

**Supporting Statement – Part A**  
**Cooperative Agreement to Support Navigators in**  
**Federally-facilitated Exchanges**  
**(CMS-10463/OMB control number: 0938-1215)**

**A. BACKGROUND**

The Cooperative Agreement to Support Navigators in Federally-facilitated Exchanges enables recipients to operate as Exchange Navigators in States with a Federally-facilitated Exchange (FFE), as authorized by the Affordable Care Act (ACA)<sup>1</sup>. Section 1311(i) of the ACA requires Exchanges to establish a Navigator program under which it awards grants to eligible individuals and entities (as described in Section 1311(i)(2) of the ACA and 45 C.F.R. § 155.210(a) and (c)) to carry out certain Navigator duties in States with an FFE. Navigators assist consumers by providing public education and raising awareness about and facilitating enrollment in qualified health plans (QHPs) within the Exchanges, as well as other required duties. Entities and individuals cannot serve as FFE Navigators and carry out the required duties without receiving federal cooperative agreement funding.

On June 4, 2021, CMS released its sixth Funding Opportunity since 2013<sup>2</sup> for Navigators serving FFE consumers.<sup>3</sup> As a condition of award, Navigator grant awardees must agree to cooperate with any Federal evaluation of the program and must provide required weekly, monthly, quarterly, annual, and final (at the end of the cooperative agreement period of performance) reports in a form prescribed by the Centers for Medicare & Medicaid Services (CMS), as well as any additional reports as required. Reports must be submitted electronically. These reports will outline how cooperative agreement funds are being used; describe program progress; describe any barriers encountered, including how any potential conflicts of interest were mitigated and process for handling non-compliant paid and unpaid staff performing Navigator duties; and describe how the program ensures access to culturally and linguistically appropriate services. They will also detail measurable outcomes, including how many of their staff completed required training and became certified as Navigators and how many consumers they served. CMS will provide Navigator grant awardees the format for program reporting and the technical assistance necessary to complete programmatic reporting

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<sup>1</sup> The Patient Protection and Affordable Care Act (Pub. L. 111-148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152), which amended and revised several provisions of the Affordable Care Act, was enacted on March 30, 2010. The two laws, collectively, are referred to as the Affordable Care Act.

<sup>2</sup> For more information on the previous Navigator Funding Opportunity announcements and awardees, please see <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance.html>.

<sup>3</sup> <https://www.cms.gov/newsroom/press-releases/cms-announces-80-million-funding-opportunity-available-navigators-states-federally-facilitated-0>.

requirements. At each stage, Center for Consumer Information and Insurance Oversight (CCIIO) staff will evaluate reports, provide feedback to recipients, and provide technical assistance as needed.

## **B. JUSTIFICATION**

### **1. Need and Legal Basis**

Section 1311(i) of the ACA requires Exchanges to establish a Navigator program under which it awards grants to eligible individuals and entities (as described in Section 1311(i)(2) of the ACA and 45 C.F.R. § 155.210(a) and (c)) to carry out certain Navigator duties in States with an FFE. Entities or individuals that receive a cooperative agreement award must be capable of carrying out, at a minimum, all Navigator duties required by the ACA and HHS regulations. The primary regulations that establish requirements for Navigator grant awardees are 45 C.F.R. §§ 155.210<sup>4</sup> and 155.215<sup>5</sup>.

On July 1, 2021, HHS published the Updating Payment Parameters, Section 1332 Waiver Implementing Regulations, and Improving Health Insurance Markets for 2022 and Beyond Proposed Rule proposed rule. The proposed regulations would amend federal regulations at 45 C.F.R. § 155.210(e)(9) to reinstitute the requirement that FFE Navigators provide consumers with information and assistance on access, affordability and certain post-enrollment topics, such as the eligibility appeals process, the Exchange-related components of the Premium Tax Credit (PTC) reconciliation process, and the basic concepts and rights of health coverage and how to use it. The proposal would also expand the interpretation of what activities are encompassed in the duty to provide consumers with information and assistance related to the basic concepts and rights of health coverage and how to use it. If finalized, this reinstatement of Navigator duties will apply beginning with Navigator grants awarded after the effective date of the final rule, including non-competing continuation awards. At that point, Navigator grant awardees would be required to provide information and assistance with all of the following topics:

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<sup>4</sup> See 45 C.F.R. § 155.210, at [https://ecfr.io/Title-45/se45.1.155\\_1210](https://ecfr.io/Title-45/se45.1.155_1210)

<sup>5</sup> See 45 C.F.R. § 155.215, at [https://ecfr.io/Title-45/se45.1.155\\_1215](https://ecfr.io/Title-45/se45.1.155_1215)

- Understanding the process of filing Exchange eligibility appeals;
- Understanding and applying for exemptions from the requirement to maintain minimum essential coverage granted through the Exchange<sup>6</sup>;
- Exchange-related components of the PTC reconciliation process, and understanding the availability of IRS resources on this process;
- Understanding basic concepts and rights related to health coverage and how to use it; and
- Referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Exchange application and enrollment process, and PTC reconciliations<sup>7</sup>.

