

3.1.2 Results

Table 1 lists findings or observations related to this review area.

Table 1: Prescription Drug Findings or Observations

| Review Methodology | Findings or Observations | Findings Count | Observations Count |
|--------------------|---|----------------|--------------------|
| Process Testing | <ul style="list-style-type: none"> ▪ Non-formulary drug exception request policy is not complete (e.g., policy does not include all of the standards for making a determination and notifying an enrollee of the coverage determination on non-formulary drug exceptions). | 0 | 1 |

3.1.3 Best Practices

- Regularly review all formularies, especially when they are managed by a third party, to ensure that any mid-year changes conform to applicable regulations.
- Regularly review published formularies to ensure they include a current and complete list of all covered drugs, including any tier structure that has been adopted, and any restrictions to obtaining a drug.
- Regularly review implementation of the drug-exception request process to ensure that requests are being evaluated, decisions are made, and notifications are sent as required and within the applicable timeframes.

3.2 QHP Issuer Participation General Standards

Pursuant to 45 CFR § 156.200, Exchange participation standards require QHP issuers to, among other things:

- Have each QHP certified by the Exchange in which it is being offered;
- Comply with Exchange processes, procedures, and requirements under Title 45, Part 155, Subpart K and, in the small group market, 45 CFR § 155.706;
- Offer at least one gold and one silver plan throughout each service area in which it offers coverage through the Exchange;
- Not discriminate based on race, color, national origin, disability, age, or sex; and
- Provide the same agent and broker compensation for similar coverage offered inside and outside the Exchanges.

3.2.1 CMS Review Methodology

CMS reviewed non-discrimination policies to ensure that the policies were in place and available to employees and that the policy included all classes identified under the regulation.¹⁰ CMS also reviewed

¹⁰ The evaluation of the non-discrimination policies was modified in 2019 to deem the QHP issuer’s policy compliant if it mirrored the statutory language in Section 1557 of the Patient Protection and Affordable Care Act.



agent and broker compensation policies, comparing amounts paid for on- and off-Exchange coverage, subscriber agreements, and lists of the QHPs (by type) offered under the participating QHP issuer IDs.

3.2.2 Results

Table 2 lists findings or observations related to this review area.

Table 2: QHP Issuer Participation General Standards Findings or Observations

| Review Methodology | Findings or Observations | Findings Count | Observations Count |
|--------------------|--|----------------|--------------------|
| Process Testing | <ul style="list-style-type: none"> No findings or observations were identified in this review area. | 0 | 0 |

3.2.3 Best Practices

Review written policies, procedures, and notification documents to ensure they are consistent with regulatory requirements related to non-discrimination.

Develop and monitor compensation practices to ensure that Exchange status is not considered when determining the rate of compensation for an agent or broker.

3.3 Rate and Benefit Information

Pursuant to 45 CFR § 156.210(c), a QHP issuer must submit to the Exchange a justification for a rate increase prior to the implementation of the increase and prominently post the justification on its website.

3.3.1 CMS Review Methodology

CMS reviewed QHP issuers' websites to determine if applicable rate increase justifications, or links to them, were available on their websites.

3.3.2 Results

Table 3 lists findings or observations related to this review area.

Table 3: Rates and Benefits Findings or Observations

| Review Methodology | Findings or Observations | Findings Count | Observations Count |
|---------------------|--|----------------|--------------------|
| Performance Testing | <ul style="list-style-type: none"> No findings were identified in this review area. | 0 | N/A* |

*Compliance review protocols do not allow observations for this review area.

3.3.3 Best Practices

Establish an annual process to ensure a justification is posted to the QHP issuer's website, consistent with FFE regulations.

