

Coverage of Certain Preventive Services Under the Affordable Care Act
(CMS-10653/OMB Control Number: 0938-1344)
Summary of Changes to Information Collection Instruments

- The following changes were made to the EBSA Form 700 – Certification:

Section Edited	Revision (Red indicates modified Language)
Certification - Background	<p style="text-align: center;"><u>EBSA FORM 700-- CERTIFICATION</u> (revised July 2021 January 2023)</p> <p>Public Health Service Act section 2713 requires, among other things, that certain group health plans and issuers provide benefits for women’s preventive services without cost sharing as provided for in comprehensive guidelines supported by the Health Resources and Services Administration (HRSA). The HRSA-Supported Guidelines provide exemptions for, among other entities and individuals, group health plans and student health insurance coverage under certain circumstances related to an objection to providing contraception coverage. An optional accommodation process is also available for eligible entities, under which the obligation to provide benefits for contraceptive services is shifted to the entity’s issuer or third party administrator instead provides or arranges separate payments for contraceptive services. The accommodation process for eligible organizations is described in 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR 147.131.- These instructions and model notice may be used to claim an accommodation (not the exemption) from the contraceptive coverage requirements for an eligible organization. These instructions are intended for use in connection with whichever accommodation process for eligible organizations is in effect at the time an entity submits this form. Entities should check current regulations and guidance to determine which accommodation process(es) are in effect.</p> <p>An eligible entity may, but is not required to, use a completed copy of this form to provide notice to its issuer or third party administrator that the objecting entity has a sincerely held religious or, if objection, consistent with applicable under the accommodation process that is in effect, moral objection rules, to coverage of all or a subset of contraceptive services, pursuant to 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR 147.131. Alternatively, an objecting entity may also provide notice to the Secretary of Health and Human Services. A model notice is available at - http://www.cms.gov/ccio/resources/Regulations-and-Guidance/index.html#Prevention.</p>

	<p>An organization may revoke its use of the accommodation process at a later date if it chooses to do so provided that written notice of any such revocation is given to participants and beneficiaries consistent with guidance issued by the Secretary of Health and Human Services. The guidance is available at https://www.cms.gov/CCHIO/Resources/Regulations-and-Guidance/Downloads/Notice-Issuer-Third-Party-Employer-Preventive.pdf 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR 147.131. Entities should check current regulations and guidance to determine if revocation is available.</p> <p>If you intend an eligible organization intends to utilize the accommodation process and chooses to use this form instead of notifying HHS, please the Secretary of Health and Human Services, the eligible organization should fill out this form completely and provide it to your the eligible organization's plan's health insurance issuers (for insured coverage) or third party administrators (for self-insured coverage). This form should be made available for examination upon request and maintained on file for at least 6 years following the end of the last applicable plan year.</p>
Certification - Form	<p>I certify the organization is an objecting entity (as described in 26 CFR 54.9815-2713A(a), 29 CFR 2590.715-2713A(a); 45 CFR 147.131(c)) that has a sincerely held [] religious or, as applicable, [] moral objection to providing coverage for some or all or a subset of any contraceptive services.</p>

- The following changes were made to the Model Notice to HHS:

Section Edited	Revision (Red indicates modified Language)
Instructions	<p>INSTRUCTIONS FOR MODEL NOTICE</p> <p>Public Health Service Act section 2713 requires, among other things, that certain group health plans and issuers provide benefits for women's preventive services without cost sharing as provided for in comprehensive guidelines supported by the Health Resources and Services Administration (HRSA). The HRSA-Supported Guidelines provide exemptions for, among other entities and individuals, group health plans and student health insurance coverage under certain circumstances related to an objection to providing contraception coverage. An optional accommodation process is also available for eligible entities, under which the obligation to provide benefits for contraceptive services is shifted to the entity's issuer or third party administrator instead provides or arranges separate payments for contraceptive services. The accommodation process for eligible organizations is described in 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR</p>

147.131. These instructions and model notice may be used to claim an accommodation (not the exemption) from the contraceptive coverage requirements **for an eligible organization. These instructions are intended for use in connection with whichever accommodation process(es) for eligible organizations are in effect at the time an entity submits this form. Entities should check current regulations and guidance to determine which accommodation process(es) are in effect.**

An eligible entity may, but is not required to, use a completed copy of this model notice to provide notice to the Secretary of Health and Human Services (HHS) that the eligible entity has a sincerely held **religious** objection, consistent with ~~the~~ applicable rules, to coverage of all or a subset of contraceptive services, pursuant to 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR 147.131, and that it wishes to invoke the accommodation. The notice may also, but is not required to, be used by an organization to provide updated information to HHS. If the objecting entity establishes or maintains more than one plan, it may submit a separate notice for each plan, or it may modify this form accordingly.

