

Application of the SHOP Participation Provision by Issuer

To help ensure that employers have a robust choice of QHPs in the Federally-facilitated-SHOP, HHS finalized a Qualified Health Plan (QHP) certification requirement linking Federally-facilitated Exchange and Federally-facilitated SHOP participation [Payment Notice Final Rule, at 45 CFR 156.200(g)]. The certification requirement applies when an issuer or a member of the same issuer group as the issuer (defined at 45 CFR 156.20 as a group under common ownership and control, or using a common national service mark) has a share of the small group market in a FFE/FF-SHOP state that exceeds 20 percent, as determined from the most recent earned premiums data reported to HHS.

The participation (sometimes called “tying”) provision applies in the following circumstances.

- We interpret 45 CFR 156.200(g)(1) to require that issuers who have greater than 20 percent small group market share offer at least one silver-level QHP and one gold-level QHP through the Federally-facilitated SHOP as a condition of participation in the Federally facilitated individual market Exchange.
- We also interpret 45 CFR 156.200(g)(1) to require that issuers that do not have greater than 20 percent market share in a state’s small group market, but that are members of an issuer group that has at least one member with greater than 20 percent market share, would have to offer the required silver and gold level coverage through the SHOP as a condition of participation in the individual market Exchange.
- Pursuant to 45 CFR 156.200(g)(2), issuers that do not offer small group market products in a state, but that are members of an issuer group that has at least one member with greater than 20 percent market share, would not have to offer the required SHOP coverage themselves. Instead, another issuer in that issuer’s group would do so, and in light of the fact that we intend the tying provision to fall primarily on issuers with greater than 20 percent market share, we interpret 45 CFR 156.200(g)(2) to require that the issuer meeting the requirement in these circumstances be an issuer whose small group market share exceeds 20 percent.

Issuers will fall into one of four categories below:

1. Neither we nor any issuer in our issuer group has a share of this State’s small group market greater than 20%, as determined by the most recent list of these issuers published by HHS.
2. We have a share of this State’s small group market greater than 20% as determined by the most recent list of these issuers published by HHS and we have filed QHP applications for silver and gold plans in this state’s FF-SHOP.
3. Another issuer in our issuer group has a share of this State’s small group market greater than 20% as determined by the most recent list of these issuers published by HHS, we have a share of this State’s small group market less than 20% as determined by the most recent list of these issuers published by HHS, and we have filed QHP applications for silver and gold plans in this state’s FF-SHOP.
4. Another issuer in our issuer group has a share of this State’s small group market greater than 20% as determined by the most recent list of these issuers published by HHS, we do not participate in this state’s small group market, and another issuer in our issuer

group with greater than 20% small group market share has filed QHP applications for silver and gold plans in this state's FF-SHOP.

HHS has developed the following state-by-state list of issuers who have greater than 20 percent small group market share in their respective states, based on earned premiums reported for MLR purposes (2014 data).

State	Issuer Name	Issuer Group Name
AK	Premera Blue Cross	Premera Blue Cross Group
AL	Blue Cross and Blue Shield of Alabama	BCBS of AL Grp
AZ	Blue Cross and Blue Shield of Arizona, Inc.	Blue Cross and Blue Shield of Arizona, Inc.
AZ	UnitedHealthcare Insurance Company	UnitedHealth Grp
DE	Highmark BCBSD, Inc.	Highmark Grp
FL	Blue Cross and Blue Shield of Florida, Inc.	Blue Cross and Blue Shield of Florida, Inc.
GA	Humana Employers Health Plan of Georgia, Inc.	Humana Grp
GA	Blue Cross Blue Shield Healthcare Plan of Georgia, Inc.	Wellpoint Inc Grp
IA	Wellmark, Inc.	Wellmark Group
IL	Health Care Service Corporation, a Mutual Legal Reserve Company	HCSC Grp
IN	Anthem Insurance Companies, Inc.	Wellpoint Inc Grp
KS	Blue Cross and Blue Shield of Kansas, Inc.	BCBS of KS Grp
LA	Louisiana Health Service and Indemnity Company	Lousiana Hlth Serv Grp
ME	Anthem Health Plans of Maine, Inc.	Wellpoint Inc Grp
ME	HPHC Insurance Company, Inc.	Harvard Pilgrim Hth Care Grp
MI	Blue Cross Blue Shield of Michigan Mutual Insurance Company	BCBS of MI Grp
MO	Healthy Alliance Life Insurance Company	Wellpoint Inc Grp
MT	Health Care Service Corporation, a Mutual Legal Reserve Company	HCSC Grp
NC	Blue Cross and Blue Shield of North Carolina	
ND	Noridian Mutual Insurance Company	
NE	Blue Cross and Blue Shield of Nebraska	Blue Cross and Blue Shield of Nebraska
NH	Harvard Pilgrim Health Care of New England, Inc.	Harvard Pilgrim Hth Care Grp
NH	Matthew Thornton Health Plan, Inc.	Wellpoint Inc Grp
NJ	Horizon Healthcare Services, Inc.	BCBS of NJ Grp
OH	Community Insurance Company	Wellpoint Inc Grp
OH	Medical Mutual of Ohio	Medical Mutual of Ohio
OK	Health Care Service Corporation, a Mutual Legal Reserve Company	HCSC Grp
SC	BlueCross and BlueShield of South Carolina	BCBS of SC Grp
SD	South Dakota State Medical Holding Company, Inc.	
SD	Wellmark of South Dakota, Inc.	Wellmark Group
TN	BlueCross BlueShield of Tennessee, Inc.	BCBS of TN Inc
TX	Health Care Service Corporation, a Mutual Legal Reserve Company	HCSC Grp

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State	Issuer Name	Issuer Group Name
VA	Anthem Health Plans of Virginia, Inc.	Wellpoint Inc Grp
WI	UnitedHealthcare Insurance Company	UnitedHealth Grp
WV	Highmark West Virginia, Inc.	Highmark Inc.
WY	Blue Cross Blue Shield of Wyoming	