

Supporting Statement – Part A

Exchange Functions: Standards for Navigators, Non-Navigator Assistance Personnel and Certified Application Counselors

(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 Navigators and certified application counselors (CACs) who provide information and help facilitate enrollment in qualified health plans (QHPs) and determine whether consumers potentially qualify for insurance affordability programs through an Exchange.

Section 1311(i)(4) of the Affordable Care Act requires the Secretary to establish standards for Navigators, including provisions to ensure that any entity selected as a Navigator is qualified, and licensed if appropriate, to engage in the Navigator activities required by the law and to avoid conflicts of interest. In order to ensure that any entity selected as a Navigator is qualified to engage in the Navigator activities required by the law and to avoid conflicts of interest, certain disclosures are necessary. These disclosures were specified in a notice of proposed rulemaking published on April 5, 2013 at 78 FR 20581, and were finalized as part of a final rulemaking published on May 27, 2014 at 79 FR 30240 and codified at 45 CFR 155.210 and 155.215. The disclosures relate to eligibility requirements for Navigators, the mitigation of conflicts of interest, the methods of disclosure of any non-prohibited conflicts of interest, registration prior to training, optional user questionnaire to assess the quality of the training as part of the certification and recertification training, the maintenance of proof of certification or recertification, and the dissemination to consumers of the full range of QHP options and insurance affordability programs for which they may be eligible.

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), and 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 Navigators and CAC applicants, (6) disclosure requirements for Navigators and CACs, (7) recordkeeping requirements for CACs and CDOs, (8) third-party disclosure requirements for Navigators and 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 Navigator and 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 number and 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) include the collection from Navigators as was previously outlined in the now discontinued *Patient Protection and Affordable Care Act; Consumer Assistance Tools and Programs of an Exchange and Certified Application Counselors; Exchange and Insurance Market Standards for 2015* (CMS-10472); (2) specify that CDO applications will be required to be submitted during the application period of June 1 – August 31 of any given year; and (3) indicate that CDOs will be re-designated within a timeframe determined by CMS, typically every two years.

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, including the awarding of Navigator grants.

The establishment of a Navigator Program to provide education and outreach to consumers about the availability of QHPs and to provide culturally and linguistically appropriate information in a fair, accurate, and impartial manner to consumers is authorized by Sections 1311(d)(4)(K) and 1311(i) of the Affordable Care Act.

Section 1311(i)(4) of the Affordable Care Act requires the Secretary to establish standards for Navigators, including provisions to ensure that any entity selected as a Navigator is qualified, and licensed if appropriate, to engage in the Navigator activities required by the law and to avoid conflicts of interest. In addition, Exchanges must provide various forms of consumer assistance in order to fulfill the requirements of 45 CFR 155.205(d) and (e).

Pursuant to the authority under section 1321(a)(1), HHS promulgated regulations establishing the CAC program, codified 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, to certify their staff and volunteers to act as CACs. In accordance with 45 CFR 155.225(b)(2), Exchanges may choose to directly certify individual staff or volunteers of Exchange designated organizations who seek to act as CACs, designate certain organizations to certify staff or volunteers to act as CACs, or both.

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

The information collection requirement (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 restoring requirements related to certification training for Navigators that were inadvertently omitted from a previous information collection. We are also specifying that CDO applications are typically submitted during the application period of June 1 – August 31 of any given year. We note that CDOs will undergo a re-designation process within a timeframe determined by CMS, typically every two years to ensure the organization and CACs are actively participating in the program.

2. Information Users

Exchanges will use the information collected to certify individual Navigators, 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 Navigators and CACs.

Under 45 CFR 155.215(a)(1)(i)-(ii), Navigator entities are required to provide an attestation to the Exchange that they and their staff are not a health insurance issuer or issuer of stop loss insurance, a subsidiary of a health insurance issuer or issuer of stop loss insurance, an association that includes members of or lobbies on half of the insurance industry, and will not receive any consideration directly or indirectly from any health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any individuals or employees in a QHP or non-QHP.. In addition, Navigator entities must prepare and submit a plan for remaining free of conflicts of interest during their term as a Navigator grantee. Navigator entities will include attestation information within their grant application through previously approved OMB covered forms, and as such, the burden for Navigators providing this information is not calculated in this PRA.

Under 45 CFR 155.215(a)(1)(iii)-(iv), Navigator entities, including the Navigator's staff, are required to provide information to consumers about the full range of QHP options and insurance affordability programs for which they may be eligible, and to disclose to the Exchange and in plain language to each consumer receiving assistance from the Navigator, certain non-prohibited conflicts of interest.

