



July 30, 2012

Internal Revenue Services  
Department of the Treasury  
CC:PA:LPD:PR (REG-119632-11)  
Room 5203  
PO Box 76-4  
Ben Franklin Station  
Washington, DC 20042

Dear Commissioner Shulman:

AARP appreciates the opportunity to comment on the proposed rule on “Regulations Pertaining to the Disclosure of Return Information To Carry Out Eligibility Requirements for Health Insurance Affordability Programs”. The rule covers certain terms and processes related to the disclosure of tax return information as prescribed in the Patient Protection and Affordable Care Act (ACA) in support of eligibility determinations of premium tax credits or cost sharing reductions.

As AARP understands it, the goal of Exchanges is to simplify and maximize access to affordable, quality healthcare. We believe that providing feedback to individuals who have taken steps to initiate the enrollment process is essential to ensuring the necessary follow through to complete enrollment. It has been proposed that Exchanges must provide an applicant with timely, written notice of eligibility determination of the insurance affordability provisions.

AARP believes that notices should not just be provided at the conclusion of the enrollment process, but periodically throughout the enrollment process. We urge the agencies to set a standard that Exchanges provide individuals with a single location where they can access updated information on the status of their application. AARP believes that in situations where there is not sufficient information for an application to be processed, the Exchange should provide the applicant with timely notice that clearly states the additional documentation needed as well as possible avenues to locate the information.

In the proposed rule “Exchange Functions in the Individual Market; Eligibility Determinations; Exchange Standards for Employers”, CMS notes that the Exchanges can implement eligibility processes to emphasize accuracy, and processes to report changes in income during the course of the year. AARP recommends that the Internal Revenue Service (IRS) and CMS implement specific requirements to ensure that enrollees and Exchanges are operating with the most up-to-date income information possible.

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AARP recommends that Exchanges send reminders that changes in income must be reported to ensure that enrollees receive financial support when need is demonstrated and to avoid having to pay back money during the reconciliation process because they failed to inform the exchange of an increase in income. We urge the agencies to require Exchanges to use a uniform template when they issue these quarterly reminders to enrollees.

AARP also recommends that these notices be culturally linguistically appropriate for all populations. Given that plans and insurers are already required to follow guidelines for Medicare, we suggest standards for culturally and linguistically appropriate documentation be consistent with the requirements for other relevant federal programs. Current DOJ/HHS LEP Guidances, as well as recently revised regulations from the CMS governing marketing by Medicare Part C and D plans, requires providing appropriate documents for limited English proficiency populations that reach a 5% threshold of plan's enrollees.

Thank you for the opportunity to comment on this important matter. If you have any questions, please feel free to contact Leah Cohen Hirsch on our Government Affairs staff at 202-434-3770.

Sincerely,

A handwritten signature in black ink, appearing to read "David Certner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Certner  
Legislative Counsel and Legislative Policy Director  
Government Affairs