As part of the proposed expansion of the interpretation of what activities are encompassed in the duty of Navigators to provide consumers with information and assistance related to the basic concepts and rights of health coverage and how to use it, CMS will also clarify some of the existing Navigator reporting elements in order to better capture the breadth of activities that Navigators are assisting consumers with.

## **2. Information Users**

Under the Terms and Conditions of the Navigator program cooperative agreements, awardees must provide progress reports on a weekly, monthly, quarterly and annual basis during the cooperative agreement period of performance, and a final report at the end of the period of performance. Progress reports will outline activities such as:

- How cooperative agreement funds were used;
- Details of measurable outcomes to include how many of those staff completed required training and became certified as Navigators and how many consumers were served;

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<sup>6</sup> Although consumers who do not maintain minimum essential coverage no longer need to receive an exemption from the individual shared responsibility payment to avoid having to make such a payment, FFE Navigators can still assist consumers age 30 or above with filing for an exemption to qualify to enroll in catastrophic coverage under §155.305(h).

<sup>7</sup> HHS is not proposing to reinstitute at § 155.210(e)(9)(v) the requirement that FFE Navigators must provide referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment in light of the fact that the individual shared responsibility payment was reduced to zero for months beginning after December 31, 2018 under the Tax Cuts and Jobs Act (Pub. L. 115-97, December 22, 2017).

- The program's progress;
- Descriptions of any barriers encountered, including how any potential conflicts of interest were mitigated and process for handling non-compliant paid and unpaid staff performing Navigator duties;
- Descriptions of how the program ensured access to culturally and linguistically appropriate services;
- Types of referrals to other entities;
- Specific education and outreach efforts; and
- Key findings and recommendations.

Awardees will submit their progress reports electronically to CMS staff for evaluation and analysis. The results of this evaluation will provide feedback on the effectiveness of the Navigator program, so that HHS and CMS leadership may evaluate the effectiveness of the program and address any areas that need revisions.

CMS will also use the information collected from Navigator grant awardees to inform the public about the availability of application and enrollment assistance services from designated organizations.

### **3. Use of Information Technology**

All Navigator grant awardees must submit their progress reports 100% electronically via the CMS reporting system(s), as prescribed by CMS and subject to change at its discretion and subject to funding availability.

In addition, CMS will also use a public facing website to display information collected from Navigator grant awardees that will support consumers seeking enrollment assistance from any designated Navigator organization. Any updates, additions, or deletions to that information can be submitted electronically by the Navigator organization to ensure that accurate and current information is available to the public.

### **4. Duplication of Efforts**

This information collection does not duplicate any other effort and the information cannot be obtained from any other source.

### **5. Small Businesses**

There are no unique impacts to small businesses involved.

## **6. Less Frequent Collection**

Implementation of the Navigator program, in accordance with final regulations at 45 C.F.R. §155.215, requires information collection to allow each Exchange to establish a process for providing required disclosures and obtaining required consumer authorizations. The FFEs must establish a reasonable retention period for maintaining these records, which is no less than six years, unless a different and longer retention period has already been provided under other applicable Federal law. The consumer may revoke such authorization(s) at any time.

CMS will also require data collection on a weekly, monthly, and quarterly basis for program oversight. An annual progress report is required after the first and each subsequent 12-month budget period within the period of performance, and a final progress report is required at the end of the period of performance.

It is necessary to collect metrics from awardees on a weekly basis due to the nature of the program and its structure as a cooperative agreement<sup>8</sup> rather than a grant. To lessen the reporting burden on awardees, the weekly metrics will be collected and aggregated on a monthly basis—allowing awardees to avoid duplicative reporting. In addition, the monthly data collection aids CMS in providing oversight and determining compliance with the programmatic and financial requirements of the cooperative agreement.

Lastly, it is necessary for CMS to collect information from Navigator grant awardees to inform the public about the availability of services. Any updates, additions, or deletions by Navigator grant awardees to this information may occur on an as needed basis.