Under 45 CFR 155.215(b), prior to performing any Navigator duties, individuals and entities are required to meet all certification and recertification requirements established by the Exchange, including registering for and completing training. The certification and recertification training includes an optional user questionnaire to assess the quality of the training and any necessary improvements. After obtaining initial certification, Navigators are required to obtain continuing education and/or be certified or recertified on at least an annual basis. Navigators are also required to maintain proof of their certification or recertification.

Under 45 CFR 155.225(d)(1) and (7), prior to functioning as a CAC, CACs in all Exchanges are required to be initially certified and then recertified on at least an annual basis and to successfully complete Exchange-required certification and recertification training, which includes an optional questionnaire to evaluate the quality of the training and any necessary improvements and achieve a passing score on all certification examinations.

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 §155.225(b)(1)(iii), CDOs are required to submit data and information to Exchanges regarding the number and performance of their CACs and the consumer assistance they provide, upon request, in a form and manner specified by the Exchange. In a Federally-facilitated Exchange (FFE), CDOs must submit quarterly reports that include, at a minimum, data regarding the number of CACs; 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 in applying for and selecting a QHP, enrolling in a QHP, or applying for Medicaid or the Children's Health Insurance Program (CHIP). 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. 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 Navigators and 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 an FFE, CDOs will apply for re-designation within a timeframe determined by CMS, typically 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

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

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.

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 are required to submit information and data in the form and manner specified by the Exchange. In States with an FFE, CMS may collect certain information and data from CDOs on a quarterly basis. The information and data that an 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 CHIP. The quarterly reports submitted to an 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.

4. Duplication 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 FFEs will re-designate CDOs within a timeframe designated by CMS, typically 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, that 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 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.

Navigator entities are only required to provide the mitigation plan, a disclosure of certain non-prohibited conflicts of interest to the Exchange one time per grant cycle, unless there is a change which would require the submission of an updated disclosure.

6. Less Frequent Collection

Navigators are required to disclose to consumers receiving assistance information about the full range of QHP options and insurance affordability programs for which they are eligible, as well as certain non-prohibited conflicts of interest. These disclosures are required on a per consumer basis to ensure that each consumer is provided all information as required by statute and regulation.

Navigators and CACs are required to register annually one time for training and certification. Navigators and CACs have the option to complete the training quality questionnaire included in the training; this option will occur on an annual basis. Navigators and CACs are required to maintain proof of their initial certification, and, in subsequent years, proof of their recertification. This recordkeeping requirement is annual in frequency.

Implementation of the CAC program, in accordance with 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 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 CACs would only be required to submit the required application and agreement with the Exchange as well as to be re-designated within a timeframe determined by CMS, typically 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 an FFE, CMS may begin collecting certain 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 allows 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

The 60-day Notice published in the Federal Register on June 16, 2021 (86 FR 32049). No comments were submitted. The 30-day notice published in the Federal Register on October 26, 2021 (86 FR 59165).

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 Navigators, CACs, or CDOs, HHS may collect some personally identifiable information (PII) of Navigators or 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 Navigator or 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)

Wage and Hour Data for CDOs and CACs

This revised collection relates to an additional burden associated with compiling performance information and data and submitting it to an Exchange. In States with an 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 an 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 a timeframe determined by CMS, typically two years, the organization must be re-designated to maintain its 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.

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' PII;
- Identification of any rules concerning PII which the organization is already required to follow; and

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.

- 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.

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.

After two years, we estimate it will 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 FFEs.

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 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

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 CACs may use to fulfill this requirement.

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).

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.⁹ We estimate that the development of a recertification 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.

⁸ We estimate 18 State Exchanges (which includes Utah) and one FFE will develop their own processes for recertification. HHS will establish a single process in all FFEs.

⁹ A model recertification request form that organizations may use or modify is attached as Appendix L.

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.¹⁰ 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.¹¹ The estimated cost burden would be \$9.77 for each individual 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.

¹⁰ See Appendix F “Training Quality Questionnaire,” for screen shots of the optional training quality questionnaire

¹¹ We estimate that a certified application counselor would have a professional wage equivalent to that of healthcare support 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).

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. 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.

- 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.¹² This notice requirement would apply to the Exchange or organization, as applicable, on an annual basis for each individual CAC.

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

¹² A model certificate that an organization may use or modify is attached as appendices H and I (in Spanish and English language versions).

