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Peter V. Lee

November 15, 2013

Office of Management and Budget
Office of Information and Regulatory Affairs
Attention: CMS Desk Officer
Email: OIRA_submission@omb.eop.gov
Document Identifier: CMS-10466

Re: CMS-10466 – Eligibility for Exemptions Applications

Dear Mr. Cohen:

Covered California, our state's Health Benefit Exchange, submits the following comments on the draft applications for exemption eligibility determinations released by the U.S. Department of Health and Human Services in October 2013. Covered California has elected to use the federal service for administering all exemptions. We appreciate the opportunity to comment on these important draft applications.

1. There are instances in which references to “your Marketplace” are unclear. Covered California is concerned that consumers in State-Based Marketplaces (SBMs) may be confused by the instruction in all of the draft applications that “To appeal your exemption application results, *log into your Marketplace account at HealthCare.gov/marketplace/individual...[emphasis added].*” When referencing “the Marketplace” we recommend that the applications specify when a consumer should contact the *federal* marketplace, which will be handling the appeals for California.

Moreover, the health care sharing ministry exemption application contains an error that may confuse consumers. Page one of the application states “Use this application if you and/or anyone in your tax household is/was a member of a health care sharing ministry that is recognized by the Health Insurance Marketplace.” We recommend that this statement should read “that is recognized by the federal government” since California does not formally recognize nor designate health care sharing ministries. Health care sharing ministries are defined in 26 USC § 5000A(d)(2)(B), which references 26 USC § 501(c)(3) and notes that a health care sharing ministry is partially defined by its tax exempt status, a status that is only granted by the federal government.

2. Covered California recommends that the applications better explain what consumer information will be shared with which federal agencies and for what purposes. This is important because the exemption requests require personal information about income,

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household size, religious affiliations, or incarceration status. It is critical that consumers are assured that their information is protected and will only be used for the verification process.

3. Covered California recommends that the exemption applications undergo translation and consumer testing for Spanish and other non-English languages to ensure usability and accessibility.
4. Covered California recommends that the applications for hardship and affordability be combined into a single application to assist consumers who may not be able to easily distinguish between the two categories.

Sincerely,

A handwritten signature in blue ink that reads "Peter V. Lee". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Peter V. Lee
Executive Director