## **7. Special Circumstances**

Due to the nature of cooperative agreements, CMS will be closely working with awardees to support the Navigator program, particularly prior to and during the Exchange open enrollment period. Thus, it is necessary to increase the data collection

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<sup>8</sup> A Cooperative Agreement is an assistance mechanism in which substantial HHS programmatic involvement with the recipient [awardee] is anticipated during the performance of the activities [period of performance]. Under each Cooperative Agreement, HHS' purpose is to support and stimulate the recipient's activities by involvement in, and otherwise working jointly with, the award recipient in a partnership role. To facilitate appropriate involvement during the period of this Cooperative Agreement, HHS and the recipient will be in contact at least once a month, and more frequently when appropriate. In addition, CMS will assign specific Project Officers and Grants Management Specialists to each Cooperative Agreement award to support and monitor recipients throughout the period of performance. CMS Grants Management Officers, Grants Management Specialists, and Project Officers will monitor, on a regular basis, progress of each recipient. This monitoring may be by phone, document review, on-site visit, other meeting and by other appropriate means, such as reviewing program progress reports and Federal Financial Reports (FFR or SF-425). This monitoring will be to determine compliance with programmatic and financial requirements.

requirements to include weekly and monthly reporting for greater program oversight and monitoring of awardee compliance with the programmatic and financial requirements of their award.

Additionally, Federal regulations at 45 C.F.R. § 155.210(e)(6) require awardees to “maintain a record of the authorization provided [by the consumer] in a form and manner as determined by the Exchange. The Exchange must establish a reasonable retention period for maintaining these records. In [FFEs], this period is no less than six years, unless a different and longer retention period has already been provided under other applicable Federal law.”

Awardees must retain entity records pertinent to this award for a period of three years from the date of submission of the final expenditure report.<sup>9</sup>

## **8. Federal Register/Outside Consultation**

A 60-day Notice published in the Federal Register on October 22, 2021 (86 FR 58664). No comments were submitted.

## **9. Payments/Gifts to Respondents**

Payments and gifts will not be provided.

## **10. Confidentiality**

Awardees should not include personally identifiable information (PII) in any weekly, monthly, quarterly, annual or final reports submitted to HHS in connection with the data reporting requirements proposed in this collection. In addition, awardees are required to ensure compliance with the standards adopted by the FFE pursuant to 45 C.F.R. § 155.260 when providing Navigator services to consumers involving the use of PII.

In the event of investigations into potential violations of program standards or noncompliance with other requirements that apply to Navigators, HHS may collect some PII of Navigators (e.g., name, unique ID number) or consumers (e.g., name), as this information is provided on the consumer authorization form<sup>10</sup> that is used prior to a Navigator assisting a consumer. To the extent provided by law, we will maintain the privacy of any respondent with respect to the information being collected.

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<sup>9</sup> See 45 CFR Part 75 [available at <http://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75&rgn=div5>], which implements 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”) for the U.S. Department of Health & Human Services (HHS) operating divisions, effective December 26, 2014.

<sup>10</sup> See *Model Authorization Form for Navigators*: <https://marketplace.cms.gov/technical-assistance-resources/draft-authorization-form-navigators.pdf>

## **11. Sensitive Questions**

In order to perform their required duties, Navigators may need to communicate with consumers about sensitive topics, such as their health status and needs, in order to assist with eligibility determinations and enrollment in QHPs. As such, some information such as individual or family income, employment status, citizenship, and other characteristics that people might commonly consider private may be communicated.

As part of awardees' reporting requirements, awardees will provide CMS with aggregated data on total numbers of consumers enrolled in QHPs, the number of consumers assisted with applying for Medicaid/CHIP, etc. (see 14. *Data Collection Reporting* for additional information).

## **12. Burden Estimates (Hours & Wages)**

### **Wage Rates**

The following sections of this document contain estimates of burden imposed by the associated information collection requirements (ICRs). To derive average costs, CMS used data from the Bureau of Labor Statistics (BLS) (<https://www.bls.gov/ooh/>). In this regard, CMS adjusted the employee hourly wage estimates by a factor of 100 percent. This is necessarily an estimated adjustment, both because fringe benefits and overhead costs vary significantly from employer to employer, and because methods of estimating these costs vary widely from study to study. Nonetheless, there is no practical alternative and CMS believes that doubling the hourly wage to estimate total cost is an accurate estimation method that has been used successfully in previous burden calculations.