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

Under §155.225(b)(1)(iii), CDOs are required to provide the Exchange with information and data regarding the number and performance of the organization's CACs, and the consumer assistance they provide upon request and in the form and manner specified by the Exchange. 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 CDO and CAC 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 issuance)	5,000	30,000	.016	480	1.39936 per certificate	41,981
§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

Regulation Section(s)	Respondents	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
§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 Exchange)	18	10,600	.08	848	6.9968 (for one response)	74,166
§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

Regulation Section(s)	Respondents	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
§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
§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 Federally-facilitated Exchange)	3,500	14,000	0.167	2,338	\$4.68	\$65,520
Total	278,072	4,758,036		857,046		\$34,472,900

Wage and Hour Data for Navigators

Wage per hour data¹³ for Navigator grantee personnel, project leads, and senior level executives are as follows:

Navigator Personnel – GS-9 equivalent	\$20
Mid-Level Project Lead – GS-12 equivalent	\$31
Senior Level Executive – GS-15 equivalent	\$50

With an average of [50] Navigator grantees per cycle, we estimate that there are 1,000 individuals working as Navigators. In addition, each grantee organization has one Project Lead and one Senior Level Executive.

Preparing an attestation that an individual or entity is not ineligible to serve as a Navigator is estimated to have a burden of 0.25 hours (15 minutes) per respondent.

Preparing a conflict of interest mitigation plan is estimated to have a burden of 5 hours per Navigator entity. The Senior Level Executive is expected to prepare the mitigation plan at a cost of \$250 (5 X 50). For 50 grantees, the total time burden associated with preparing the mitigation plan is estimated to be 250 hours (5 X 50) at a total cost of \$12,500 (50 X 250).

Preparing a disclosure to consumers receiving assistance information about the full range of QHP options and insurance affordability programs for which they are eligible, including completion of any necessary forms, is estimated to have a burden of 1 hour per consumer at a cost of \$20 (1 X 20). For 60,000 consumers, the total time burden for this disclosure is estimated to be 60,000 hours at a total cost of \$1,200,000 (20 X 60,000).

Preparing a disclosure of non-prohibited conflicts of interest is estimated to have a burden of 0.16 hours (10 minutes) per Navigator personnel at a cost of \$3.20 (.16 X 20). For 1,000 Navigator personnel the total time burden associated with preparing this disclosure is estimated to be 160 hours (0.16 X 1,000) at a total cost of \$3,200 (20 X 160).

Registering prior to training is estimated to have a burden of 0.25 hours (15 minutes) per respondent. For a Navigator Senior Level Executive the estimated cost for registration is \$12.5 (0.25 X 50), for Navigator Project Leads the estimated cost is \$7.75 (0.25 X 31) and for Navigator personnel the estimated cost is \$5 (0.25 X 20). For 50 Senior Level Executives the total time burden associated with registration prior to training is estimated to be 12.5 hours (0.25 X 50) at a

¹³ To derive average costs, CMS used data from the Bureau of Labor Statistics (BLS) <https://www.bls.gov/ooh/>.

total cost of \$625 (50 X 12.5). For 50 Project Leads the total time burden associated with registration is estimated to be 12.5 hours (0.25 X 50) at a total cost of \$387.50 (31 X 12.5). For 1,000 Navigator personnel, the total time burden associated with registration is estimated to be 250 hours (0.25 X 1,000) at a total cost of \$5,000 (20 X 250).

Completion of the optional training quality questionnaire is estimated to have a burden of 0.25 hours (15 minutes) per respondent. While completion of the questionnaire is optional, for the purposes of estimating total time and cost burdens we are assuming all Navigator staff, Senior Level Executives, and Project Leads will complete the optional questionnaire. For a Navigator Senior Level Executive the cost for the questionnaire completion is \$12.50 (0.25 X 50), for Navigator Project Leads the estimated cost is \$7.75 (0.25 X 31) and for Navigator personnel the estimated cost is \$5 (0.25 X 20). For 50 Senior Level Executives the total time burden associated with completion of the optional training quality questionnaire is 12.5 hours (0.25 X 50) at a total cost of \$625 (12.5 X 50). For 50 Project Leads the total time burden associated with completion of the optional training quality questionnaire is estimated to be 12.5 hours (0.25 X 31) at a total cost of \$387.50 (31 X 12.5). For 1,000 Navigator personnel the total time burden associated with completion of the training quality questionnaire is estimated to be 250 hours (0.25 X 1,000) at a total cost of \$5,000 (20 X 250).

