



FAQs for Federally-facilitated Marketplace (FFM) User Fee Adjustment Submission Requirements

Purpose:

CMS is releasing the final forms and spreadsheets that third-party administrator (TPAs) and participating Federally-facilitated Marketplace (FFM) issuers will submit in order to receive reimbursement for contraceptive services for which they have made payments under the accommodation set forth in the final rules, "Coverage of Certain Preventive Services Under the Affordable Care Act," 78 FR 39870 and 80 FR 41318 (July 2, 2013 and July 14, 2015). The two spreadsheets released today will allow TPAs and pharmacy benefit managers (PBMs) to report their contraceptive claims costs for the 2014 benefit year to CMS, and will allow issuers participating on the Federally-facilitated Marketplace (FFM) that have an agreement with these TPAs or PBMs to report the dollar amount of these paid claims.

The information submission will: 1) determine the discount that CMS will apply to the user fee that the issuer pays CMS in order to participate on the FFM; 2) ensure that these user fee adjustments reflect payments for contraceptive services paid for under this accommodation, and 3) ensure that the adjustment is applied to the appropriate participating issuer in an FFM. This FAQ is intended to assist issuers, TPAs, and PBMs with navigating the submission requirements and understanding the mechanism through which CMS will apply the FFM user fee adjustment.

Background:

The final rule "Coverage of Certain Preventive Services Under the Affordable Care Act" (78 FR 39870) published by the HHS, the Treasury, and Labor (the Departments) on July 2, 2013, set forth regulations regarding coverage for certain contraceptive services to ensure that individuals in group health plans have access to the full range of FDA approved contraceptives without cost-sharing, while respecting eligible organizations' religious-based objections to contraception. Eligible organizations receive an accommodation relating to contraceptive coverage so that they are not required to provide, arrange, or make payment for these services. At the same time, contraceptive services are available for women enrolled in the health plan of the organization, at no cost to the women or to the organization.

The July 2, 2013 final rules also set forth processes and standards to fund the payments for the contraceptive services that are paid for on behalf of participants and beneficiaries in self-insured plans of eligible organizations, through an adjustment in the FFM user fee payable by an issuer participating in an FFM. In order to facilitate the FFM user fee adjustment, the final rules require an information collection from applicable participating FFM issuers and TPAs.



FAQs for Federally-facilitated Marketplace (FFM) User Fee Adjustment Submission Requirements

Frequently Asked Questions and Answers:

Submission Process & Deadlines

Q: The July 2, 2013 final rule stated that TPAs must submit the “Notice of Intent Disclosure Form” to CMS by the later of January 1, 2014 or the 60th day following the date on which the TPA receives a copy of a self-certification from an eligible organization. That deadline has passed. Are TPAs still required to submit this form to CMS? If so, what deadline applies?

A: Yes, TPAs and PBMs must still submit the Notice of Intent Disclosure Form indicating that they intend to seek a user fee adjustment. TPAs and PBMs must submit the form to the FFEuserfeadjustments@cms.hhs.gov mailbox by November 13, 2015. TPAs and PBMs should email the form (in either a document or PDF format) as an attachment with the email subject line “TPA/PBM Notification of Intent”.

Q: The July 2, 2013 final rule stated that FFM issuers must submit the required forms and information to receive the user fee adjustment for the 2014 benefit year to CMS by July 15, 2015. That deadline has passed. Are FFM issuers still required to submit this form to CMS? If so, what deadline applies?

A: The July 15, 2015 deadline for submitting these forms will not apply for FFM issuers. For the initial collection of 2014 benefit year data, participating FFM issuers seeking the user fee adjustment should submit the spreadsheet with the required data elements to FFMuserfeadjustments@cms.CMS.gov by December 11, 2015. FFM issuers should email the spreadsheet as an attachment with the email subject line “FFM Issuer Submission”.

Q: How should FFM issuers and TPAs or PBMs use to submit the required information to CMS? Is this data collected through the Health Insurance Oversight System (HIOS), or the EDGE server? What format should be used?

A: CMS will not be collecting this information through HIOS or through the EDGE server. CMS has published two Microsoft Excel spreadsheets—one for FFM issuers and one for TPAs or PBMs, respectively—that will be used to collect the information necessary to process the user fee adjustment. FFM issuers and TPAs/PBMs should complete the information requested for their respective spreadsheets, and email the spreadsheet to FFMuserfeadjustments@cms.hhs.gov by December 11, 2015. FFM issuers should email the form with the subject line “FFM Issuer Submission”. TPAs and PBMs should email the spreadsheet as an attachment with the email subject line “TPA/PBM Submission”.



FAQs for Federally-facilitated Marketplace (FFM) User Fee Adjustment Submission Requirements

Q: Will CMS provide training on how to fill out the forms? Is there a resource for additional questions?

A: Yes, CMS will conduct a webinar to train issuers, TPAs, and PBMs on successfully completing and submitting the forms. Training will be conducted in the Fall of 2015, and details will be announced through RegTap. Policy questions can be emailed to FFMuserfeadjustments@cms.hhs.gov.

Eligible Submitters

Q: Can a pharmacy benefit manager (PBM) enter into an identical arrangement with an issuer in order to receive reimbursement for contraceptive services that it has provided to participants and beneficiaries of a group health plan of an eligible organization?

