



KATHY HOCHUL
Governor

Office of Temporary and Disability Assistance

DANIEL W. TIETZ
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

June 17, 2022

VIA EMAIL

James Butikofer
Department of Labor
Employee Benefits Security Administration
200 Constitution Avenue NW, Room N-5718
Washington, DC 20210
Email: ebsa.opr@dol.gov

***RE: COMMENTS ON REVISIONS TO THE NATIONAL MEDICAL SUPPORT NOTICE – PART B,
OMB No.1210-0113, April 20, 2022, Federal Register, Vol. 87, No. 76, page 23570 - 23571***

Dear James Butikofer:

The New York State Office of Temporary and Disability Assistance (NYS OTDA) appreciates the opportunity provided by the Employee Benefits Security Administration (EBSA) to comment on proposed revisions to the National Medical Support Notice (NMSN) – Part B, OMB 1210-0113. We welcome the opportunity to submit comments that will increase the effectiveness of the NMSN as an administrative tool for the enrollment of children in employment-based health insurance coverage. The following comments are provided regarding the quality, utility, and clarity of the information to be collected, and the ways to minimize the burden of the collection of information. Unless otherwise noted, NYS OTDA supports the current format and language of the NMSN – Part B.

General Comments

Comment 1, Implementation Time Frame

The proposed revisions to the NMSN – Part B would impact centralized notice production by NYS OTDA. At a minimum, text changes would be required to the form and associated cover letters, and the new Addendum would need to be incorporated into Part B. In addition, a notice production data file layout change could be necessary to add a field for the email address of the Issuing Agency. The mapping and data capture procedures for the NMSN – Part B would also require modification. Finally, training manuals and procedures would need to be updated. Therefore, NYS OTDA strongly recommends a time frame for implementation of not less than one year.

Comment 2, Footer

The NMSN – Part B should provide states with flexibility to include relevant identifying information (e.g., county code, employer number, and worker code) in the footer of each page of the NMSN – Part B. The inclusion of such information in the footer would facilitate automated processing of returned documents.

Recommended Form Revisions

Comment 3, Page 6, National Medical Support Notice – Addendum to Part B, Section 1: Health Insurance Details

NYS OTDA has used its own Plan Administrator Response Addendum for many years. This addendum includes information in addition to the data to be provided on the proposed NMSN – Addendum to Part B. In particular, all children subject to the order of support are listed on the NYS OTDA addendum, and the Plan Administrator must indicate, child by child, whether the child is or is not enrolled in coverage. This information is data captured to ensure the case record accurately reflects the current state of the child's enrollment.

At a minimum, NYS OTDA recommends the NMSN – Addendum to Part B modify Section 2 of the proposed addendum to address the enrollment status of all children subject to the order of support.

Comment 4, Page 7, Section 2: No Longer Eligible Children Details

With reference to Comment 3, NYS OTDA recommends the name of Section 2 be changed from “No Longer Eligible Children Details” to “Children’s Eligibility Information.” In association with that change, NYS OTDA recommends the following columns be added to the proposed table:

- **Column 5:** “Enrolled,” with check boxes for “Yes” and “No”; and
- **Column 6:** “Reason for Disenrollment,” with check boxes for “Age threshold met” and “Other.”

If the recommendation in Comment 3 is not accepted, NYS OTDA suggests the name of Section 2 be changed from “No Longer Eligible Children Details” to “Details – Children No Longer Eligible” for purpose of clarification.

Recommended Technical Corrections

Comment 5, Page 1 – Medical Support Notice to Plan Administrator, Child(ren)’s Information

NYS OTDA notes that pursuant to the associated *Federal Register* notice a specific change was to expand space on the form to allow for the identification of up to six children. Notably, the Child(ren)’s information section on page 1 includes space for the identification of up to eight children. NYS OTDA requests clarification regarding the maximum number of children to be identified on page 1 of the form and recommends states be given flexibility to include additional space for information about the children.

Comment 6, Page 2 – Plan Administrator Response, Item 2

NYS OTDA suggests the following technical corrections to Item 2 of the Plan Administrator Response:

- **First checkbox, introduction, line 2:** A space should be added between “following” and “family.”
- **Item 2b:** Line 2 of the text should be indented to align with the first word of line 1.
- **Item 2c:** Line 2 of the text should be indented to align with the first word of line 1.
- **Item 2d, line 2:** Line 2 of the text should be indented to align with the first word of line 1, and a space should be added between “been” and “elected.”

Comment 7, Page 2 – Plan Administrator Response, Item 5

NYS OTDA suggests the following technical corrections to Item 5 of the Plan Administrator Response:

- **Fourth check box:** Line 2 of the text should be indented to align with the first word of line 1.

- **Fourth check box:** If space permits, a blank line should be inserted after Line 2 of the text and before “Plan Administrator or Representative.”

Comment 8, Page 3 – Instructions to Plan Administrator, Item (A)(1)

NYS OTDA suggests the following technical corrections:

- **Item (A)(1)(a)(i) and (A)(1)(ii):** Lines of text after line 1 of (i) and line 1 of (ii) should be indented to align with the first word of line 1 (i) and (ii), respectively.
- **Item (A)(1)(b)(i) and A(1)(b)(ii):** Lines of text after line 1 of (i) and line 1 of (ii) should be indented to align with the first word of line 1 (i) and (ii), respectively.

Comment 9, Page 4 – Period of Coverage

NYS OTDA suggests the following technical corrections to **Items 1(a) and 1(b):** Line 2 of the text should be indented to align with the first word of line 1.

Comment 10, Page 5, Paperwork Reduction Act Statement

The **second paragraph** of the Paperwork Reduction Act Statement section lists an expiration date of October 31, 2022 (10/31/2022). A prior reference to the expiration date of the form found on page 1 of 7 indicates that the expiration date is to be inserted. NYS OTDA suggests that the expiration date in this paragraph be flagged for revision.

Comment 11, Page 6, National Medical Support Notice – Addendum to Part- B

The title to this section includes a dash between “**Part**” and “**B.**” NYS OTDA recommends removal of the dash between these words.

Comment 12, Page 7, Section 2; No Longer Eligible for Children Details

The column headings for the **first and third columns** are not centered, while the column headings for the second and fourth columns are centered. NYS OTDA recommends the use of consistent formatting for the column headings of the table in Section 2.

Thank you for the opportunity to comment.

Very Truly Yours,



Eileen M. Stack
Deputy Commissioner
Child Support Services
Office of Temporary and Disability Assistance