#### **1) ICRs Related to Data Reporting on Required Navigator Duties (§§ 155.210 and 155.215) by Navigator grant awardees to CMS**

CMS estimates that there will be 30 FFEs and will adjust this number, if needed. Hourly wage data for Navigator caseworkers, project leads, and senior level executives are as follows:

**Table 1. Respondents' Hours and Wages**

<b>Position</b>	<b>Basic Hourly Wage</b>	<b>Hourly Labor Costs</b> (Hourly rate + 100% Fringe Benefits)	<b>Estimated # Responses per Respondent</b> (Awardee)	<b>Total Program Respondents Based on 100 Estimated Awardees</b>	<b>Total Burden Costs</b> (All Respondents)
Caseworker/ Navigator	\$22.12 <sup>11</sup>	\$44.24	14	1,400	\$61,936
Lead Navigator/ Project Manager	\$36.13 <sup>12</sup>	\$72.26	1	100	\$7,226
Senior Level Executive	\$51.77 <sup>13</sup>	\$103.54	1	100	\$10,354

It should be noted that the number of awardees increased from 34 to the newly estimated 100 based on current data and significantly increased level of funding currently available for Navigator cooperative agreement awards, compared to when the current PRA package was approved in 2019. The average number of caseworkers/Navigators increased from nine to fourteen based on current data of certified Navigators, regardless of funding source, during the open enrollment period for the 2021 Plan Year, November 1, 2020 to December 15, 2020. The number of awardees and average number of Navigators per awardee are expected to increase for the upcoming period of performance, covering the 2022, 2023, and 2024 plan years.

**2) ICRs Related to Non-Exchange Entities: Privacy and Security Policies and Procedures (§155.260(b))**

Two types of non-Exchange entities will assist consumers as they enroll in Exchange coverage in States with an FFE. These entities include Navigators and certified application counselors (CACs), both of which must enter into privacy and security agreements with the FFE, pursuant to 45 C.F.R. § 155.260(b).

<sup>11</sup> Bureau of Labor Statistics. Community Health Workers. <https://www.bls.gov/oes/current/oes211094.htm>

<sup>12</sup> Bureau of Labor Statistics. Social and Community Service Managers. <https://www.bls.gov/oes/current/oes119151.htm>

<sup>13</sup> Bureau of Labor Statistics. Top Executives. <https://www.bls.gov/ooh/management/top-executives.htm>



The agreements require these entities to implement privacy and security policies and procedures, which include developing training and awareness programs, implementing breach and incident handling procedures, creating a privacy disclosure statement, maintaining accounting of disclosures, and obtaining informed consent from individuals for any use or disclosure that is not permissible within the scope of the privacy notice statement or any relevant agreements.

### **Navigators**

This ICR was originally approved in 2013 and consisted of meeting initial requirements and developing privacy and security policies and procedures. For this approval, Lead Navigators/Project Managers and Senior Level Executives will continue with maintenance efforts only of the previously established policies and procedures.

The estimated total burden will be 1 hour per Project Manager and 0.75 hours per Senior Level Executive. Each Navigator Project Manager's wage is an estimated \$72.26 per hour for a total burden cost of \$72.26 per each Navigator Project Manager. We estimate there will be 100 Navigator Project Managers, for a total of \$7,226.00.

Each Navigator Senior Level Executive's wage is an estimated \$103.54 per hour, for a total burden cost of \$77.66 per each Senior Level Executive. We estimate there will be 100 Navigator Senior Executives, for a total of \$7,766.00.

**Table 2: Burden Estimate Navigator Privacy and Security Policies and Procedures**

<b>Position</b>	<b>Basic Hourly Wage</b>	<b>Hourly Labor Costs</b> <i>(Hourly Rate + 100% Fringe benefits)</i>	<b>Total Number of Respondents</b> <i>(Awardees)</i>	<b>Burden Hours</b>	<b>Total Burden Costs</b> <i>(Per Respondent)</i>	<b>Total Burden Costs</b> <i>(All Respondents)</i>
Lead Navigator/ Project Manager	\$36.13	\$72.26	100	1	\$72.26	\$7,226.00
Senior Level Executive	\$51.77	\$103.54	100	0.75	\$77.66	\$7,765.50

**Certified Application Counselors**

Certified Application Counselor (CAC) Project Directors and CAC Senior Officials at Certified Application Counselor Designated Organizations (CDOs) will be responsible for initially establishing and continuing with the maintenance efforts of the previously established privacy and security policies and procedures outlined above. CAC Project Directors will handle the initial breach and follow the set procedures (entailing more time associated with the task).

Each project director’s wage is an estimated \$87.46, with an estimated total burden of 1 hour per project director. The total burden cost per analyst is \$87.46. With an estimate of 1,365 CAC Project Directors, the annual total burden cost is \$119,383.