A: Yes. Like TPAs, PBMs that perform these functions for participants and beneficiaries of a group health plan of an eligible organization can enter into an arrangement with an issuer to receive reimbursement for contraceptive services that it has provided. If a PBM intends to enter into this arrangement with an FFM issuer for reimbursement of contraceptive claims provided, it will be subject to all of the requirements that apply to TPAs, including, but not limited to submission of the "Notification of Intent" to HHS.

Q: If the TPA or PBM and the FFM issuer are part of the same entity (e.g., parent company or holding group), do the TPA and FFM issuer each have to submit separate forms to CMS in order to receive the user fee adjustment?

A: If the TPA or PBM are part of the same entity or parent company as the FFM issuer, the TPA or PBM does not need to submit the TPA submission form. If part of the same entity, only the FFM issuer should submit the spreadsheet to FFMuserfeadjustments@cms.hhs.gov with the email subject line "FFM Issuer Submission". The FFM issuer should indicate on the spreadsheet that it is part of the same entity as the TPA or PBM.

Q: Can an FFM issuer simply include the paid claims amount on the participating issuer form without the TPA needing to also complete and submit the separate form applicable to TPAs?

A: If the TPA and FFM issuer are separate entities, the TPA must still submit a form indicating the total value of eligible contraceptive claims that were paid. The FFM issuer must also submit the total dollar value of eligible contraceptive claims incurred and the total amount that was paid to the TPA. Receiving the information from both entities will help CMS ensure that the amounts are being reported consistently and that the FFE issuer is reporting eligible claims for which it has actually reimbursed the TPA.



FAQs for Federally-facilitated Marketplace (FFM) User Fee Adjustment Submission Requirements

Claims Reporting & User Fee Calculation

Q: Can the FFM issuer or TPA include claims costs incurred in 2015 as part of its claims submission for the 2014 benefit year?

A: For the 2014 benefit year, FFM issuers and TPAs or PBMs should report the total dollar amount for contraceptive claims, as defined at §147.130(a)(1)(iv), incurred by plan participants and beneficiaries as of December 31, 2014. FFM issuers and TPAs or PBMs should count the dollar value of claims incurred by this date in the total amount reported, even if the claims were not paid by December 31, 2014.

Q: Is the user fee adjustment amount limited to the dollar amount of contraceptive claims? Is there a way that the FFM issuer can be reimbursed for the administrative costs associated with entering into an agreement with a TPA?

A: Yes, the user fee adjustment amount that is credited toward an FFM issuer's user fee obligation is equal to the dollar amount of contraceptive claims paid to the TPA or PBM, plus an additional 15% for administrative costs incurred. For example, if the FFM issuer paid \$100,000 in contraceptive claims to a TPA for claims incurred through December 31, 2014, the issuer's total user fee adjustment amount would be \$115,000.

Q: Can a TPA or PBM be reimbursed for the administrative costs associated with entering into an agreement with a FFM issuer?

A: CMS has not established a mechanism through which TPAs or PBMs can be directly reimbursed for the administrative costs associated with administering contraceptive claims for eligible organizations. However, the agreement between the FFM issuer and the TPA or PBM may provide that the FFM issuer share a portion of its administrative margin with the TPA or PBM in order to help offset the TPA or PBM's administrative costs.

Transfer of User Fee Adjustment Amount to FFM Issuers

Q: How will issuers receive payment for the contraceptive claims costs and associated claims costs that they have incurred? Does an FFM issuer need to do something to ensure that CMS can properly transfer the monies to the issuer's account?

A: After an FFM issuer has submitted the required data to CMS through the FFMuserfeadjustments@cms.hhs.gov mailbox, the FFM issuer does not need to take any further action to ensure that the user fee adjustment is applied. CMS will not make direct payments to FFM issuers for the user fee adjustment amount. Instead, CMS will automatically deduct the user



FAQs for Federally-facilitated Marketplace (FFM) User Fee Adjustment Submission Requirements

fee adjustment amount from the user fee amount that the issuer owes for a given month. CMS collects FFM user fees by automatically deducting the user fee amount from issuers advance monthly payment of premium tax credits (APTCs) and cost-sharing reductions (CSRs).

Q: When will the FFM issuer receive the user fee adjustment? Will CMS pay the total amount of an FFM issuer's user fee adjustment all at once?

A: CMS anticipates applying the FFE user fee adjustment on a monthly basis beginning at the end of the 2015 calendar year. CMS will automatically deduct the user fee adjustment amount from the issuer's monthly user fee obligation.

Q: How will CMS credit the user fee adjustment to the FFM issuer if the user fee adjustment amount is greater than the FFM issuer's user fee obligation for any one month?

A: CMS will credit the user fee adjustment amount against an FFM issuer's monthly user fee obligation until the user fee obligation for that month has been completely offset. Any remaining user fee adjustment amount will be credited towards the user fee obligation for the next month. CMS will continue this process until the user fee adjustment amount is fully exhausted.

Q: What happens if the user fee adjustment amount is greater than the FFM issuer's total user fee obligation for the year?

A: CMS will credit the user fee adjustment amount against the FFM issuer's user fee obligation on a monthly basis. If the FFM issuer's user fee obligation has been fully offset at the end of the year and a user fee adjustment amount still remains to be credited to the issuer, CMS will rollover the amount of the adjustment to the next year and will credit the remaining amount against the next year's user fees.