Federally-facilitated Exchange (FFE) User Fee Adjustments for Contraceptive Services

October 30, 2017
11:30 a.m. – 1:00 p.m. ET

Payment Policy & Financial Management Group
CCIIO/CMS

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Session Agenda

- Session Guidelines
- Intended Audience
- Purpose
- Overview of FFE User Fee Adjustments for Contraceptive Services for the 2016 Benefit Year
- Notice of Intent Disclosure Form
- Completing the FFE User Fee Adjustment Web Form
- Questions
- Resources

Session Guidelines

- This is a 90-minute webinar session
- For questions regarding logistics and registration, please contact the Registrar at: (800) 257-9520
- For questions regarding content, please submit inquiries to: FFMUserFeeAdjustments@cms.hhs.gov

Intended Audience

- Third Party Administrators (TPAs), including Pharmacy Benefit Managers (PBMs) that provide services for contraceptive services under contract with an eligible organization, and the Federally-facilitated Exchange (FFE) Issuers who have entered into an agreement with these TPAs for purposes of receiving an adjustment to their FFE user fee

Session Purpose

- Overview of FFE User Fee Adjustments for Contraceptive Services for the 2016 Benefit Year
- Requirements to receive a FFE User Fee Adjustment
- How to complete and submit the FFE User Fee Adjustment web form and TPA/PBM claims reporting form
- Review key deadlines for submission of the web form

Overview of FFE User Fee Adjustments for Contraceptive Services for the 2016 Benefit Year

Frequently Asked Questions Guidance

- On October 27, 2017, CMS released the FAQs for Federally-facilitated Exchange (FFE) User Fee Adjustment Submission Requirements, Frequently Asked Questions and Answers
  - Available at: https://www.regtap.info/ and then filter by: "User Fees"

Contraceptive Coverage in the Affordable Care Act

- The "Religious Exemptions and Accommodations for Coverage of Certain Preventative Services" interim final rule CMS-9940-IFC (October 13, 2017) and "Moral Exemptions and Accommodations for Coverage of Certain Preventative Services" interim final rule CMS-9925-IFC (October 13, 2017) set forth regulations regarding exemptions for contraceptive services.
  - Please note this IFC was not in effect for the 2016 benefit year. Accordingly, the FFE Issuers and TPAs (including PBMs) for prospectively eligible organizations that qualify on a basis stated in this interim final rule are not eligible to see an FFE user fee adjustment (or partner with an FFE Issuer to seek adjustment) with respect to contraceptive services claims costs for the 2016 benefit year, unless the organization qualified as an eligible organization based on a sincerely held religious objection to contraceptive coverage.

Contraceptive Coverage in the Affordable Care Act

- The “Religious Exemptions and Accommodations for Coverage of Certain Preventative Services” interim final rule CMS-9940-IFC (October 13, 2017) and “Moral Exemptions and Accommodations for Coverage of Certain Preventative Services” interim final rule CMS-9925-IFC (October 13, 2017) expand exemptions to protect religious beliefs and protect moral convictions for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage.

- Eligible organizations and individuals can receive an accommodation relating to contraceptive coverage so that they are not required to provide, arrange, or make payment for these services.

Who is Eligible for the Contraceptive User Fee Adjustment?

- The Final Rules fund the payments for contraceptive services paid for on behalf of participants and beneficiaries in self-insured group health plans of eligible organizations through an adjustment to the FFE User Fee, payable by an Issuer participating in the FFE.
  - In order to facilitate the FFE User Fee Adjustment, the Final Rules require information collection from applicable participating FFE Issuers and TPAs/PBMs.

Contraceptive Payment Arrangements

- An Issuer may qualify for an adjustment of FFE user fees if the Issuer made payments for contraceptive services on behalf of a TPA/PBM (45 CFR 156.50(d)).
- If a TPA/PBM provides or arranges payments for contraceptive services, the costs of the payments may be reimbursed through an adjustment of FFE user fees for a participating Issuer (26 CFR 54.9815- 2713A(b)(3)).

Administrative Cost Adjustment

- Issuers who receive an FFE user fee adjustment for payments for contraceptive services will also receive an **adjustment for administrative costs and margin** (45 CFR 156.50(d)(3)(ii)).



For the 2016 Benefit Year, the adjustment for administrative costs and margin is 15 percent.