CAC Senior Officials will ensure the protocol is executed and adapt the policies accordingly (requiring the necessary oversight). Each senior official’s wage is an estimated \$102.76 with an estimated total burden of 0.75 hour per senior official. The total burden cost per senior official is \$77.07. With an estimate of 1,365 CAC Senior Officials, the annual total burden cost is \$105,201.

**Table 3: Burden Estimate CAC Privacy and Security Policies and Procedures**

<b>Position<sup>14</sup></b>	<b>Basic Hourly Wage</b>	<b>Hourly Labor Costs (Hourly Rate + 100% Fringe benefits)</b>	<b>Total Number of Respondents</b>	<b>Burden Hours</b>	<b>Total Burden Costs (Per Respondent)</b>	<b>Total Burden Costs (All Respondents)</b>
CAC Project Director	\$43.73	\$87.46	1,365	1	\$87.46	\$119,383
CAC Senior Official	\$51.38	\$102.76	1,365	0.75	\$77.07	\$105,201

### 3) ICRs Regarding Reports

#### Burden Estimates for Navigator Weekly Progress Reports

**Total Hours: 66,700**

**Costs: \$3,015,254**

The cost burden associated with the Weekly Progress Reports will apply to all Navigator grant awardees. The reports will be prepared by Navigator caseworkers. CMS estimates that each of the 100 awardees spread across the 30 FFE States will have an average of 14 caseworkers per awardee, regardless of funding source. CMS further assumes that caseworkers will spend approximately one hour each week to provide the required weekly submissions. A mid-level project lead will spend a half hour to review the submissions. Further, the total number of submissions was decreased from 52 to 46 to more accurately reflect current practices and the average wage went up slightly per position type.

<sup>14</sup> Bureau of Labor Statistics. Occupational Employment Statistics, Occupational Employment and Wages, [http://www.bls.gov/oes/current/naics5\\_524290.htm](http://www.bls.gov/oes/current/naics5_524290.htm)

**Figure 1: Burden Estimate Weekly Progress Report**

**Caseworkers Hours:** 14 caseworkers x 1 hour x 46 submissions = 644  
Hours for all awardees: 644 hours x 100 awardees = 64,400  
Costs: 64,400 hours x \$44.24/hr. caseworker wage = \$2,849,056

**Lead Hours:** 1 mid-level project lead x .50 hour x 46 submissions = 23  
Hours for all awardees: 23 hours x 100 awardees = 2,300  
Costs: 2,300hours x \$72.26 mid-level wage = \$166,198

**Total Hours: 64,400 caseworkers + 2,300 leads = 66,700**  
**Total Costs: \$2,849,056 caseworkers + \$166,198 leads = \$3,015,254**

**Burden Estimates for Navigator Monthly Progress Reports**

**Total Hours: 11,825**                      **Costs: \$530,843.50**

The cost burden associated with the Monthly Progress Reports will apply to all Navigator grant awardees. Navigator caseworkers will prepare the reports. CMS estimates that each of the 100 grantees awardees will have 14 caseworkers. For the monthly reports, CMS approximates that caseworkers will spend .75 hour each month to provide the required monthly submissions. A mid-level project lead will spend .25 hour to review the submissions. The total reporting months was more accurately decreased from 12 to 11.

**Figure 2: Burden Estimate Monthly Progress Report**

**Caseworkers Hours:** 14 caseworkers x .75 hour x 11 submissions = 115.50  
Hours for all awardees: 115.50 hours x 100 awardees = 11,550  
Costs: 115.50 hours x \$44.24 caseworker wage = \$510,972

**Leads Hours:** 1 mid-level project lead x .25 hour x 11 submissions = 2.75  
Hours for all awardees: 2.75 hours x 100 awardees = 275  
Costs: 275 hours x \$72.26 mid-level wage = \$19,871.50

**Total Hours: 11,550 caseworkers + 275 leads = 11,825**  
**Total Costs: \$510,972 caseworkers + \$19,871.50 leads = \$530,843.50**

### **Burden Estimates for Navigator Quarterly Progress Reports**

**Total Hours: 200      Costs: \$17,580**

The cost burden associated with the Quarterly Progress Reports will apply to all Navigator grant awardees. There will be four quarterly reports, prepared mainly from information previously logged by Navigator caseworkers and then automatically aggregated by HIOS. CMS estimates that one mid-level project lead will work .25 hour to draft and respond to the questions in the quarterly report. A senior level executive will take .25 hour to review and attest each quarterly report.