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An organization may revoke its use of the accommodation process at a later date if it chooses to do so, provided that written notice of any such revocation is given to participants and beneficiaries consistent with ~~guidance issued by the Secretary of HHS. The guidance is available at~~ <https://www.cms.gov/CCHIO/Resources/Regulations-and-Guidance/Downloads/Notice-Issuer-Third-Party-Employer-Preventive.pdf> 26 CFR 54.9815-2713A, 29 CFR 2590.715-2713A, and 45 CFR 147.131. Entities should check current regulations and guidance to determine if revocation is available.

After completing this model notice or notice in another form for the same purpose, to provide notice to the Secretary of ~~Health and Human Services (HHS)~~ that the eligible entity has a sincerely held **religious** objection to coverage of all or a subset of contraceptive services, it should be sent by email to HHS at marketreform@cms.hhs.gov or by U.S. mail to:

Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue, SW
Washington, DC 20201
Room 739H

<p>Line-by-Line Instructions</p>	<p><u>Terminology:</u> As used in this form, the term “PHS Act” refers to the Public Health Service Act (42 USC 300gg <i>et seq.</i>). “ERISA” refers to the Employee Retirement Income Security Act (29 USC 1001 <i>et seq.</i>). The “Code” refers to the Internal Revenue Code (26 USA USC 1, <i>et seq.</i>). The “Affordable Care Act” refers to the Patient Protection and Affordable Care Act (Pub. L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152).</p> <p><u>Introductory paragraph:</u> Indicate whether the objecting entity has a sincerely held religious or moral objection to providing coverage of: (1) all contraceptive services, or (2) a subset of contraceptive services. If the objecting entity objects to providing coverage of a subset of contraceptive services, insert a description of the services sufficient to specifically identify those for which the objecting entity objects to providing coverage.</p> <p>...</p> <p><u>Line 2:</u> In column (a), enter the name of each plan. In columns (b) and (c) enter the plan’s service provider name and contact information, respectively. In column (d), identify whether the service provider is acting as an issuer (by insuring the benefit) or a third party administrator (“TPA”, by providing administrative services only). In column (e), identify if the plan is a church plan, as defined in ERISA section 3(33), or a student health plan insurance coverage, as defined in 45 CFR 147.145(a). If the plan is neither a church plan nor a student health plan insurance coverage, leave column (e) blank. If the objecting entity establishes or maintains a plan with more than one service provider, enter “same” in column (a) and provide information in columns (b), (c), (d), and (e), as applicable.</p> <p>...</p>
<p>Model Notice</p>	<p>To the Secretary of Health and Human Services:</p> <p>The following objecting entity has a [] sincerely held religious or, as applicable, [] moral objection to providing coverage of [] all or [] a subset of contraceptive services required to be covered under PHS Act section 2713, as added by the Affordable Care Act, and incorporated into ERISA section 715 and Code section 9815. <i>If the objecting entity objects to providing coverage of a subset of contraceptive services, insert a description of the services for which the objecting entity objects to providing coverage:</i></p> <p>...</p>

	<p>(2) Service provider information</p> <p>(e) Plan type (if applicable)</p> <p><input type="checkbox"/> Church plan <input type="checkbox"/> Student plan health insurance coverage</p> <p>...</p>
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- The following changes were made to the Notice of Availability of Separate Payments for Contraceptive Services:

Section Edited	Revision (Red indicates modified Language)
Instructions, page 1	<p><i>Instructions:</i> For each plan year to which an the optional accommodation is to apply, an issuer required to provide payments for contraceptive services must provide to plan participants and beneficiaries written notice of the availability of separate payments for contraceptive services contemporaneous with (to the extent possible), but separate from, any application materials distributed in connection with enrollment (or re-enrollment) in group health coverage that is effective beginning on the first day of each applicable plan year. The notice must specify that the eligible organization does not administer or fund contraceptive benefits, but that the issuer provides separate payments for contraceptive services, and must provide contact information for questions and complaints. The following model language, or substantially similar language, may be used to satisfy the notice requirement:</p>
Model language, page 1	<p>“Your [employer/institution of higher education] has certified that your [group health plan/student health insurance coverage] qualifies for an accommodation with respect to the federal Federal requirement to cover contraceptive services for women, including all Food and Drug Administration-approved contraceptive services for women, cleared, or granted contraceptives, as prescribed by a health care provider, without cost sharing. This means that your [employer/institution of higher education] will not contract, arrange, pay, or refer for contraceptive coverage. Instead, [name of health insurance issuer] will provide separate payments for contraceptive services that you use, without cost sharing and at no other cost, for so long as you are enrolled in your [group health plan/student health insurance coverage]. Your [employer/institution of higher education] will not administer or fund these payments. If you have any questions about this notice, contact [contact information for health insurance issuer].”</p>

- A model attestation for individuals to confirm their eligibility for the individual contraceptive arrangement was added.