User Fee Adjustment Overview: FFE Issuers

- Within 60 days of receiving an FFE user fee adjustment, a participating FFE Issuer must pay each TPA/PBM for which the Issuer receives an adjustment amount **no less than** the portion of the adjustment attributable to the dollar amount of the payments (45 CFR 156.50(d)(5)).
- No such payment is required with respect to the allowance for administrative costs and margin.

Completing the Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form

Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form

- For the 2016 benefit year, FFE Issuers and TPAs/PBMs that have partnered with an FFE Issuer in order to receive reimbursement for contraceptive claims costs must complete the web form to report contraceptive claims paid on behalf of an eligible organization.
- FFE Issuers must also complete the web form in order to receive an FFE user fee adjustment.

Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form Availability

- The *Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form* will be available from Friday, October 27, 2017 to Thursday, November 30, 2017 at 11:59 p.m. ET. Issuers can access the form here: https://acapaymentoperations.secure.force.com/FFMUserFeeAdjustment



For assistance in completing the FFE User Fee Adjustment Web Form download the *FFE User Fee Adjustment Web Form Quick Start Guide*. The user guide is available on REGTAP, the CCIIO website, and from the web form.

Accessing the Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form

- The web form link will also be emailed to a CMS-specified list of FFE Issuers and TPAs/PBMs that participated in the accommodation for self-insured group health plans for the 2014 and/or 2015 benefit year(s).
- For Issuers and TPA/PBMs that are participating for the first time for the 2016 benefit year, the link to the web form will be available on the CCIIO website and on slide 14 of this presentation, which is available on REGTAP.
  - The web form was made available on **Friday, October 27, 2017.**
  - If you have any questions regarding the location of the web form, please email FFMUserFeeAdjustments@cms.hhs.gov.

Accessing the Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form (continued)

- All FFE user fee adjustment requests and TPA/PBM information **must** be submitted through the web form.
- Submissions by email will not be accepted.



The web form must be completed in a single session – you will not be able to save entered information.

Web Form: Welcome Page and Contact Information Page

Welcome Page

- Select the benefit year for which you are submitting an FFE user fee adjustment form from the drop-down menu.
  - For the web form, there will only be the "2016" benefit year option with a November 30, 2017 submission deadline.
- Select the **Continue** button.
  - The form navigates to the Contact Information page.

Contact Information Page

- The Submitter and Alternate Contact information must not be the same individual.
- Select the **Continue** button
  - The form navigates to the Organization Type page.

Web Form: Organization Type Page

Organization Type Page

- Select your Organization Type, either FFE Issuer or TPA/PBM.
- If the FFE Issuer and the TPA/PBM are part of the same entity, the user should select "FFE Issuer" only.
- Select the **Continue** button.

If "FFE Issuer" is selected then the form navigates to the FFE Issuer User Fee Adjustment Information page.

If "TPA/PBM" is selected then the form navigates to the TPA/PBM Notice of Intent page.

Completing the Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form for FFE Issuers

Web Form: FFE Issuer User Fee Adjustment Information Page

FFE Issuer User Fee Adjustment Information Page

- Enter the following required fields:
  - Legal Business Name
  - Tax Identification Number
  - HIOS ID – must be a valid HIOS ID for the benefit year
  - Number of TPA(s) or PBM(s) for which the FFE Issuer has agreed to reimburse for the cost of contraceptive claims
- Select the **Create Table** button



The number entered in the "Enter the number of TPA(s) or PBM(s) for which the FFE Issuer has agreed to reimburse for the cost of contraceptive claims" field will determine how many rows are created in the FFE User Fee table.

Web Form: FFE Issuer User Fee Adjustment Information Page (continued)

- Enter the following required fields for each row in the FFE User Fee table created:
  - TPA or PBM Legal Business Name
  - Tax Identification Number for TPA or PBM
  - Select **Yes** or **No** from the dropdown menu for the question, "Is the Issuer part of the same entity as the TPA/PBM that incurred claims for contraceptive services)?"
  - Total Amount Paid to the TPA/PBM by the FFE Issuer for Contraceptive Claims Incurred through Dec 31
- Select the **Calculate** button to auto-populate the User Fee Adjustment Amount column and the Totals row
- Select the **Continue** button
  - The form navigates to the Summary page



There is an additional link (**Delete**) and buttons (**Delete Table, Add Row**) on the FFE Issuer User Fee Adjustment Information page to make changes to the FFE User Fee table, if necessary.

Completing the Federally-facilitated Exchange (FFE) User Fee Adjustment Web Form for TPAs/PBMs

Notice of Intent Disclosure Form

- TPAs, including PBMs, should submit the Notice of Intent Disclosure Form through the web form from Friday, October 27, 2017 through Thursday, November 30, 2017.