#### ***Figure 3: Burden Estimate Quarterly Progress Report***

**Leads Hours:** 1 mid-level project lead x .25 hour x 4 quarterly submissions = 1 hour

Hours all Awardees: 1 hour x 100 awardees = 100

Costs: 100 hours x \$72.26 mid-level wage = \$7,226

**Senior Hours:** 1 senior level x .25 hour x 4 quarterly reports = 1 hour

Hours all Awardees: 1 hour x 100 awardees = 100 hours

Costs: 100 hours x \$103.54 senior level wage = \$10,354

**Total Hours: 100 hours leads + 100 hours senior level= 200**

**Total Costs: \$7,226 leads + \$10,354 senior level = \$17,580**

### **Burden Estimates for Navigator Annual Progress Report**

**Total Hours: 200**

**Costs: \$16,016**

Reporting requirements for Navigator grant awardees include the submission of an Annual Progress Report due within 30 days from the end of the 12-month cooperative agreement budget period. CMS estimates that each awardee will require one mid-level project lead working 1.5 hour to complete the report and one senior level executive will take .50 hour to review and clear it.

#### ***Figure 4: Burden Estimate Annual Progress Report***

**Leads Hours:** 1 mid-level project lead x 1.5 hour x 1 annual report submission = 1.5 hour

Hours all Awardees: 1.5 hour x 100 awardees = 150 hours

Costs: 150 hours x \$72.26 mid-level wage = \$10,839

**Senior Hours:** 1 senior level x .50 hour x 1 annual report submission = .50 hours  
Hours all Awardees: .50 hours x 100 awardees = 50 hours  
Costs: 50 hours x \$103.54 senior level wage = \$5,177

**Total Hours: 150 hours mid-level leads + 50 hours senior level = 200**

**Total Costs: \$10,839 leads + \$5,177senior level = \$16,016**

**Burden Estimates for Updating, Adding or Deleting Assister Organization Information**

**Total Hours: 200**

**Costs: \$14,452**

The cost burden estimate will apply to all Navigator grant awardees. However, CMS requires all Assister organizations to update, add, or delete organization information as needed. CMS estimates that each Navigator cooperative agreement awardee will require one mid-level lead at .5 hours for each of four updates/ year over a 12-month period to update, add, or delete any submission to CMS.

**Figure 5: Burden Estimate Updating Organization Information**

**Hours:** .5 hour x 4 updates/year x 100 awardees = 200 hours

**Costs:** 200 x \$72.26 mid-level lead wage = \$14,452

**Burden Estimates for Recordkeeping (Consent Form & Authorization) Requirements**

**Total Hours: 447,000**

**Costs: \$19,785,000**

Federal regulations at 45 C.F.R. § 155.215(g)(2) require Navigator grant awardees retain a record of authorization provided by consumers to obtain access to a consumer's PII<sup>15</sup>.

**Consent Form:** CMS estimates that it will take one caseworker (\$44.24 wage) up to .016 hours (1 minute) to *collect* each consent form for a cost burden of \$0.71 per authorization. CMS estimates that the time burden associated with *maintaining record* of the authorization is 0.016 hours (1 minute). CMS estimates the total cost for the awardee to maintain each record of authorization is the same at \$0.71.

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<sup>15</sup> See *Model Authorization Form for Navigators*: <https://marketplace.cms.gov/technical-assistance-resources/draft-authorization-form-navigators.pdf>

Therefore, CMS estimates that the total cost burden for each organization to collect and maintain authorization is \$1.42 per authorization.

Assuming approximately 1.5 million individuals<sup>16</sup> provide authorization, the total estimate for the authorization recordkeeping requirement is \$2,130,000.

**Authorization Prior to Obtaining Consent:** With respect to the requirement for the Navigator to receive authorization from each consumer before obtaining access to the consumer's PII (separate from consent form), CMS estimates it will take one caseworker with a wage of \$44.24/per hour 0.25 hours (15 minutes) to obtain the authorization. The total cost estimate for disclosures by each individual Navigator is therefore \$11.06.

CMS estimates that the time burden associated with maintaining a record of the authorization is 0.016 hours (1 minute). CMS estimates the total cost for the individual to maintain the record of authorization is \$0.71.

Therefore, assuming that the same 1.5 million individuals provide authorization, this brings the total estimate for this recordkeeping requirement for all awardees to \$19,785,000.

### **Figure 6: Record-Keeping Requirements**

#### **Consent Form:**

Cost to collect consent form: \$44.24 (one caseworker wage) x .016 hour (1 minute) = \$0.71 per authorization.

