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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**Privacy Act of 1974; Matching Program**

**AGENCY:** The Department of Health and Human Services, Centers for Medicare and Medicaid Services

**ACTION:** Notice of a new matching program.

**SUMMARY:** In accordance with subsection (e)(12) of the Privacy Act of 1974, as amended, the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS), is providing notice of a new matching program between CMS and the U.S. Department of Education (ED), Federal Student Aid. The matching program supports eligibility determinations for enrollment in applicable State health subsidy programs under the Patient Protection and Affordable Care Act (PPACA), including Qualified Health Plans (QHPs), Medicaid, the Children's Health Insurance Program (CHIP), and Basic Health Programs (BHPs). The matching program also supports implementation of statutory requirements concerning Medicaid community engagement and the prevention of concurrent Medicaid enrollment in more than one State through the Multi-State Enrollment Prevention (MSEP) system.

**DATES:** The deadline for comments on this notice is [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The new matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice and the advance reporting requirements applicable to the matching program have been satisfied. The matching program will be conducted for an initial term of 18 months and, within 3 months prior to expiration, may be renewed for a period not to exceed one year if the parties certify that the matching program will be conducted without change and has been conducted in compliance with the matching agreement.

**ADDRESSES:** Interested parties may submit written comments on this notice to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1-14-56, 7500 Security Boulevard, Baltimore, MD 21244-1849, or by email at Barbara.Demopulos@cms.hhs.gov.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the matching program, you may contact Terence Kane, Director, Division of Automated Verifications and SEP Policy, Marketplace Eligibility and Enrollment Group, Center for Consumer Information & Insurance Oversight, Centers for Medicare & Medicaid Services, at (301) 492-4449, by email at Terence.Kane@cms.hhs.gov, or by mail at 7501 Wisconsin Avenue, Bethesda, MD 20814.

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, as amended (5 U.S.C. 552a), provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o)(2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the Federal Register as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements and establishes a new matching program through which ED will provide student enrollment match results to CMS for eligibility verification purposes described below.

**Barbara Demopulos,**

*CMS Privacy Act Officer,*
*Division of Security, Privacy Policy and Governance,*
*Information Security and Privacy Group,*
*Office of Information Technology,*
*Centers for Medicare & Medicaid Services.*

**PARTICIPATING AGENCIES:** The agencies participating in the matching program are the Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS), and the U.S. Department of Education (ED), Federal Student Aid.

**AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:** Authorities governing the eligibility determinations and uses of data under the matching agreement include section 1902(xx) of the Social Security Act, as added by section 71119 of Public Law 119-21; sections 1331, 1401, 1402, 1411, and 1412 of the Patient Protection and Affordable Care Act, as applicable; 26 U.S.C. 36B and 5000A(f); and implementing regulations, including 45 CFR 155.302 and 155.305. Section 1902(xx) requires applicable individuals to demonstrate community engagement as a condition of Medicaid eligibility and requires States to use reliable information available to determine whether individuals have fulfilled community engagement requirements.

**PURPOSE(S):** The purpose of the matching program is to assist CMS and State-based Administering Entities (AEs) in determining eligibility for Insurance Affordability Programs, specifically Medicaid, by verifying whether an applicant or enrollee is enrolled in a

postsecondary educational institution. CMS and State AEs will use ED match results to verify educational enrollment for purposes of determining Medicaid eligibility based on satisfaction of community engagement requirements, if applicable. CMS may make ED match results available to State-based AEs through the CMS Federal Data Services Hub or a similar platform.

**CATEGORIES OF INDIVIDUALS:** The individuals whose information will be used in the matching program are individuals who apply for eligibility determinations for Medicaid or another Insurance Affordability Program for whom CMS or a State-based AE needs to verify enrollment in a postsecondary educational institution.

**CATEGORIES OF RECORDS:** The categories of records that will be used in the matching program are identifying records which includes: Social Security number (required); first name (required); middle name or initial, if provided; surname/last name (required); date of birth (required); and transaction ID (required).

When ED is authorized to disclose information and a matching request is made, ED will provide a response to the Hub containing current and historical enrollment data for the two years prior to the request date, including: OPEID; school name; enrollment status (including, but not limited to, full-time, half-time, less than half-time, graduated, and withdrawn); enrollment start date; enrollment end date; certification date; anticipated graduation date; and transaction ID. An error or coded response will be returned when there is no match on the student or no enrollment record for the relevant period.

**SYSTEM(S) OF RECORDS:** The records used in this matching program will be disclosed from the following systems of records, as authorized by routine uses published in the System of Records Notices (SORNs) cited below:

A. System of Records Maintained by CMS

The Health Insurance Exchanges (HIX) Program, System No. 09-70-0560, last published in full at 78 FR 63211 (Oct. 23, 2013), and partially amended at 83 FR 6591 (Feb. 14, 2018).

B. System of Records Maintained by ED

The National Student Loan Data System (NSLDS), System No. 18-11-06, last fully published at 91 FR 21480 (Apr. 22, 2026).

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