

**Justification for a Non-substantive Change  
Quarterly Medicaid and CHIP Budget and Expenditure Reporting for the  
Medical Assistance Program, Administration and CHIP  
CMS-10529 (OMB 0938-1265)**

On March 11, 2021, the President of the United States signed into law H.R. 1319, the American Rescue Plan Act of 2021 (ARP; Public Law 117-2). Federal funding associated with the provisions are available for qualifying expenditures on a quarterly basis through Forms CMS-21B, CMS-21, CMS-37, and CMS-64 submissions in MBES/CBES.

CMS requests OMB approval to add routine non-substantive lines to MBES/CBES to implement sections 9811 and 9821 of ARP for Medicaid and CHIP. We also propose to add new Forms to MBES/CBES to implement section 9817 of ARP. This September 2021 information collection request will allow states and territories to report the aggregate actual expenditures for each provision of ARP.

The added lines and forms are necessary for the accurate reporting, transparency, and oversight of states' and territories' expenditures for the various provisions of ARP. Because most of the provisions are effective April 1, 2021, immediate changes are needed to the Form CMS-21 and CMS-64. The line and form changes should be implemented in MBES/CBES by September 30, 2021, for use by states and territories for the October 30, 2021, expenditure report submission.

The standard PRA process would require the publication of 60-day and 30-day Federal Register notices and would take months to complete. In this regard we believe that the standard PRA process would be contrary to the public's interest. The PRA process was delayed due to the approval and release of guidance to implement the provisions of ARP. State Medicaid Director's Letter (SMD# 21-003) released on May 13, 2021, provides guidance for states and territories on the implementation of ARP section 9817 for additional support for Medicaid Home and Community-Based Services during the COVID-19 Emergency and State Health Official Letter (SHO# 21-004) released August 30, 2021, provides guidance for a temporary increase to the FMAP under sections 9811, 9814, 9815, and 9821 of ARP and administrative claiming for vaccine incentives. The MBES/CBES changes could not be developed and implemented until the guidance was final.

Added Lines

States and territories are already knowledgeable about the process of claiming expenditures and have experience in submitting expenditures based on the addition of new reporting lines. The lines will be added to existing standard reporting forms which will require minimal action from states and territories to select the new reporting line from those forms and input the quarterly expenditure amount to be claimed.

The added lines are necessary for accurate reporting, transparency, and oversight of states' and territories' Medicaid and CHIP expenditures matched at 100 percent FMAP and Enhanced FMAP for COVID-19 vaccines and their administration authorized through the ARP. This increased FMAP is available beginning April 1, 2021, and ending on the last day of the first

quarter that begins one year after the last day of the COVID-19 emergency period described in section 1135(g)(1)(B) of the Act. The new reporting lines for the expenditures are necessary to comply with Action Transmittal OG AT 2021-05 effective March 11, 2021, which requires that all HHS awarding agencies provide transparency in the tracking of funding related to, the response to and recovery from, the COVID-19 pandemic.

CMS requests OMB approval to add the following new Line to the CMS-64.9, CMS-64.21U, and the CMS-21 Forms to MBES/CBES to implement sections 9811 and 9821 of ARP.

**Line 47** - added to the **Form CMS-64.9**: This line will allow reporting for a temporary 100 percentage increase to the FMAP for states and territories for Medicaid expenditures for COVID-19 vaccines and vaccine administration under section 9811 of ARP.

**Line 26** - added to the **Form CMS-64.21U**: This line will allow reporting for a temporary 100 percentage increase to the enhanced FMAP for states and territories for CHIP expenditures for COVID-19 vaccines and vaccine administration under section 9821 of ARP.

**Line 26** - added to the **Form CMS-21**: This line will allow reporting for a temporary 100 percentage increase to the enhanced FMAP for states and territories for CHIP expenditures for COVID-19 vaccines and vaccine administration under section 9821 of ARP.

#### Added Forms

CMS requests OMB approval to add the following new Forms to MBES/CBES to implement section 9817 of ARP.

There are two forms available under the Form CMS-64.9 ARP 9817 Reinvest: the Form CMS-64.9 ARP 9817 Reinvest Regular FMAP, and the Form CMS-64.9 ARP 9817 Reinvest FMAP rate + 10%.

The Form CMS-64.9 ARP 9817 Reinvest forms are available to states and territories with approved spend plans defined within the May 13, 2021, SMDL.

**Form CMS-64.9 ARP 9817 Form**: This form provides reporting for a temporary 10 percentage point increase to FMAP) for qualifying states and territories for certain Medicaid expenditures for HCBS services.

**Form CMS-64.9 ARP 9817 Reinvest Form (Regular FMAP)**: This form provides reporting for federal funds attributable to the increased FMAP to supplement, not supplant, existing state/territory funds expended for Medicaid HCBS in effect as of April 1, 2021.

**Form CMS 64.9 ARP 9817 Reinvest Form (FMAP Rate + 10%)**: Provides reporting for a temporary 10 percentage point increase to the FMAP for qualifying states for certain

Medicaid expenditures for HCBS related to federal funds attributable to the increased FMAP to supplement, not supplant, existing state funds expended for Medicaid HCBS in effect as of April 1, 2021.

Starting with the 4<sup>th</sup> Quarter of 2021 reports, Forms CMS-64.9 ARP 9817, CMS-64.9 ARP 9817 Reinvest Regular FMAP, and CMS 64.9 ARP 9817 Reinvest FMAP rate + 10% forms were also added for Waivers for qualified states and territories.

We anticipate that there will be no impact on the current burden estimate as these changes only provide new lines and forms for expenditures that are currently being reported by states and territories. The new statutory requirements provide a temporary increase to the federal matching rates but do not require the reporting of any new data.