

# **National Medical Support Notice - Part A e-NMSN – Part A**

**OMB Information Collection Request  
0970 - 0222**

## **Supporting Statement Part A - Justification**

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Submitted By:  
Office of Child Support Services  
Administration for Children and Families  
U.S. Department of Health and Human Services

## **1. Circumstances Making the Collection of Information Necessary**

On June 5, 2023, the Administration for Children and Families published a notice in the [\*Federal Register\* Volume 88, Number 107, Page 36587](#), to announce that the Office of Child Support Enforcement is now the Office of Child Support Services (OCSS). Any reference to OCSE changed to OCSS.

The Office of Child Support Services (OCSS) developed the National Medical Support Notice (NMSN) - Part A as a standard, required form for child support agencies to use to ensure employers enroll dependent children in available employer-sponsored medical coverage, if required by a support order.

The information collected complies with section 401 of the Child Support Performance and Incentives Act of 1998 (CSPIA), which requires state child support agencies, under title IV-D of the Social Security Act, (the Act), to enforce health care coverage provided in a child support order and section 609 of the Employee Retirement Income Security Act of 1974 (ERISA), which deems the NMSN the enforcement mechanism for the medical support requirement. The laws required OCSS to promulgate NMSN regulations, which were issued jointly by the Departments of Health and Human Services (HHS) and Labor (DOL).

The collection activities associated with the NMSN are further authorized by (1) 42 U.S.C. § 666, which requires all child support orders to include a provision for medical support and where appropriate, enforced through the use of the National Medical Support Notice; (2) 29 U.S.C. § 1169, which provides for medical coverage pursuant to a qualified medical support order.

This request adds the record specifications to the currently approved NMSN - Part A so states and employers may exchange documents electronically.

## **2. Purpose and Use of the Information Collection**

Currently, child support agencies (CSAs) must send the NMSN - Part A and Part B to employers for all child support cases receiving IV-D services in which a court or a tribunal has ordered a parent to provide medical support or health care coverage.

Employers respond to the CSAs as to whether insurance is available and when appropriate, forward Part B to the employer's medical/health plan administrators to enroll the children in health plans. Employers withhold from the employee's income any premium payments required by the plan.

OCSS does not receive nor use the information collected on the NMSN - Part A since it does not administer child support cases.

The OCSS development of the e-NMSN process will eliminate mailings between states and employers expediting the health care enrollment process and eliminating associated mailing costs.

### **3. Use of Improved Information Technology and Burden Reduction**

OCSS employs existing technology to minimize the burden on NMSN respondents. CSAs automate this information collection. The burden on states to provide NMSN information is minimal because states have existing systems that allow them to generate and send a NMSN to an employer after the entry of a support order.

As a usual and customary function, if a court or other tribunal issues a child support health care order and the CSA enforces it, the CSA enters the terms of the order and other data elements into their automated system in order to generate the NMSN for employers to process. Most CSAs send copies of the NMSN form to employers by mail while some may upload the notice to the state employer service portal.

In addition, OCSS also offers a fillable portable document format (PDF) version of the NMSN, which is available on the OCSS website. The PDF version provides child support agencies and employers with an efficient method for filling out the NMSN. Child support agencies may print a limited number of these forms in hard copy for use in emergencies when automated systems are not available or in situations in which computer-generated forms are not available.

Employers and states may opt to use the OCSS e-NMSN process, which includes the proposed record specifications. The e-NMSN is an OCSS centralized Internet batch portal application that lets child support agencies easily and securely send health care orders to employers. The OCSS portal picks up e-NMSNs from child support agencies and sends them to employers. The employers electronically acknowledge whether the employer accepted or rejected the NMSN. Employers can also use e-NMSN to report terminations of health care coverage. This technology decreases time spent to process child support medical coverage; reduces administrative expenditures for child support agencies; reduces processing costs for employers and health care providers; improves communication between child support agencies, employers, and health care providers and, exchanges information in a consistent and uniform format.

### **4. Efforts to Identify Duplication and Use of Similar Information**

Prior to the NMSN, states issued their own medical support forms. The mandatory NMSN form replaced all previous state-issued forms; it prevents duplication and reduces confusion for employers and medical plan administrators. Adding the e-NMSN option for states, employers, and plan administrators to electronically receive and respond to the standard NMSN increases the timely enrollment of children in health insurance and reduces mailing costs.

## **5. Impact on Small Businesses or Other Small Entities**

After initial programming costs, the impact on small businesses and other small entities is minimal. The e-NMSN is easy to understand and contains all the information needed to enroll a child in the employee's health plan and to withhold premium payments from the employee's wages. The e-NMSN will require a one-time estimated programming cost of \$55,320 for each user. Employers will respond to child support agencies electronically, reducing mailing costs and response time.

## **6. Consequences of Collecting the Information Less Frequently**

Because CSPIA and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandate use of the NMSN by states to enforce medical support orders, all child support orders under title IV-D of the Act must have a provision for medical support care coverage. The employer must implement the NMSN according to the terms of the support order. State child support agencies cannot collect NMSN information from employers less frequently, as doing so will adversely affect availability of health insurance coverage for children and, when needed, delay enforcement of medical support for them.

