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Office of Management and Budget (OMB)

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Centers for Medicare and Medicaid Services (CMS)

Date: September 26, 2024

Subject: Non-Substantive Change Request – Data Collection to Support Eligibility Determinations for Insurance Affordability Programs and Enrollment through Health Benefits Exchanges, Medicaid and CHIP Agencies (OMB No: 0938-1191; CMS-10440)

This memo requests approval of a non-substantive change to the approved information collection titled Data Collection to Support Eligibility Determinations for Insurance Affordability Programs and Enrollment through Health Benefits Exchanges, Medicaid and CHIP Agencies (OMB No: 0938-1191; CMS-10440)

BACKGROUND

On March 23, 2010, the President signed into law H.R. 3590, the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152, collectively referred to as "The Affordable Care Act." The Affordable Care Act expands access to health insurance coverage through the establishment of the Health Insurance Marketplaces, also known as Affordable Insurance Exchanges, improvements to the Medicaid and Children's Health Insurance (CHIP) programs, and the assurance of coordination between Medicaid, CHIP, and Marketplaces.

Marketplaces established by the Affordable Care Act facilitate the enrollment of qualified individuals into Qualified Health Plans (QHPs). Section 1401 of the Affordable Care Act created a new section 36B of the Internal Revenue Code (the Code), which provides for a premium tax credit which is available on an advanced basis ("Advance Payments of the Premium Tax Credit," or APTC) to reduce the monthly insurance costs for eligible individuals who enroll in a QHP through a Marketplace. In addition, section 1402 of the Affordable Care Act establishes provisions to reduce cost-sharing obligations, including co-payments and deductibles, of eligible individuals enrolled in a QHP offered through a Marketplace ("Cost-Sharing Reductions," or CSRs).

The Affordable Care Act also fills current gaps in coverage by creating a minimum Medicaid income eligibility level across the country and by simplifying the current

eligibility rules in the Medicaid and CHIP programs. Under the Affordable Care Act, in States that have chosen to expand Medicaid for adults, most individuals under 65 with income below 138 percent of the Federal Poverty Level (FPL) may be eligible for Medicaid since January 2014.

As required under section 1413 of the Affordable Care Act, there is one application through which individuals may apply for Marketplace QHPs with or without APTC and CSRs, Medicaid, and CHIP and receive an eligibility determination.

This request also serves as the foundation for supporting a consumer's ability to apply for and enroll in a Marketplace QHP or Medicaid and CHIP coverage in any Federally-facilitated Marketplace (FFM) or State-based Marketplace (SBM). This request also serves to further the goals of Executive Order 14019[1] to expand access to, and education about, voter registration and election information to enable all eligible Americans to participate in the democratic process. It does so by expanding an existing question in the application that provides consumers interested in voting resources with a link to Vote.gov and by moving the question to another location within the application. Some of the information we collect is voluntary, such as information related to voter registration. But other information is required by provisions within the Affordable Care Act.

OVERVIEW OF REQUESTED CHANGES

This non-substantive change request allows for the inclusion of screenshots related to the addition of the link Vote.gov that is already in the approved information collection request. The screenshots illustrate an applicant option to follow the link provided in the application to learn more about voter registration. If the applicant selects the link to Vote.gov, a new internet browser window will open, while also keeping the original window open for the applicant to view their eligibility results. This request to include the attached screenshots has no impact on the currently approved burden for this information collection. No data elements have been added or removed.

[1] Executive Order on Promoting Access to Voting, March 7, 2021. https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/