



Fraud, Waste & Abuse

Subscriber Data – Policy/Process

September 10, 2012

- 1. What processes will COHBE follow when subscriber data cannot be confirmed by outside resources?**
- 2. What internal policies should COHBE implement regarding self-attestation and internal audit of subscriber data?**

Goals/Objectives of COHBE:

- Ensure people are treated with fairness and are able to enroll without obstacle
- Comply with applicable law
- Automate as much of the verification as possible
- Minimize fraud
- Ensure COHBE acts responsibly on behalf of all interested parties

Background:

Users will input different types of data into COHBE's system that may or may not require outside validation:

- Personal information such as name, birth-date, and address – no validation requirement
- Information needed to determine eligibility for enrollment in a QHP such as SSN, incarceration status, and citizenship status – some validation requirement
- Information needed to determine eligibility for state programs and/or APTC/CSR – some validation requirement
- Information needed to determine premiums such as size of family and smoker status – no validation requirement

The following guidance applies to each of the above areas of input:

Personal information such as name, birth-date and address:

COHBE has no requirements or intention to verify personal information

Information needed to determine eligibility for enrollment in a QHP such as SSN, and incarceration and citizenship status:

- Regarding the verification of citizenship and immigration status, the final rule on Establishment of Exchanges and Qualified Health Plans outlines the requirements of the verification process related to eligibility for enrollment in a qualified health plan (QHP) (45 C.F.R. § 155.315).
 - §155.315(c) outlines the process for verification of citizenship, status as a national or lawful presence. This section states that for an applicant that attests to citizenship and provides a Social Security number (SSN), an exchange will transmit the applicant's SSN and other identifying information to HHS, which will then submit the information for verification with the Social Security Administration (SSA).
 - §155.315(c)(2) outlines the process for an applicant who has documentation that can be verified through the Department of Homeland Security (DHS) and who attests to lawful presence, or who attests to citizenship and for whom the Exchange cannot substantiate a claim of citizenship through SSA.
 - In any of these situations, the Exchange will submit documentation to HHS which will submit it to DHS for verification.
 - §155.315(f) outlines the process for instances where an Exchange finds inconsistencies and cannot verify the required information. COHBE's processes are outlined in our appeals process recommendation.
- Regarding the verification of incarceration status, §155.315(e) outlines this verification process.
 - §155.315(e)(1) states that an Exchange must verify an applicant's attestation that he or she meets the eligibility requirements for incarceration status by relying on any electronic data sources that are available and have been approved by HHS for this purpose. HHS is currently exploring federal data sources that could be used for the verification of incarceration status.
 - §155.315(e)(2) allows an Exchange to accept an applicant's attestation without further verification if an approved data source is not available and if that applicant's attestation is reasonably compatible with the information provided by other approved data sources
 - §155.315(e) (3). §155.315(f) outlines the process for instances where an Exchange finds inconsistencies and cannot verify the required information.

Information needed to determine eligibility for state programs and/or APTC/CSR

- Regarding the verification of income and family status, §155.320 outlines the requirements of the verification process related to eligibility for insurance affordability programs, including income and family size (§155.320(c)) as follows:
 - §155.320(c) (1) outlines the data requirements for verification of income and family size. First, for all individuals whose income is counted in calculating household income, an Exchange is required to request tax return data regarding MAGI and family size from the Secretary of the Treasury by transmitting identifying

information to HHS and must follow the processes outlined in §155.315(f) if the identifying information for one or more individuals does not match any tax record on file or cannot be disclosed by the Secretary of the Treasury. Second, an Exchange is required to collect data regarding MAGI-based income in accordance with the final rule on Medicaid eligibility (42 C.F.R § 431, 435, and 457).

- §155.320(c) (2) outlines the verification process for Medicaid and CHIP. For verification of household size (refer to 42 C.F.R § 435.945(a)), §155.320(c)(2)(B) allows an Exchange to accept attestation in without further verification as long as the attested information is reasonably compatible with other provided information. (NOTE that for COHBE, the final verification of eligibility for Medicaid and CHIP will be performed by PEAK).
- §155.320(c) (3) outlines the verification process for advanced payments of the premium tax credit and cost-sharing reductions. For verification of family size, an Exchange can accept attestation without further verification if an applicant attests that the information in the tax return provided by Secretary of Treasury is correct. If the tax return information is not available or if a change in family size has occurred or is reasonably expected to occur, the applicant must attest to a projection of family size for the benefit year in which coverage is requested. As long as the attested information is reasonably compatible with other provided information, this attestation can be accepted without further verification. For verification of annual household income, an Exchange must calculate annual household income based on the information in the tax return and require an applicant to attest to that projected annual household income. **If the applicant is able to attest to this information, the exchange can accept that attestation without further verification.** If the tax return data is not available or the applicant attests to a change in circumstances, the Exchange must require the applicant to attest to the tax filer's projected household income for the benefit year in which coverage is requested. **If the applicant attests to an increase in household income compared to the information in the tax return and the Exchange has not been able to verify the income through other sources, the Exchange can accept this attestation without further verification as long as the attested information is reasonably compatible with other provided information.**
- §155.320(c) (3) (iv) outlines the eligibility requirements for an alternate verification process for household income. §155.320(c)(3)(v) establishes that if a person meets these eligibility requirements and attests to a decrease of less than ten percent in the annual household income calculation from the tax return, an Exchange can accept the applicant's attestation without further verification. For the remaining applicants who meet these eligibility requirements for the alternate verification process and either have no tax return data available or attest to a decrease of ten percent or more in their annual household income, §155.320(c)(3)(vi) establishes the alternate verification process for annual household income that an Exchange must follow.
- §155.320(c) (4) requires an Exchange to provide education and assistance to applicants regarding these processes.

Information needed to determine premiums such as size of family and smoker status

COHBE has no requirement or intention to verify size of family or smoker status

Additional Consideration:

COHBE recognizes that there may be risks with data verification if the Federal Data Hub is not available.

Recommendation:

- 1) When automated verifications are not available, COHBE will take self-attestations whenever possible to facilitate enrollment.
- 2) When self-attestations are not acceptable, COHBE will dedicate the required amount of assistance to ensure that the person trying to enroll will be aided in every way possible.
- 3) COHBE will require the Customer Service Center to develop procedures regarding self-attestations.
- 4) COHBE will develop a tolerance for self-attestations and will internally monitor to test the number of self-attestations that occur. If the frequency of self-attestations falls outside of the tolerance, COHBE will analyze what adjustments need to occur to ensure the goals/objectives are being met.