

MARS-E requirement for Data Retention and Disposal -

Specific to SBMs: 45 CFR §155.1210 Maintenance of Records states the SBMs must maintain and ensure contractors, subcontractors, and agents maintain certain documents and records for 10 years. These documents and records (whether paper, electronic, or other media) and other evidence of accounting procedures and practices, must be sufficient to: accommodate periodic auditing of financial records, and enable HHS or its designee(s) to inspect facilities, or otherwise evaluate the SBM's compliance with federal standards. The requirement further states that the records include, at a minimum, the following:

1. Information concerning management and operation of the SBM's financial and other record keeping systems;
2. Financial Statements
3. Any financial reports filed with other federal programs or state authorities;
4. Data and records relating to the SBM's eligibility verifications and determinations, enrolment transactions, appeals and plan variation certifications; and
5. Qualified health plan (QHP) contracting (including benefit review) data and consumer outreach and Navigator grant oversight information.

SBMs are required to maintain a record and data retention schedule. Other federal or state laws or regulations may require, or allow, data within this record set to be destroyed earlier than the retention period required by §155.1210. However, SBMs must adhere to the record retention timeframes as described in the Marketplace regulations.

Specific to Medicaid/CHIP AEs: Medicaid and CHIP performing ACA Administering Entity functions must comply with the records retention requirements that apply to SBMs as well as Records Retention requirements specified in 42 CFR 431.17 - Maintenance of records, based on section 1902(a)(4) of the Social Security Act.