



February 28, 2013

VIA ELECTRONIC SUBMISSION

Centers for Medicare & Medicaid Services
Department of Health and Human Services
P.O. Box 8016
Baltimore, MD 21244-8016

RE: CMS-10440
Appendix A: List of Questions in the Online Application to Support Eligibility Determinations for Enrollment through the Health Insurance Marketplace and for Medicaid and the Children's Health Insurance Program
Appendix C: FA Paper Application
Appendix D: Non-FA Paper Application

Dear Sir or Madam:

The Center for Law and Social Policy (CLASP) is a national organization that develops and advocates for policies at the federal, state and local levels to improve the lives of low-income people.

We appreciate this opportunity to comment on the single, streamlined application. With the implementation of the Affordable Care Act (ACA), it is critical to ensure that low-income individuals who are eligible for Medicaid, CHIP, Advanced Premium Tax Credits and cost-sharing assistance actually receive the relevant subsidies and programs. This streamlined application is a first step to identify individuals and their eligibility for these vital health programs and ensure a seamless eligibility process. As such, its design is critical in meeting these goals.

General Comments

I. Language Access

The streamlined application is the first access point for individuals seeking health care and should be fully accessible. The federally funded exchange must comply with both, Title VI of the Civil Rights Act and Section 1557 of the ACA to prevent discrimination against limited English proficient (LEP) individuals. We recommend that the online, paper, and telephone

applications be available in at least the 15 most common languages used in the United States to ensure that those who are limited English proficient are able to access services for which they are eligible. This is a vital component of the ACA's "no wrong door approach" to enrollment.

In addition, information on the paper, telephone and online applications should clearly state that access to interpreters are available at no cost to applicants.

II. Multi-modal applications

There will be a great deal of publicity and outreach tied to the online application and it is expected that a significant share of applications will come in through this means. However, it is likely that some individuals will begin online applications and then discover that they have questions or need additional assistance. Individuals should be able to save their applications, and pick them up with phone applications or in-person assistance, without having to reenter their work. Instructions should clearly indicate how applicants may access their application at various points through the different application options.

III. Special Circumstances

Both the CMS videos showing the new enrollment process mention that only certain individuals will be asked about whether they are full time students, however, each video indicates a different age range for whom this question will be asked. The video for the single individual applicant indicates that those between the ages of 18-22 will be asked about whether they are full-time college students, while the video with the family example indicates that those between the ages of 19-26 will be asked the same question. We are not clear about the discrepancy between these and we recommend that CMS ensure the information for this question is consistent.

IV. Immigrant Access

Many immigrants face barriers to accessing services, including health care, for concerns over "public charge." Concerns that enrolling in health coverage through Medicaid, CHIP, or subsidized Exchange coverage may cause the Department of Homeland Security to deny lawful permanent resident status or even citizenship should be addressed and dispelled in all the application processes. Applications must inform applicants that immigration authorities, pursuant to DHS guidance, should not consider enrollment in health coverage as a negative factor when making public charge determinations.

V. Application Assistors

Persons who will provide application and enrollment assistance to consumers will need ongoing training that includes non-discrimination and confidentiality protections, eligibility rules and public charge policies that encourage eligible immigrants to participate in government health programs.

Comments on the Online Streamlined Application

I. My Account

This section is an important first step for applicants accessing the online application. While some may be able to complete their application in one sitting, others may need to save their application and return to it at a later time. Directions in this section should include how individuals may save their application before it is completed and how they may return to where they left off at a later time.

In addition, this section requests the applicants to optionally submit their Social Security Number. Because Social Security Numbers are already requested in the following sections collecting personal information, we recommend that this optional entry be deleted.

II. Privacy

We support the inclusion of a privacy statement at the beginning of the application. In the online application, information can be retrieved from other agencies and pre-populate data throughout the application. We recommend specifying that while data may have been retrieved from other agencies, data submitted on the application will only be used for determining eligibility for these programs and will not be shared with other agencies. In addition, directions in this section should also include what will happen if the applicant does not check the privacy box.

III. Authorized Representative

Information describing the responsibilities and possible liability authorized representatives accept when they agree to serve in this capacity at the request of the applicant should be clearly stated in this section. Examples of who is appropriate to serve in this capacity, and what information they will continue to receive related to the application, enrollment and renewal process should also be included here. Additional directions should be included here about how applicants may change their authorized representative throughout the application process, or after it has been submitted.

IV. Help Paying for Coverage

We strongly support the inclusion of the income screener to encourage applicants to consider assistance paying for coverage. Additional information in this section should include a statement about the applicant's ability to apply for assistance at a later time if they do not choose the option now.

V. Family and Household

Additional information in this section should include what applicants must indicate here if they are legally married to a same sex partner, but whose marriages are not federally recognized.

VI. *Expedited Income*

In question #2 of this section, simply asking individuals to indicate income for “*this month*” may be confusing. We recommend replacing “*this month*” with the current month by pre-populating this data.

VII. *Current/Monthly Income*

This section on monthly income can potentially be very burdensome for workers with minimal income from a number of different sources. In these situations, where income data is not already pre-populated, we recommend that the application allow individuals to estimate the existence of small amounts of income below a certain threshold to receive preliminary determinations without requiring them to attest to the accuracy of the data at threat of perjury. For example, if my wages put me at 50% of FPL, and I have a bank account, but I know that I get less than \$5 a month in interest, I should be able to say that without having to figure out the exact amount.

VIII. *Employer Health Coverage*

For large employers, it may be cumbersome for both employers and employees for employees to bring a printed Employer Coverage Form to their place of employment to collect necessary information. We recommend that employers should be able to enter this information online and give workers a code to enter that will populate this section with the appropriate information.

In addition, terminology in this section may be confusing for both employers and their employees. As the application is rolled out, we recommend that there be both online and telephone assistance available to employers and employees who may have questions. This Information on how to access this assistance should be prominently displayed in this section.

IX. *Review and Sign*

Additional information in this section should include details on the responsibilities and consequences for information inaccurately submitted, and what applicants should do to update their information should their circumstances change.

We appreciate this opportunity on the streamlined application which will have significant impact on improving health insurance coverage for low income individuals across the country. We hope that HHS will take our comments into consideration and we welcome any questions you may have.

Sincerely,

Helly Lee
Senior Policy Analyst