Cost to maintain consent form: \$44.24 (one caseworker wage) x .016 hour (1 minute) = \$0.71 per authorization.

**Total Hours to Collect & Maintain Consent Form: .016 hour x 2 (same time to collect & maintain) x 1.5 million consent forms = 48,000 hours**

**Total Cost to Collect & Maintain Consent Form: \$0.71 (collect) + \$0.71 (maintain) x 1.5 million authorizations = \$2,130,000**

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<sup>16</sup> This data approximation was derived from the number of 1:1 consumer assistance interactions by Navigators, as reported through cumulative monthly progress reports submitted by Navigator cooperative agreement awardees for the 2019-2020 budget period. The total was then adjusted upwards to account for the anticipated increase in the number of Navigators available to assist consumers as a result of the increased funding available to 2021 Navigator cooperative agreement awardees.

**Authorization:**

Hours Obtain Access:  $.25 \text{ hour} \times 1.5 \text{ million (authorizations)} = 375,000 \text{ hours}$

Cost Obtain PII Access:  $\$44.24 \text{ (one caseworker wage)} \times .25 \text{ hour} = \$11.06 \text{ per caseworker}$

Hours to maintain authorization:  $.016 \text{ hour} \times 1.5 \text{ million (authorizations)} = 24,000 \text{ hours}$

Cost to maintain authorization:  $\$44.24 \text{ (one caseworker wage)} \times .016 \text{ hour} = \$0.71$

**Total Authorization Hours:  $375,000 \text{ (obtain)} + 24,000 \text{ (maintain)} = 399,000 \text{ hours}$**

**Total Authorization Cost:  $\$11.06 + \$0.71 \times 1.5 \text{ million (number of authorizations)} = \$17,655,000$**



**Burden Estimates for all Progress Reports for 2021, 2022, and 2023**

**Table 4: Total Annual Reporting Expenditures**

<b>2021 Navigator Report Submissions</b>	<b># of Respondents (Awardees)</b>	<b>Frequency</b>	<b>Responses (Column 2 x 3)</b>	<b>Annual Burden Hours (See Above Tables)</b>	<b>Annual Costs (See Above Tables)</b>
Weekly Progress Report Submissions	100	46 reports/year	4,600	43,700	\$1,997,734
Monthly Progress Report Submissions	100	11 reports/year	1,100	7,700	\$348,353.50
Quarterly Progress Report Submissions	100	4 reports/year	400	200	\$17,580
Annual Report Submissions	100	1 report/year	100	200	\$16,016
Assister Organization Information Submissions	100	4 updates/year	400	200	\$14,452
Record Keeping Requirements				477,000	\$19,785,000
			<b>2021 Total Navigator Submissions</b>	<b>529,000</b>	<b>\$22,179,135.50</b>

<b>2022 Navigator Report Submissions</b>	<b># of Respondents (Awardees)</b>	<b>Frequency</b>	<b>Responses (Column 2 x 3)</b>	<b>Annual Burden Hours (See Above Tables)</b>	<b>Annual Costs (See Above Tables)</b>
Weekly Progress Report Submissions	100	46 reports/year	4,600	43,700	\$1,997,734
Monthly Progress Report Submissions	100	11 reports/year	1,100	7,700	\$348,353.50
Quarterly Progress Report Submissions	100	4 reports/year	400	200	\$17,580
Annual Report Submissions	100	1 report/year	100	200	\$16,016
Assister Organization Information Submissions	100	4 updates/year	400	200	\$14,452
Record Keeping Requirements				477,000	\$19,785,000
<b>2022 Total Navigator Submissions</b>				<b>529,000</b>	<b>\$22,179,135.50</b>

<b>2023 Navigator Report Submissions</b>	<b># of Respondents (Awardees)</b>	<b>Frequency</b>	<b>Responses (Column 2 x 3)</b>	<b>Annual Burden Hours (See Above Tables)</b>	<b>Annual Costs (See Above Tables)</b>
Weekly Progress Report Submissions	100	46 reports/year	4,600	43,700	<b>\$1,997,734</b>
Monthly Progress Report Submissions	100	11 reports/year	1,100	7,700	\$348,353.50
Quarterly Progress Report Submissions	100	4 reports/year	400	200	<b>\$17,580</b>
Annual Report Submissions	100	1 report/year	100	200	16,016
Assister Organization Information Submissions	100	4 updates/year	400	200	\$14,452
Record Keeping Requirements				477,000	\$19,785,000
<b>2023 Total Navigator Submissions</b>				<b>529,000</b>	<b>\$22,179,135.50</b>

Total 2021-2023	Total Burden Hours	Total Cost
3-Year Total Navigator Progress Reports and Assister Organization Information Submissions	1,587,000	\$66,537,406.50

**13. Capital Costs**

The 2021 Notice of Funding Opportunity indicates that entities or individuals eligible to be Navigators must have expertise in the needs of underserved and vulnerable populations; eligibility and enrollment rules and procedures; the range of QHP options and insurance affordability programs; and FFE privacy and security standards. Therefore, we do not anticipate that programs will need additional capital or startup costs beyond what is covered in awardees' cooperative agreement application.