Maintenance of proof of certification or recertification is estimated to have a burden of 0.016 hours (1 minute) per respondent. For a Navigator Senior Level Executive the estimated cost for maintenance of proof of certification or recertification is estimated to be \$0.80 (0.016 X 50), for Navigator Project Leads the estimated cost is \$0.50 (0.016 X 31) and for Navigator personnel the estimated cost is \$0.32 (0.016 X 20). For 50 Senior Level Executives total time burden associated with maintenance of proof of certification or recertification is estimated to be 0.8 hours (0.016 X 50) at a total cost of \$40 (50 X 0.8). For 50 Project Leads the total time burden associated with maintenance of proof is estimated to be 0.8 hours (0.016 X 50) at a total cost of \$24.80 (31 X 0.8). For 1,000 Navigator personnel the total time burden associated with maintenance of proof is estimated to be 16 hours (0.016 X 1,000) at a total cost of \$320 (20 X 16).

In accordance with 45 CFR 155.210(e)(6) and 45 CFR 155.215(g), Navigators, as well as those non-Navigator personnel to whom 45 CFR 155.215 applies, are required to maintain procedures to inform consumers of the functions and responsibilities of Navigators and non-Navigator assistance personnel (as applicable), and to obtain authorization for the disclosure of consumer information to the Navigator or non-Navigator assistance personnel (as applicable).

Table 2 - Annual Navigator Recordkeeping and Reporting Requirements

Regulation Section(s)	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
Conflict of Interest Mitigation Plan §155.215(a)(1)(ii)-(iii)					
Navigator Senior Level Executives	50	5	250	\$250	\$12,500
Conflict of Interest Disclosure to Exchange and Consumers § 155.215(a)(1)(iv) & (a)(2)(v)					
Navigator Personnel	1,000	0.25	160	\$3.20	\$3,200
Disclosure of Coverage Options § 155.215 (a)(2)(iv)					
Navigator Personnel	60,000	1	60,000	\$20	\$1,200,000
Training Registration §155.215(b)(1)(ii)					
Navigator Senior Level Executives	50	0.25	12.5	\$12.50	\$625
Navigator Project Leads	50	0.25	12.5	\$7.75	\$387.50
Navigator Personnel	1,000	0.25	250	\$5	\$5,000

Regulation Section(s)	Responses (total)	Burden per Response (hours)	Total Annual Burden (hours)	Labor Cost of Reporting (\$)	Total Cost (\$)
Certification and Recertification §155.215(b)(1) – Training Quality Optional User Questionnaire					
Navigator Senior Level Executives	50	0.25	12.5	\$12.50	\$625
Navigator Project Leads	50	0.25	12.5	\$7.75	\$96.88
Navigator Personnel	1,000	0.25	250	\$5	\$5,000
Certification and Recertification §155.215(b)(1) – Record Maintenance					
Navigator Senior Level Executives	50	0.016	0.8	\$0.80	\$40
Navigator Project Leads	50	0.016	0.8	\$0.50	\$24.80
Navigator Personnel	1,000	0.016	16	\$0.32	\$320

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 an FFE, pursuant to HHS authority under section 1321(c)(1) of the Affordable Care Act. 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 FFEs. Existing organizations will be required to be re-designated within a timeframe determined by CMS, typically every two years. The burden associated with

these provisions is the time and effort necessary for the FFE to create an application, as well as review applications and execute agreements with designated organizations. Additionally, the FFE investigates and verifies potential noncompliance and determine whether to withdraw an entity’s designation.

The burdens on HHS operating the FFEs and by extension, the certified application counselor program in the FFEs, 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)(i).

The process for re-designating organizations will be required within a timeframe determined by CMS, typically every two years for the FFEs; for recertification purposes, we estimate that it will take the FFEs 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 FFEs.

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 FFE 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 FFEs.

The cost burden associated with reviewing each application and notifying the organization of the result of its review would apply to the FFEs for each organization that seeks to be designated. It is

anticipated that CDOs would be re-designated within a timeframe determined by CMS, typically 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 Exchanges 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.

Labor Category	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 are required to submit data and information to the Exchanges regarding the number and 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 an FFE requests these CAC reports, the Exchange would also need to review them. If the FFEs 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 FFEs, resulting in a total annual burden of 2,338 hours, at a cost of \$65,520.

15. Changes to Burden

The burden increased from 857,046 hours to 918,024 hours due the added requirement for Navigator certification training. This change in burden is associated with restoring requirements related to certification training for Navigators that were inadvertently omitted from a previous information collection.

16. Publication/Tabulation Dates

At this time, HHS does not expect that the information and data collected from CDOs in accordance with §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).