Web Form: TPA/PBM Notice of Intent Page

TPA/PBM Notice of Intent Page

- Enter the following required fields:
  - Name of TPA or PBM
  - Self-Certification Date
  - TPA or PBM Mailing Address
    - Address Line 1
    - Address Line 2 (optional)
    - City
    - State – select from the dropdown menu
    - Zip Code
  - Select **Yes** or **No** for the question, "Do you intend to arrange for a participating Issuer to seek a Federally-facilitated Exchange User Fee Adjustment on your behalf?"
- Select the **Continue** button
  - The Form navigates to the TPA/PBM Report of Contraceptive Claims Costs page

Web Form: TPA/PBM Report of Contraceptive Claims Costs Page

TPA/PBM Report of Contraceptive Claims Costs Page

- Confirm the TPA or PBM Name is what was entered on the TPA/PBM Notice of Intent page
- Enter the following required fields:
  - Tax Identification Number
  - Number of Self-Insured Group Health Plans for which the TPA or PBM intends to seek an adjustment
- Select the **Create Table** button



The number entered in the "Enter the number of Self-Insured Group Health Plans for which the TPA or PBM intends to seek an adjustment" field will determine how many rows are created in the FFE User Fee table.

Web Form: TPA/PBM Report of Contraceptive Claims Costs Page (continued)

- Enter the following required fields for each row in the created FFE User Fee table:
  - Self-Insured Group Health Plan Tax Identification Number
  - Number of Participants and Beneficiaries in Self-Insured Group Health Plan Administered by the TPA or PBM
  - Amount of Total Contraceptive Claims Paid by the TPA or PBM – rounded to the nearest hundredth



For the submission with a November 30, 2017 deadline, claims reported should be eligible contraceptive claims (as defined by HHS) that have been **incurred during the 2016 benefit year only**.

Web Form: TPA/PBM Report of Contraceptive Claims Costs Page (continued)

- Select the **Calculate** button to auto-populate the Totals row
- Select the **Continue** button
  - The form navigates to the Summary page



There is an additional link (**Delete**) and buttons (**Delete Table, Add Row**) on the TPA/PBM Report of Contraceptive Claims Costs page to make changes to the FFE User Fee table.

Web Form: Summary Page for FFE Issuers and TPAs/PBMs

Summary Page

- Review the following:

If you are an FFE Issuer, review the FFE Issuer User Fee Adjustment table.

Select **Yes** or **No** to the question, "Are you requesting an adjustment to the FFE user fee for another HIOS ID?"



If **Yes** and the **Continue** button are selected, the form navigates to the FFE Issuer User Fee Adjustment Information page.

If you are a TPA/PBM, review the TPA/PBM Notice of Intent and TPA/PBM Report of Contraceptive Claims Costs sections.

- Select the **Continue** button
  - The form navigates to the appropriate Attestation page.



There is an additional button (**Edit Contact Information**) and links (**View**, **Edit**, **Delete**) on the Summary page to update Contact Information and make changes to either the FFE Issuer or TPA/PBM User Fee tables.

Web Form: FFE User Fee Adjustment Issuer Attestation Page

FFE User Fee Adjustment Issuer Attestation Page

- Thoroughly review the Attestation statement in its entirety
- Select the check box next to the attestation statement to indicate agreement
- Complete the Attester Details section with the following information:
  - First Name
  - Last Name
  - Email Address
  - Job Title
  - Phone Number
  - Phone Extension (optional)
- Select the Submit button to submit the FFE User Fee Adjustment data and attestation
  - The form navigates to the Confirmation page.





The individual providing the attestation must be someone with the authority to legally and financially bind the company.

Web Form: FFE User Fee Adjustment TPA/PBM Attestation Page

FFE User Fee Adjustment TPA/PBM Attestation Page

- Thoroughly review the Attestation statement in its entirety.
- Select the check box next to the attestation statement to indicate agreement.
- Complete the Attester Details section with the following information:
  - First Name
  - Last Name
  - Email Address
  - Job Title
  - Phone Number
  - Phone Extension (optional)



- Select the Submit button to submit the FFE User Fee Adjustment data and attestation
  - The form navigates to the Confirmation page.

NOTE

The individual providing the attestation must be someone with the authority to legally and financially bind the company.

