

Attachment A

CMS Response to Public Comments Received for CMS-10712

The Centers for Medicare and Medicaid Services (CMS) received a total of three submissions during the public comment period from anonymous individuals. After careful analysis, CMS identified that these submissions contained two (2) unique comment themes, both of which are outside the scope of the information collection requirements under the Paperwork Reduction Act (PRA) as they do not address burden, reporting, or recordkeeping requirements. This document presents the consolidation of these comments and CMS's responses. Based on review of all public comments, CMS determined that no changes are needed to the information collection requirements or burden estimates associated with this PRA package.

Comment:

An individual requested clarification on how CMS enforces its rules governing Religious Non-Medical Health Institutions (RNHCIs) and how CMS ensures individuals seeking services from RNHCIs do not face barriers.

Response:

CMS appreciates the comment and the concerns expressed by the commenter; however, the comment is not related to the information collection requirements (e.g., burden, reporting, or recordkeeping requirements) associated with this PRA package.

Nevertheless, CMS offers the following resources in response to the comment:

- CMS monitors providers' compliance with its rules, referred to as the Conditions of Participation, through on-site surveys conducted by State Survey Agencies on a cyclical basis. For details on the process to verify if a RNHCI is complying with CMS requirements, see: [State Operations Manual Appendix U - Survey Procedures and Interpretive Guidelines for Responsibilities of Medicare Participating Religious Nonmedical Healthcare Institutions](#)
- Individuals who may have concerns regarding care or access to services may:
 - File a formal complaint with the State Survey Agency, which investigates provider compliance on behalf of CMS; or
 - File a grievance through Medicare; or
 - File a complaint with the U.S. Department of Health and Human Services [Office for Civil Rights](#) (OCR).

Comment:

Commenters expressed support for the Conditions of Participation and information collections and one commenter requested assistance with electing to receive nonmedical care and treatment for religious reasons.

Response:

CMS thanks the commenters; however, these comments are not related to the information collection requirements (e.g., burden, reporting, or recordkeeping requirements) associated with this PRA package. The information collection requirements apply to providers certified as RNHCIs rather than individual RNHCI patients.

For an individual to receive nonmedical care and treatment for religious reasons, the individual must be enrolled in Medicare and must complete an election statement. Each certified RNHCI is responsible for providing patients or their legal representatives with the required election statement, which must include the information specified under 42 CFR § 403.724.