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DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

Privacy Act of 1974

CMS Computer Match No. 2013-02

HHS Computer Match No. 1306

DoD-DMDC Match No. 12

AGENCY:

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS)

ACTION:

Notice of Computer Matching Program (CMP)

SUMMARY:

In accordance with the requirements of the Privacy Act of 1974, as amended, this notice establishes a CMP that CMS plans to conduct with the Department of Defense (DoD).

EFFECTIVE DATES:

Comments are invited on all portions of this notice. Public comments are due 30 days after publication. The matching program will become effective no sooner than 40 days after the

report of the matching program is sent to OMB and Congress, or 30 days after publication in the *Federal Register*, whichever is later.

ADDRESS:

The public should send comments to: CMS Privacy Officer, Division of Privacy Policy, Privacy Policy and Compliance Group, Office of E-Health Standards & Services, Offices of Enterprise Management, CMS, Room S2-24-25, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m. - 3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT:

Celeste Dade-Vinson, Division of Privacy Policy, Privacy Policy and Compliance Group, Office of E-Health Standards & Services, Offices of Enterprise Management, CMS, Mail stop S2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850, Office Phone: 410-786-0854, Facsimile: 410-786-1347, Email: Celeste.Dade-Vinson@cms.hhs.gov

SUPPLEMENTARY INFORMATION:

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. § 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits.

Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system

of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Date: July 31, 2013 _____

Michelle Snyder

Chief Operating Officer

Centers for Medicare & Medicaid Services

CMS Computer Match No. 2013-02

HHS Computer Match No. 1306

DoD-DMDC Match No. 12

NAME:

“Disclosure of Enrollment and Eligibility Information for Military Health System Beneficiaries
Who are Medicare Eligible”

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive

PARTICIPATING AGENCIES:

The Centers for Medicare & Medicaid Services (CMS); and Department of Defense (DoD),
Defense Manpower Data Center (DMDC) and the Office of the Assistant Secretary of Defense
(Health Affairs) / TRICARE Management Activity (TMA)

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

Prior to 1991, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)
entitlement terminated when any individual became eligible for Medicare Part A on a non-
premium basis. The National Defense Authorization Act(s) (NDAA) for Fiscal Years (FYs)
1992 and 1993 (Pub. L. 102-190) Section 704, provide for reinstatement of CHAMPUS as
second payer for beneficiaries entitled to Medicare on the basis of disability/End Stage Renal
Disease (ESRD) only if they also enroll in Part B.

This CMP implements the information matching provisions of the NDAA, FY 2001 (Pub. L. 106-398) Sections 711 and 712; the NDAA, FY 1993 (Pub. L. 102-484) Section 705; and the NDAA, FYs 1992 and 1993 (Pub. L. 102-190) Sections 704 and 713.

Section 732 of the FY 1996 NDAA (Pub. L. 104-106), directed the administering Secretaries to develop a mechanism for notifying beneficiaries of their ineligibility for CHAMPUS when loss of eligibility is due to Medicare status (Part A only).

PURPOSE (S) OF THE MATCHING PROGRAM:

The purpose of the Computer Matching Agreement is to establish the conditions, safeguards and procedures under which CMS will disclose Medicare enrollment information to the DoD, DMDC, and Health Affairs/TMA. The disclosure by CMS will provide TMA with the information necessary to determine if Military Health System (MHS) beneficiaries (other than dependents of active duty personnel), who are Medicare eligible, are eligible to receive continued military health care benefits. This disclosure will provide TMA with the information necessary to meet the Congressional mandate outlined in legislative provisions in the NDAA listed above.

Current law requires TMA to discontinue military health care benefits to MHS beneficiaries who are Medicare eligible when they become eligible for Medicare Part A unless they are enrolled in Medicare Part B. In order for TMA to meet the requirements of current law, CMS agrees to disclose certain Part A and Part B enrollment data on this dual eligible population, which will be used to determine a beneficiary's eligibility for care under CHAMPUS/TRICARE. DMDC will receive the results of the computer match and provide the information to TMA for use in its

matching program.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

The matching program will be conducted with data maintained in the DoD System of Records (SOR) identified as DMDC 02 DoD, entitled "Defense Enrollment Eligibility Reporting System," at 77 Fed. Reg. 69807 (November 21, 2012) and the SOR identified as DHA 07, entitled "Military Health Information System (MHIS)," at 71 Fed. Reg. 16127 (March 30, 2006). The release of the data for CMS is covered under the "Enrollment Database," System No. 09-70-0502 published at 73 Fed. Reg. 10249 (February 26, 2008).

INCLUSIVE DATES OF THE MATCH:

The matching program will become effective no sooner than 40 days after the report of the matching program is sent to OMB and Congress, or 30 days after publication in the *Federal Register*, whichever is later. The matching program will continue for 18 months from the effective date and may be renewed for an additional 12 month period as long as the statutory language for the match exists and other conditions are met.

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