Web Form: Confirmation

Confirmation Page

- An acknowledgement email is sent from FFMUserFeeAdjustments@cms.hhs.gov to the email addresses in the Contact Information and Attester Details sections of the web form.
- Select the PDF button to view the confirmation.
  - It is recommended that you print/save the PDF confirmation for your records.
- The PDF is the formal confirmation of attestation and submitted FFE User Fee Adjustment information.
- Select the **Exit** button to exit the web form.
  - The form navigates to the Welcome page.



It is recommended that you print and save a copy of the Confirmation for your records.

Frequently Asked Questions Guidance
(continued)

- As a reminder, the submission window to request an FFE user fee adjustment for the 2016 benefit year is **Friday, October 27, 2017 through Thursday, November 30, 2017.**
- [As stated in the guidance released on October 27, 2017, HHS intends to open the data submission window for the contraceptive adjustment for the 2017 benefit year in the Spring of 2018.]
- If you have any questions, please email FFMUserFeeAdjustments@cms.hhs.gov

Questions?

To submit questions by phone:

- Dial *# (star-pound) on your phone's keypad to ask a question
- Dial *# (star-pound) on your phone's keypad to withdraw your question

To submit questions by webinar:

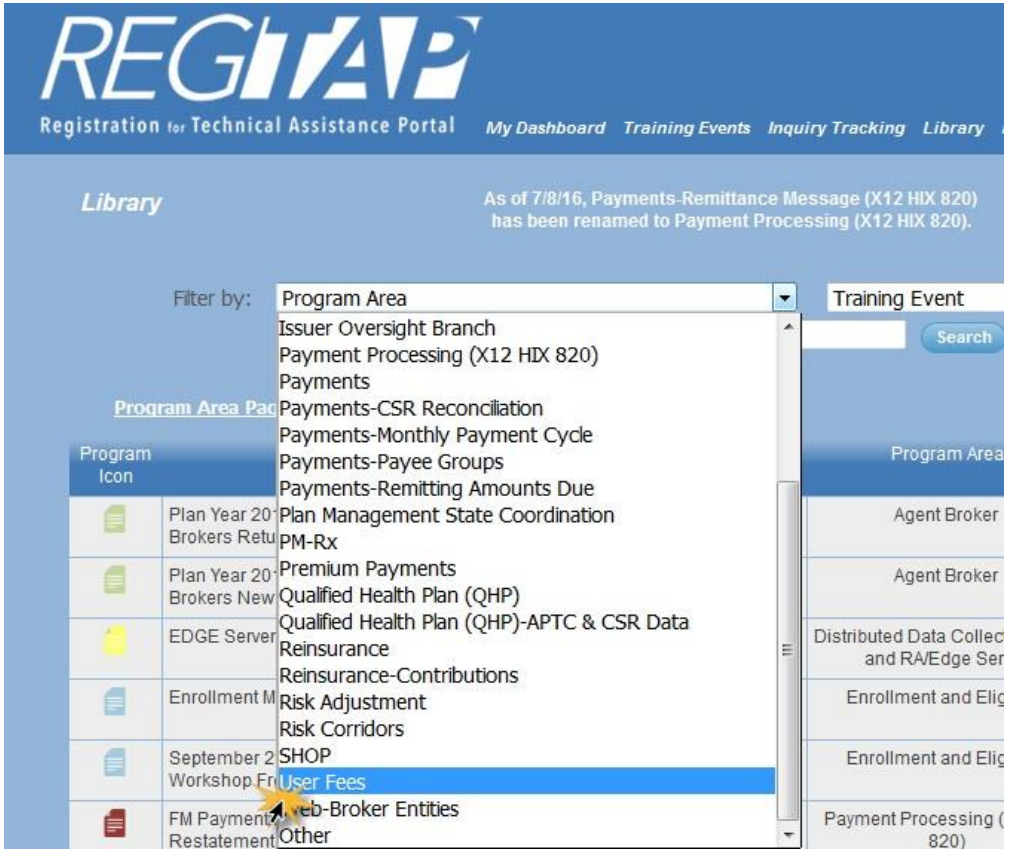
- Type your question in the text box under the 'QA' tab

Resources

Locating Documents in REGTAP

Stakeholders can access additional documents at https://www.REGTAP.info in the REGTAP Library.

