](https://www.acf.hhs.gov/sites/default/files/programs/css/employer_symposium_report_2019.pdf). HHS has also received a number of inquiries during the COVID-19 emergency from employers, plan administrators, and unions about options for responding to the NMSN electronically. Use of the electronic submission process is optional.

HHS needs EBSA’s involvement in the Paperwork Reduction Act (PRA) clearance process, because Part B is a PRA Information collection sponsored by the Department. In order to automate the notices, minor changes need to be made to the form and structured data fields need to be added as an addendum. Specifically, the current version of Part B does not have sufficient space for employers/plan administrators to provide information about health insurance the child(ren) have been enrolled in. The draft Part B Addendum provides sufficient space for the health insurance information, but it does not request information not already requested on Part B.

Also, the instructions mention checking items, but checkboxes are not included in the text of the form. Checkboxes are required to automate the process; therefore, they have been added to page 2 of the Part B document. We also added the words “Use Addendum—Section 1” and “Use Addendum—Section 2” in the existing blank lines on Part B in the paragraph below item 2d and item 5. Finally, the header information repeats the information on Part B, page 1 to allow linking to the correct case and child support agency. We have uploaded a marked-up copy of the current notice with proposed changes and the proposed addendum into ROCIS.

The Department is submitting the revised NMSN Part B as a non-material/non-substantive change request under OMB Control Number 1210-0113. The Department is not making any program changes to the forms and instructions and estimates that these revisions will not result in any changes to the number of filings but the burden related to mailing the forms will decrease by \$3 million annually as an estimated 47.5 percent of notices are submitted through the electronic system.

**National Medical Support Notice — Part B**  
**OMB Number 1210-0113**  
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