## **7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

Section 466 (a)(19) of the Act requires the employer to respond to the CSA that sent the form within twenty business days of the date of the NMSN. The employer must advise the state child support agency of the date when the employer sent Part B to the employer's health plan administrator; if health care coverage is not available, the employer must advise the state as to why the employer cannot implement the NMSN. The employer must also forward Part B to the health plan administrator within twenty business days to enroll children in health insurance if health insurance is available to the employee. Failure to adhere to the twenty business day requirements violates the Act. Currently these exchanges are by U.S. mail.

Implementation of e-NMSN will assist users to quickly meet federal time limits.

## **8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), OCSS published 60- and 30- day notices in the Federal Register for the currently approved information collection, NMSN - Part A.

## **9. Explanation of Any Payment or Gift to Respondents**

Neither OCSS nor child support agencies make payments or gifts to the respondents.

## **10. Assurance of Confidentiality Provided to Respondents**

OCSS is responsible for managing the format for the NMSN - Part A information collection;

however, OCSS does not collect that information. State and local child support agencies populate the NMSN forms from their client data files and follow their state laws and procedures requiring assurances of confidentiality. Each state must have in effect safeguards designed to protect privacy rights. 42 U.S.C. § 654(26).

For employers and states that opt to utilize the OCSS e-NMSN enrollment process, OCSS existing security measures safeguard the files and information. Confidential information used in the e-NMSN enrollment process, which is part of the Child Support Portal, is in the Child Support Portal Information Collection approved by OMB (OMB # 0970-0370; expiration date: February 28, 2025).

## **11. Justification for Sensitive Questions**

The NMSN and e-NMSN require specific information, including names, birth dates, addresses, and SSNs of parents and children, to ensure that the employer provides correct medical coverage for the correct individuals. When populating the forms, state and local child support agencies must adhere to their laws and procedures regarding the collection and protection of sensitive information. Each state must have in effect safeguards designed to protect privacy rights. 42 U.S.C. § 654(26).

Sensitive information used in the OCSS e-NMSN enrollment process, which is part of the Child Support Portal, is in the Child Support Portal Information Collection approved by OMB (OMB # 0970-0370; expiration date: February 28, 2025).

## **1. Estimates of Annualized Burden Hours and Costs**

### ***Annual Burden and Cost Estimates***

For completion of the NMSN Part A, OCSS calculated state respondents' costs using the Bureau of Labor Statistics (BLS) wage data from May 2022 and used the job code for Child, Family, and School Social Worker [21-1021] which is \$27.25 per hour. To account for fringe benefits and overhead, OCSS multiplied the hourly rate by two, which is \$54.50. OCSS calculated employer respondents' costs using the Bureau of Labor Statistics (BLS) job code for Payroll and Timekeeping Clerks [43-3051] which is \$25.14 per hour. To account for fringe benefits and overhead, OCSS multiplied the hourly rate by two, which is \$50.28.

The burden hour estimates for the NMSN Part A e-NMSN are based on an OCSS pilot project involving one state and one employer: an estimated number of annual prospective states using e-NMSN, the number of notices issued annually by those CS agencies, and the associated amount of time required to populate those notices. The estimated burden for employers opting to use e-NMSN was calculated similarly.

There should be no average annualized cost for employers opting to use e-NMSN. It takes 30 seconds for the system to complete a response and does not require labor from payroll clerks. The same applies to state and local child support employees.

**Table 1. Estimates of Annualized Burden Hours and Costs**

Information Collection Title	Total Number of Annual Respondents	Annual Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
National Medical Support Notice – Part A – Notice to Withhold for Health Care Coverage <i>States</i>	54	90,194	.17	827,891	\$54.50	\$45,124,965
National Medical Support Notice – Part A – Notice to Withhold for Health Care Coverage <i>-Employers</i>	1,310,727	3.72	.17	828,904	\$50.28	\$41,677,293
State Medical Support Contacts and Program Requirement Matrix <i>-States</i>	54	1	1	54	\$54.50	\$2,943
National Medical Support Notice – Part A – Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system <i>- States</i>	5	5,000	.01	250	\$0.00	\$0*
National Medical Support Notice – Part A – Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system - <i>Employers</i>	25	3.72	.01	1	\$0.00	\$0*
<b>Estimated Annual Burden and Costs:</b>				1,657,190		\$86,805,201

\*After system-to-system programming costs, there is no cost to employers or states to use the system-to-system e-NMSN process.

### 13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

Costs to state respondents to program and implement the e-NMSN are estimated to be \$55,320, derived from the one pilot state. Thereafter, there should be no additional costs.

Costs to employer respondents to program and implement the e-NMSN should roughly equal the costs to states (\$55,320). Thereafter, there should be no additional costs.

### 14. Annualized Cost to the federal government

OCSS posts the NMSN on the internet website for states to download. There are no costs to the federal government associated with text changes to the paper NMSN.

The estimated annual cost to the federal government for e-NMSN is \$183,727. This includes the system enhancements and technical assistance contracting costs, telecommunications, security, data quality, and software and hardware costs incurred by OCSS in association with the e-NMSN.

**15. Explanation for Program Changes or Adjustments**

The requested addition of the e-NMSN record specifications to the currently approved NMSN - Part A has added initial programming costs to users who choose to use the NMSN electronic version. This initial programming cost will eliminate paper forms and mailings, reducing the overall hourly burden and mailing costs for users. OCSS has also estimated the burden separately for the e-NMSN submissions.

**16. Plans for Tabulation and Publication and Project Time Schedule**

There are no plans to publish results of this information.

**17. Reason(s) Display of OMB Expiration Date Is Inappropriate**

OMB expiration date will be displayed.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

There are no exceptions to the certification statement.