Under Program Area, select “User Fees”



Resources

Resource	Resource Link
U.S. Department of Health & Human Services	http://www.hhs.gov/
Centers for Medicare & Medicaid Services (CMS)	http://www.cms.gov/
The Center for Consumer Information & Insurance Oversight (CCIIO) web page	http://www.cms.gov/cciio
Registration for Technical Assistance Portal (REGTAP) - presentations, FAQs	https://www.REGTAP.info
Premium Stabilization Programs	https://www.cms.gov/CCIIO/Programs-and-Initiatives/Premium-Stabilization-Programs/index.html

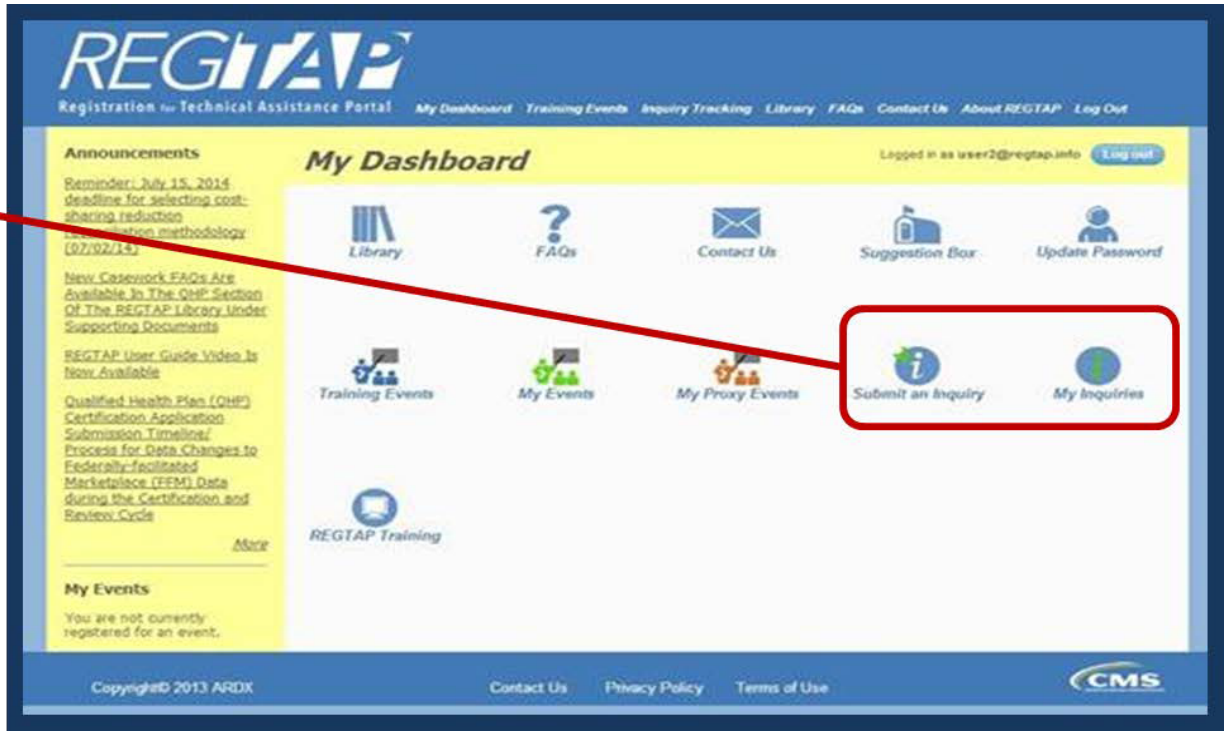
Resources (continued)

Resource	Resource Link
Patient Protection and Affordable Care Act (ACA)	http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/content-detail.html
Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment under the Affordable Care Act	http://www.gpo.gov/fdsys/pkg/FR-2013-03-11/pdf/2013-04902.pdf
HHS Notice of Benefit and Payment Parameters for 2014 and Amendments to the HHS Notice of Benefit and Payment Parameters for 2014	http://www.gpo.gov/fdsys/pkg/FR-2013-03-11/pdf/2013-04902.pdf
HHS Notice of Benefit and Payment Parameters for 2015	http://www.gpo.gov/fdsys/pkg/FR-2014-03-11/pdf/2014-05052.pdf
HHS Notice of Benefit and Payment Parameters for 2016	http://www.gpo.gov/fdsys/pkg/FR-2015-02-27/pdf/2015-03751.pdf
HHS Notice of Benefit and Payment Parameters for 2017	https://www.gpo.gov/fdsys/pkg/FR-2016-03-08/pdf/2016-04439.pdf