**14. Cost to Federal Government**

*Navigator Cooperative Agreement Applications*

An outside contractor will initially perform the review of applications for Navigator cooperative agreements in FFE states, with oversight by federal employees. The contractor will convene a panel of outside experts to evaluate applications and assist in the selection process. The contractor will analyze the recommendations of the panel of experts and submit its recommendations to CMS for review.

Total for Federal Employee Application Review = See Figure 6 (after items A-D below)

**a) Application Review by Federal Employees**

CMS anticipates that the contractor may review up to 300 Navigator cooperative agreement applications, resulting in about 100 applications being recommended for funding by the contractor before a final selection is made. CMS estimates that each application (300 total) will also require one hour for an initial review by federal mid-level staff (GS-13 equivalent<sup>17</sup>):

Costs: 300 applications x 1 hour x \$38 (GS-13 hourly wage) = \$11,400

<sup>17</sup>[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/GS_h.pdf)

**b) Outside Panel**

While not required every year (if awards are made for a multi-year period of performance), an outside panel is required for each initial cooperative agreement application review at the start of the period of performance.

Costs: 300 applications x 1 hour (initial review) X \$31 GS-12 hourly wage = \$9,300

**c) Follow-up**

Some applications will require follow-up telephone calls and other attempts to clarify information, or seek additional information, before final award decisions can be made. CMS estimates that 25 applications will require some level of follow-up review. Three mid-level (GS-13 equivalent) CMS staff will require one hour each for follow-up.

Costs: 25 follow-up telephone calls x 3 mid-level CMS staff (GS-13 equivalent) x 1 hour x \$38 GS-13 hourly wage = \$2,850

**d) Award Announcement and Awardee Notification**

Mid-level CMS staff (GS-13 equivalent) will be devoted to developing rollout materials (fact sheets, FAQs, website language, press release, etc.) and follow-up award to awardees. CMS assumes that developing rollout materials will take 10 hours. A CMS senior level (GS-15 equivalent) staff person will take two hours to review these materials. Further, it is anticipated that CMS mid-level staff (GS-13 equivalent) will take another 10 hours to provide notification of the awards to awardees.

*Development of rollout materials:*

Costs: 10 hours x \$38 (GS-13 hourly wage) = \$380

2 hours x \$53 (GS-15 hourly wage) = \$106

*Awardee notification:*

Costs: 10 hours x \$38 (GS-13 hourly wage) = \$380

**Total Cost for Award Announcement and Awardee Notification: \$866**

**Table 5: Total Cost to Federal Government**

Description	Cost
Application Review Federal Employees	\$11,400
Outside Panel	\$9,300
Follow-up	\$2,850
Award Announcement & Awardee Notification	\$866
<b>TOTAL COST TO FEDERAL GOVERNMENT</b>	<b>\$24,416</b>

**15. Changes to Burden**

The burden hours have increased from 119,100 hours to 529,000 hours. The increase is primarily due to: an increase in the cooperative agreement period of performance (from two to three years); increase in the number of respondents (from 50 to 100 awardees); an increase in the data elements awardees are required to report each week as a result of the proposed regulatory changes that were published on July 1, 2021<sup>18</sup>; and use of current data, as reported by current Navigator awardees, to more precisely determine the level of effort and staffing hours required to complete reports.

**16. Publication/Tabulation Dates**

At this time, CMS does not expect the data collected in the weekly, monthly, quarterly, annual, and final reports will be published or shared at regular intervals with other agencies.

**17. Expiration Date**

The expiration date will be displayed on the first page (top right corner) of each reporting instrument.

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<sup>18</sup> See *Updating Payment Parameters, Section 1332 Waiver Implementing Regulations, and Improving Health Insurance Markets for 2022 and Beyond Proposed Rule*: : <https://www.federalregister.gov/documents/2021/07/01/2021-13993/patient-protection-and-affordable-care-act-updating-payment-parameters-section-1332-waiver>