

Date: June 14, 2016

Subject: FAQ for User Fee Adjustment

Question: If a Federally-facilitated Marketplace (FFM) issuer that qualified for a user fee adjustment for contraceptive claims costs for the 2014 benefit year still has an adjustment amount outstanding but will no longer be on the FFM, can it enter into an agreement with another FFM issuer to receive full value for the adjustment?

Answer: Under CMS regulations, an FFM issuer qualifies for a reduction of its FFM user fee obligation in connection with the submission of contraceptive claims incurred by a third-party administrator (TPA) or pharmacy benefit manager (PBM) that has paid contraceptive claims on behalf of enrollees in a self-insured group health plan of an eligible organization that is not required to provide, pay, or arrange for the provision of contraceptive services. TPAs/PBMs and FFM issuers submitted data on contraceptive claims paid for the 2014 benefit year to CMS in December of 2015, and CMS began applying the monthly adjustment to the FFM user fees in March 2016.

CMS cannot directly reduce the amount of the FFM user fee collected for an issuer that no longer operates on the FFM because that issuer has no current obligation to pay the FFM user fee. However, any FFM issuer that qualified for a reduction to its FFM user fee for the 2014 benefit year, irrespective of whether it is currently on the FFM, may direct CMS to apply a reduction equal to any outstanding adjustment amount to another issuer that currently operates on the FFM. CMS anticipates effectuating the user fee adjustment for any applicable newly identified FFM issuer in the next applicable payment cycle. CMS will not permit resubmission of 2014 benefit year data files.

FFM issuers should submit an attestation form to FFMuserfeeadjustments@cms.hhs.gov with signatures from the original FFM issuer that submitted data for the FFM user fee adjustment for the 2014 benefit year, and any applicable additional or alternate FFM HIOS ID for which they are requesting the 2014 FFM user fee adjustment to apply. The attestation must be signed by an individual who can legally and financially obligate each FFM HIOS ID (that is, the original FFM issuer that submitted data for the FFM user fee adjustment for the 2014 benefit year, and any applicable additional or alternate FFM HIOS ID for which they are requesting the 2014 FFM user fee adjustment to apply). The format and contents of this attestation are available on the CCIIO website in the “Premium Stabilization Program” “Form” section of <https://www.cms.gov/CCIIO/Resources/Forms-Reports-and-Other-Resources/index.html>. Issuers should indicate “Reduction of FFM User Fee Obligation” in the subject line of the e-mail to FFMuserfeeadjustments@cms.hhs.gov.