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August 26, 2014

Patricia Meisol
Center for Consumer Information and Insurance Oversight
Department of Health & Human Services
Sent via email:

Dear Ms. Meisol:

The Association for Community Affiliated Plans (ACAP) thanks you for considering our comments and requests for clarification on CMS form 10526 related to cost sharing reduction (CSR) reconciliation reporting requirements.

ACAP is an association of 58 not-for-profit and community-based Safety Net Health Plans (SNHPs) located in 24 states. Our member plans provide coverage to approximately 11 million individuals enrolled in Medicaid, the Children's Health Insurance Program (CHIP) and Medicare Special Needs Plans for dually-eligible individuals. Nationally, ACAP plans serve roughly one-third of all Medicaid managed care enrollees. Sixteen of ACAP's Safety Net Health Plan members have elected to participate in the Marketplaces in 2014.

ACAP's Concerns:

General questions and concerns about the cost sharing reduction (CSR) reconciliation reports, form number CMS-10526, are listed below:

- As part of the interim payment process for Advance Premium and Tax Credit (APTC) and CSR, HHS is currently aggregating payments at the qualified health plan level. **We request CMS provide data regarding CSR payment amounts at the member-level to aid the plans in reconciliation.** Issuers will be required to report member-level enrollment and claims information, for those issuers implementing the standard methodology, in particular, member-level CSR payments will help ensure accurate reconciliation.
- The reporting requirements do not specify how issuers should report on fields that are not related to their products. **If an issuer is leaving a field blanks, what value, if any should be input into the cell (i.e. "0", "N/A")?**
- **In what format will the CSR Reconciliation Data Template be required to be submitted (i.e. delimited file)?** ACAP requests that this template be developed similar to the CMS Marketplace Payments template currently in use during FY 2014.
- As with all communications with issuers, **ACAP requests that CMS specify which, if any, requirements are specific to the federally facilitated marketplace (FFM) or state-based marketplaces (SBM).** Please coordinate with the SBMs to ensure that definitions for requirements such as "File ID" on the Issuer Summary Report take any SBM definitions into consideration as necessary.



Questions and concerns related to the specific reporting requirements contained in the CSR reconciliation reports are listed below:

- Issuer Summary Report
 - **We seek clarification of the data required for the “Total Actual CSR Amount” field.** Should issuers include information about the amount CMS has already paid to the issuer in CSR advance payments or the amount an issuer expects to pay or receive based on the reconciliation? ACAP requests that both amounts- the amount CMS paid to the issuer in CSR advancements and the amount an issuer expects to pay or receive based on reconciliation- be included in the template. Although we understand this requires more work on the part of issuers, we believe it will ultimately provide the most clarity for all parties involved in the reconciliation process.
 - **Does the issuer attestation occur within the template by indicating “yes/no” or will a separate attestation be required?** ACAP recommends the attestation occur within the template.
- Standard Report:
 - **Please clarify how an issuer should report if the same member has multiple member IDs during a calendar year.** ACAP recommends that each ID number should have its own line in the template.
 - **Please clarify how issuers should report on members who experience enrollment breaks during the calendar year.** ACAP recommends having the issuer report each enrollment span for a member on its own line. We also recommend a new line be created for instances where a member has a change in his or her qualified health plan (QHP) ID.
 - **Please clarify if continuous enrollment spans (i.e. member starts on 1/1/14 and ends 4/30/14, but then re-enrolls effective 5/1/14) should be merged?** ACAP recommends that these enrollment spans not be merged. As described above, we believe each enrollment span should have its own line in the template.
 - **In the Level 1 section of this report, please clarify how to report member level IDs; should an additional row be added for each member ID associated with a particular subscriber?** ACAP recommends adding an additional line for each member ID associated with a subscriber. CSR PMPM is paid at the subscriber-level and most issuer systems are storing this information at the subscriber-level, reporting subscriber-level information would aid in the reconciliation process.



Conclusion

ACAP thanks you for your willingness to discuss these issues with us. If you have any additional questions or comments, please do not hesitate to contact Jennifer Babcock (202-204-7518, jbabcock@communityplans.net).

Sincerely,

Margaret A. Murray
Chief Executive Officer