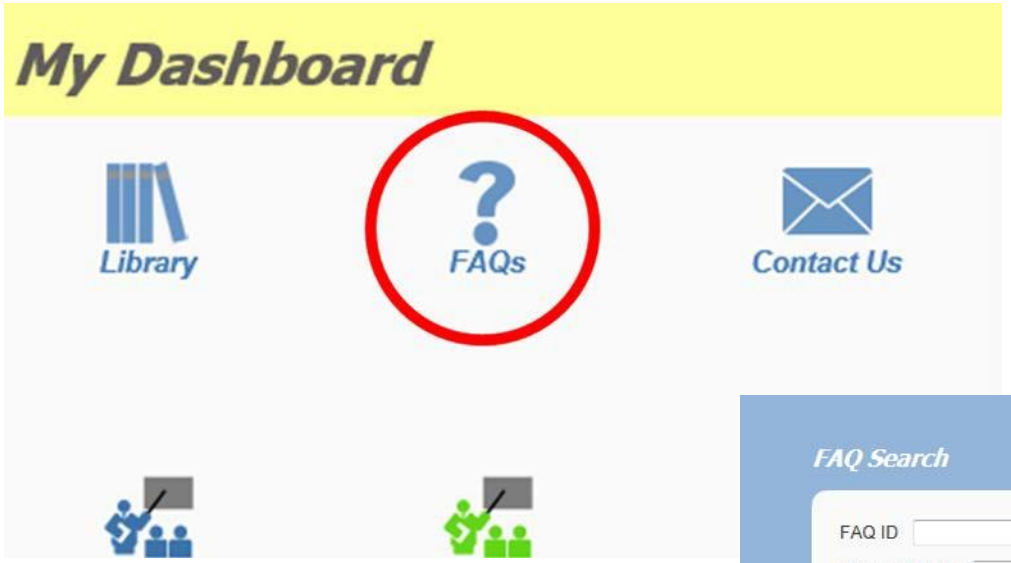
Inquiry Tracking and Management System (ITMS)

Stakeholders can submit inquiries to ITMS at https://www.REGTAP.info

Select 'Submit an Inquiry' from My Dashboard

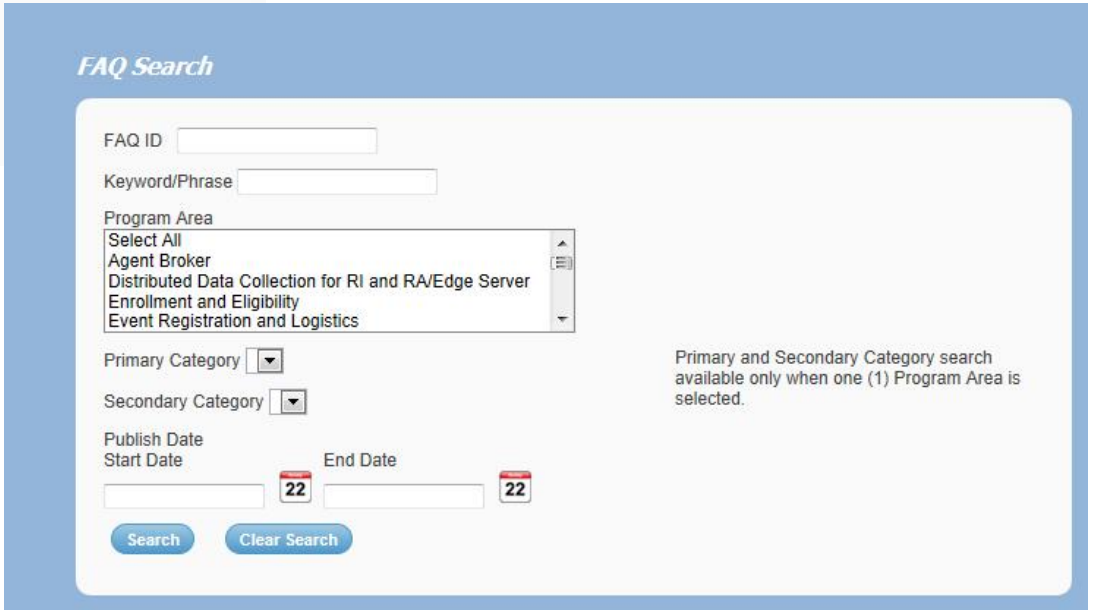


FAQ Database on REGTAP



The FAQ Database allows users to search FAQs by FAQ ID, Keyword/Phrase, Program Area, Primary and Secondary categories, and Publish Date

FAQ Database is available at https://www.regtap.info/



Closing Remarks