



Date: October 23, 2015

Subject: Frequently Asked Question regarding the applicability of the Minimum Acceptable Risk Standards for Exchanges (MARS-E) 2.0 to Qualified Health Plan (QHP) issuers

Q: What is the applicability of MARS-E 2.0 to QHP issuers?

A: CMS recently published the MARS-E 2.0, which will replace the MARS-E 1.0, to address updates in the NIST SP 800-53 rev. 4 series, CMS regulations since 2012, and IRS Pub 1075. The MARS-E 2.0 establishes the privacy and security standards for all Marketplaces and Medicaid/CHIP agencies to meet federal laws and regulations for the information and information technology systems that support their eligibility and enrollment platforms. The MARS-E 2.0 does not introduce a change for QHP issuers.

On September 23, 2015, CMS published the *CMCS Informational Bulletin Minimum Acceptable Risk Standards for Exchanges (The MARS-E) 2.0* (“*CMCS Informational Bulletin*”) to introduce the updated MARS-E 2.0 requirements to state Medicaid and Children’s Health Insurance Program (CHIP) agencies. Since publication of the *CMCS Informational Bulletin*, CMS has received inquiries on whether the bulletin alters any CMS privacy and security standards applicable to QHP issuers.

The *CMCS Informational Bulletin* does not alter any existing CMS privacy and security standards for QHP issuers participating in State-Based Marketplaces (SBMs) or the Federally-facilitated Marketplaces (FFMs). FFMs and each SBMs are required under 45 C.F.R. 155.260(b)(2) and (3) to execute agreements with all entities, including QHP issuers, who obtain access to information about applicants or enrollees to comply with specific privacy and security standards.