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**Date:** December 20, 2019

**From:** Samara Lorenz, Director, Oversight Group

**Title:** Insurance Standards Bulletin Series -- INFORMATION

**Subject:** DRAFT Bulletin: Proposed Timing of Submission of Rate Filing Justifications for the 2020 Filing Year for Single Risk Pool Coverage Effective on or after January 1, 2021

## **I. Purpose**

The Centers for Medicare & Medicaid Services (CMS) is releasing this draft bulletin for comment. This bulletin proposes guidance for purposes of establishing the submission deadlines under 45 CFR 154.220 for health insurance issuers to submit Rate Filing Justifications for single risk pool coverage in the individual and small group markets effective on or after January 1, 2021.<sup>1</sup>

This bulletin also proposes the dates on which CMS will provide public access to information regarding proposed rate changes and final rate changes for single risk pool coverage, as well as the deadline for States with Effective Rate Review Programs<sup>2</sup> to post proposed rate increases subject to review. It also provides the CMS web address that States with an Effective Rate Review Program can use if they elect to provide public access from their website through a link to the CMS website.

## **II. Proposed Rate Review Timelines for the 2020 filing year for single risk pool coverage effective on or after January 1, 2021**

The proposed timelines specified below would apply to the rate filings issuers will submit in 2020 (2020 filing year) for single risk pool coverage (including both qualified health plans (QHPs) and non-QHPs) in the individual and small group (or merged) markets for plan or policy years beginning on or after January 1, 2021.

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<sup>1</sup> The term “single risk pool coverage” is used to describe non-grandfathered health insurance coverage in the individual or small group (or merged) market that is subject to the single risk pool provisions at 45 CFR 156.80 and is required to file rate information using the Unified Rate Review Template.

<sup>2</sup> See 45 CFR 154.301 for the list of criteria CMS considers when evaluating whether a State has an Effective Rate Review program.

### Proposed submission deadlines

The proposed submission deadlines for a health insurance issuer to submit a Rate Filing Justification to CMS and the applicable State for single risk pool coverage are listed below.<sup>3</sup> Pursuant to 45 CFR 154.215, in addition to rate increases, these deadlines also apply to single risk pool coverage that experience no rate changes, rate decreases, and rates for new single risk pool coverage.

- Issuers in a State *without an Effective Rate Review Program* would be required to submit proposed rate filings for all single risk pool coverage, regardless of whether or not the filing contains a QHP, to CMS for review by June 3, 2020.
- Issuers in a State *with an Effective Rate Review Program* would be required to submit proposed rate filings for all single risk pool coverage, regardless of whether or not the filing contains a QHP, to both CMS and the State by a date set by the State, as long as the date is no later than July 22, 2020.<sup>4</sup>

In addition to submitting the Rate Filing Justification, issuers submitting QHP applications to participate in Exchanges served by the HealthCare.gov platform would be required to submit their QHP Rates Table Templates by July 22, 2020. We note that there will be opportunities during the QHP certification process for the issuer to update, correct or change the QHP Rates Table Template (as may be necessary).

### Proposed Rate Filings – Posting by CMS

CMS will post all applicable parts of the Rate Filing Justification for all single risk pool coverage (including both QHPs and non-QHPs), regardless of whether the product includes a plan with a rate increase that is subject to review under 45 CFR 154.210.<sup>5</sup> CMS will conduct a data refresh prior to posting, in order to capture the most recent rate filing information, and then will post proposed rate information for all issuers at one time.<sup>6</sup> The data will not be refreshed again until final rate information is posted.

- Issuers would be required to complete all changes to proposed rate filings in the Health Insurance Oversight System Unified Rate Review (HIOS URR) module by 3:00 p.m. EDT on July 22, 2020.

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<sup>3</sup> 45 CFR 154.220(b) requires issuers to submit rate information for single risk pool coverage by the earlier of: (a) the State's deadline or (b) the date specified by the Secretary of the Department of Health and Human Services (HHS) in guidance.

<sup>4</sup> States with an Effective Rate Review Program are permitted to establish different submission deadlines for non-QHP only rate filings as long as that deadline is no later than July 22, 2020.

<sup>5</sup> CMS will not post information that is a trade secret or confidential commercial or financial information as defined in HHS' Freedom of Information Act regulations at 45 CFR 5.31(d).

<sup>6</sup> States with an Effective Rate Review Program must post the required rate filing information at a uniform time and not on a rolling basis. This applies to rate information for all single risk pool coverage (including both QHP and non-QHPs) offered inside and outside of Exchanges. See 45 CFR 154.301(b)(3).

- CMS intends to post information on proposed rate filings for consumers to review on July 31, 2020 at <https://ratereview.healthcare.gov>.<sup>7</sup>

### Final Rate Filings – Posting by CMS

For all single risk pool coverage (including both QHP and non-QHPs), CMS will post all applicable parts of the Rate Filing Justification for all final rate filings, regardless of whether the product includes a plan with a rate increase that is subject to review under 45 CFR 154.210.<sup>8</sup> CMS will conduct a data refresh prior to posting, in order to capture the most recent rate filing information, and then will post final rate filing information for all issuers at one time.<sup>9</sup>

- Issuers in States with Exchanges served by the HealthCare.gov platform would be required to finalize all rate filings *that contain a QHP* in the URR module of HIOS by 3:00 p.m. EDT on August 19, 2020.
- Issuers in States with a State-based Exchange that does not use the HealthCare.gov platform would be required to submit final rate filings *that contain a QHP* to both CMS and the State by a date set by the State, as long as the date is no later than October 15, 2020.
- All Issuers would be required to finalize all rate filings *that only contain non-QHPs* in the URR module of HIOS by 3:00 p.m. EDT by October 15, 2020.
- CMS intends to post final rate information for single risk pool coverage (including both QHPs and non-QHPs) no later than November 2, 2020.

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<sup>7</sup> Consistent with 45 CFR 154.301(b)(1)(i), States with an Effective Rate Review Program must post proposed rate increases subject to review by July 31, 2020.

<sup>8</sup> CMS will not post information that is a trade secret or confidential commercial or financial information as defined in HHS' Freedom of Information Act regulations at 45 CFR 5.31(d).

<sup>9</sup> States with an Effective Rate Review Program must post the required rate filing information at a uniform time and not on a rolling basis. This applies to rate information for all single risk pool coverage (including both QHP and non-QHPs) offered inside and outside of Exchanges. See 45 CFR 154.301(b)(3).

### **III. CMS Web Address**

States with an Effective Rate Review Program that elect to provide public access via a link to the rate information made available on the CMS website should use:

<https://ratereview.healthcare.gov>.

### **IV. Notification to CMS**

Pursuant to 45 CFR 154.301(b)(2), if a State intends to release information about proposed rate increases subject to review or final rate increases (including those not subject to review) *earlier* than the date on which CMS will be posting information publically, the State must notify CMS in writing at least 5 business days prior to making the information public. The State should notify CMS by sending an email to [RateReview@cms.hhs.gov](mailto:RateReview@cms.hhs.gov). The email must indicate the date that the State intends to make the information public.

### **V. Where to get more information and submit comments<sup>10</sup>**

If you have questions about this bulletin or wish to submit comments on the proposed timelines outlined herein for single risk pool coverage, please contact CMS at [RateReview@cms.hhs.gov](mailto:RateReview@cms.hhs.gov) on or before January 20, 2020.

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<sup>10</sup> We welcome comments on the proposed timeframes for the 2020 filing year outlined in this document, but note that CMS is not soliciting any additional comments on the substance of the underlying policies in this draft bulletin.