

## U.S. Department of Health & Human Services

Centers for Medicare & Medicaid Services  
Center for Consumer Information and Insurance Oversight  
Washington, D.C. 20201

### TECHNICAL GUIDANCE- JANUARY 12, 2017

DATE: JANUARY 12, 2017

SUBJECT: INSTRUCTIONS FOR SELF-INSURED NON-FEDERAL GOVERNMENTAL HEALTH PLANS AND HEALTH INSURANCE ISSUERS OFFERING GROUP AND INDIVIDUAL HEALTH COVERAGE ON HOW TO ELECT A FEDERAL EXTERNAL REVIEW PROCESS

This technical guidance sets forth instructions regarding the election of a Federally-administered external review process using the Health Insurance Oversight System (HIOS). This technical guidance applies to health insurance issuers offering group and individual health coverage that are using a Federally-administered external review process in accordance with Technical Release January 11, 2017, available on the CCHIO website.<sup>1</sup> This technical guidance also applies to self-insured, non-federal governmental health plans. These provisions do not apply to plans and issuers in connection with grandfathered health plans.

#### **I. Election of a Federal External Review Process**

For guidance related to the election of a Federal external review process by self-insured non-federal governmental plans, and issuers in the group and individual market in States whose external review processes are found not to meet the requirements to be an NAIC-parallel process or an NAIC-similar process, refer to Technical Release January 11, 2017.

Previous guidance required information regarding this election to be sent to HHS via an email address. This technical guidance now requires health insurance issuers and self-insured, non-federal governmental plans using a Federally-administered external review process to submit information regarding their election of a Federal external review process to HHS via HIOS by the date on which such plans and issuers intend to begin using the Federal external review process.<sup>2</sup> If there are any changes at any time after the election is first submitted, plans and issuers must update their election information in HIOS as soon as possible. As described in 45 CFR 147.136(b)(2)(ii)(E) and 45 CFR 147.136(b)(3)(ii)(E), all notices to individuals in the internal claims and appeals process must include a description of available internal appeals and external review processes, including information regarding how to initiate an appeal. If the self-

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<sup>1</sup> Technical Release January 11, 2017: Standards for Self-Insured Non-Federal Governmental Health Plans and Health Insurance Issuers Offering Group and Individual Health Coverage Using the HHS-Administered Federal External Review Process, available at [https://www.cms.gov/CCHIO/Resources/Regulations-and-Guidance/Downloads/FERP-Guidance\\_Final4\\_01-11-17-MM-508.pdf](https://www.cms.gov/CCHIO/Resources/Regulations-and-Guidance/Downloads/FERP-Guidance_Final4_01-11-17-MM-508.pdf)

<sup>2</sup> If a plan or issuer has previously provided this information and there have not been any changes, no further action is required at this time.

insured nonfederal governmental plan or issuer is participating in the HHS-administered external review process, such notices must inform the claimant that the claimant can request an external review in writing by sending it electronically to the HHS-administered external review Contractor. The current Federal contractor contact information is available at <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Consumer-Support-and-Information/csg-ext-appeals-facts.html>.

## **II. Instructions for Electing a Federal External Review Process within HIOS**

To begin this process, applicants will need to register for access to HIOS, request access to the External Review Election Module, and choose the Submitter role for their submission. The Submitter is the person who completes the application and submits the election information

### a. New HIOS users:

- i. New HIOS users will need to use the Enterprise Portal to register in the Enterprise Identity Management (EIDM) system at <https://portal.cms.gov> before they can become a HIOS user. Click on “New User Registration” in the right column of the web page under “Login to Secure Portal” and follow the instructions. Users will receive an email confirmation that registration has been completed, along with their EIDM User ID. New users are required to complete the Remote Identity Proofing (RIDP) process as well as Multi-Factor Authentication (MFA). As part of the RIDP process, users will be required to answer questions related to their personal information. For step-by-step instructions on how to register an MFA device, you may also visit [https://www.youtube.com/watch?v=y4HaapQPy2g&list=PLaV7m2-zFKpgYq\\_8AHW-FYM61J295xwLC&index=2](https://www.youtube.com/watch?v=y4HaapQPy2g&list=PLaV7m2-zFKpgYq_8AHW-FYM61J295xwLC&index=2).
- ii. Once the user receives an EIDM User ID, the user should log back into EIDM at <https://portal.cms.gov>, using their EIDM User ID and password. Click on the “Login to CMS Secure Portal” button in the right column of the webpage. Click on the “Request Access Now” link on the right column of the webpage. Select “Request New Application Access” from the left side of the screen. Select HIOS from the “Application Description” dropdown box. New users will need to register in HIOS by clicking the link at the bottom of the page and following the registration instructions. Once the HIOS registration has been approved, the user will receive an email with their HIOS information and an Authorization Code.
- iii. The user will need to log into EIDM at <https://portal.cms.gov> and click on the “Login to CMS Secure Portal” button in the right column. Click on the “My Access” option located in the dropdown under the user name in the upper right hand corner of the screen to “Request New Application Access” and choose “HIOS.” Enter the HIOS Authorization Code provided in the confirmation email and follow the instructions. The user

will need to logout of EIDM then log back in to EIDM at <https://portal.cms.gov> and navigate to the HIOS tab in the upper left corner. Once the user navigates to the HIOS tab, they will click the “Access HIOS” link and request access to the HIOS External Review Election Module by navigating to “Role Management.” Follow the instructions to complete the request.

- iv. If the user cannot locate their issuer organization or the non-federal governmental plan within Role Management, they should navigate to the “Manage Organization” page on the HIOS home page and follow the steps to create a new organization. After successfully registering the organization, the user can then request the appropriate role within the HIOS External Review Election module and associate with an organization.

b. Existing HIOS Users:

- i. As of June, 19, 2016, all users are required to register a Multi-Factor Authentication (MFA) device. For step-by-step instructions on how to register an MFA device, you may also visit [https://www.youtube.com/watch?v=y4HaapQPy2g&list=PLaV7m2-zFKpgYq\\_8AHW-FYM61J295xwLC&index=2](https://www.youtube.com/watch?v=y4HaapQPy2g&list=PLaV7m2-zFKpgYq_8AHW-FYM61J295xwLC&index=2). Existing HIOS users should log in to EIDM at <https://portal.cms.gov> and click to the HIOS tab. Once on the HIOS home page, they can navigate to the Role Management functionality to request the Submitter role for the HIOS External Review Election module and associate that role with an organization.
- ii. If the user cannot locate their issuer organization within “Role Management,” they should navigate to the “Manage Organization” page on the HIOS home screen and create a new organization (either issuer or non-federal governmental plan). After successful organization registration, the user may request the appropriate role within the HIOS External Review Election Module.

After completing the online request for the appropriate role, users will receive an email notification once access to the module has been approved. Once organization registration and role request are approved, authorized users with the appropriate submitter role may access the module and submit their external review election. A copy of the HIOS External Review Election module User Manual is available for download once you access the External Review Election module in HIOS. If you have any questions regarding accessing HIOS, please contact the help desk at [CMS\\_FEPS@cms.hhs.gov](mailto:CMS_FEPS@cms.hhs.gov) or 1-855-CMS-1515.