

**Responses to Comments Received on the Revised CMS-10418  
Federal Register 60-Day Notice (88 FR 40272)**

**Table of Contents**

A. Introduction ..... 1  
B. Comments on the 2022 MLR Annual Reporting Form and Instructions..... 1

**A. Introduction**

CMS received two comments on specific issues regarding the notice of the revised Medical Loss Ratio (MLR) PRA package published in the Federal Register on June 21, 2023 (88 FR 40272). The 60-day comment period closed on August 21, 2023.

The PRA package contains two collections of information: the MLR Annual Reporting Form that issuers must file with CMS each year by July 31 and the accompanying Form Instructions, and the Rebate Notices that issuers must send to subscribers and policyholders each year no later than September 30. The PRA package modifies the MLR Annual Reporting Form and Rebate Notices previously approved by OMB under OMB Control Number 0938-1164.

The comments conveyed concerns about the applicability of the rebate notices for the 2022 MLR reporting year and requested updated notices in advance. The summary below sets forth each comment and our response.

**B. Comments on the 2022 MLR Annual Reporting Form and Instructions**

1. Two commenters expressed concerns with the timing of the implementation of the revised rebate notices because issuers would need more time to implement the proposed changes. They requested that CMS allow plans to use the previous version of the notices for the 2022 MLR reporting year.

CMS Response

In recognition of these comments, CMS is allowing issuers the discretion to choose the revised notices or the previous version of the notices for the 2022 MLR reporting year. For the 2023 MLR reporting year, issuers should use the revised rebate notices.

2. One comment requested that CMS provide updated notices earlier in future years.

CMS Response

CMS will make every effort to accommodate the request and publish proposed changes earlier.