



Advance Payments of the Premium Tax Credit (APTC) Program Assessment Report

for

Affinity Health Plan (New York)

March 11, 2022

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I. EXECUTIVE SUMMARY

Background

Affinity Health Plan (Affinity) is a health insurance issuer that offered qualified health plans (QHPs) in the individual market State-Based Exchange (SBE) in New York during the 2014 benefit year. Affinity submitted its final restated 2014 benefit year data in the July 2015 Enrollment and Payment Data Workbook (EPDW). The issuer received a total of \$5,349,896.61 in advance payments of the premium tax credit (APTC) from CMS and reported a total of \$11,317,215.98 in premiums for its 2014 benefit year individual market plans.

This report is an assessment, conducted in coordination with the SBE, of Affinity's compliance with the APTC program established in sections 1401 and 1412 of the Patient Protection and Affordable Care Act (Pub. L. 111–148) enacted on March 23, 2010 and further amended and revised by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) enacted on March 30, 2010 (collectively referred to throughout as PPACA), and implementing regulations. This report also details the results of the assessment of premiums for information purposes only as CMS did not charge user fees to issuers offering QHPs through SBEs during the 2014 benefit year.

Audits to Determine Compliance with the Administration of APTC Program

Under title 45 of the Code of Federal Regulations (CFR) sections §§ [155.1210](#) and [156.480](#), the Department of Health and Human Services (HHS) may audit¹ issuers that offer a QHP in the individual market through an Exchange to assess the degree of compliance with the APTC program requirements. HHS designates the Centers for Medicare & Medicaid Services (CMS) to conduct these audits and to achieve the following objectives:

- Safeguard Federal funds;
- Instill confidence amongst regulated entities of data quality, soundness, and robustness;
- Evaluate health insurance issuer compliance with program rules and regulations; and
- Develop a successful and coordinated risk-based, multi-year audit program that maximizes resources.

This audit is part of CMS's program to validate the enrollment and payment data reported in the final 2014 EPDW submitted by the issuer, and to analyze controls and policies of selected issuers pursuant to the authority defined in 45 CFR §§ 155.1210 and 156.480.

The findings and observations are documented below. If CMS found an instance of issuer non-compliance with APTC program requirements that requires correction to the APTC reported in

¹ To provide the flexibility needed when standing up a new oversight program and to ensure that issuers are able to provide CMS with their most accurate data, audit protocols allow for dialog between auditor and issuer to identify and correct errors in data submission that differ somewhat from some independence and reporting standards laid out under Generally Accepted Government Auditing Standards (GAGAS). These procedures were defined and executed consistent with the competence, integrity, and analytical discipline required for performance audits as defined by GAGAS.

the final EPDW, then CMS classified it as a *finding*. If CMS found a deviation from CMS or Exchange requirements that we are calling to the attention of management for purposes of improving compliance in future program years, but that does not require correction to payment, then CMS categorized it as an *observation*.

Results of Review

CMS identified four (4) findings and five (5) observations for Affinity. The net APTC financial impact of the four (4) findings is an overstatement of \$495,184.04 in APTC in the final EPDW and therefore a payment to CMS of \$495,184.04, consisting of APTC owed to CMS. The net premium impact of the five (5) observations is an overstatement of \$1,040,558.13 in premiums in the final EPDW. The findings and observations include the following:

Findings:

1. Differences in APTC amounts identified in the comparison of the issuer's data included in the July 2015 EPDW submitted by Affinity to a Payment Desk Audit File containing subscriber level data from Affinity's systems;
2. Inclusion of enrollment and APTC payment data in the Payment Desk Audit File for thirty-seven (37) subscribers with coverage that was not effectuated or provided in the issuer's systems;
3. Inclusion of full month enrollment and APTC payment data for sixteen (16) duplicate subscribers in the Payment Desk Audit File; and
4. Inclusion of extra months of enrollment and therefore overstated APTC amounts for four hundred and thirteen (413) members, including two (2) of the forty-five (45) selected subscribers, in the Payment Desk Audit File.

Observations:

1. Differences in premium amounts identified in the comparison of the issuer's data included in the July 2015 EPDW submitted by Affinity to a Payment Desk Audit File containing subscriber level data from Affinity's systems;
2. Inclusion of enrollment and premium data in the Payment Desk Audit File for thirty-seven (37) subscribers with coverage that was not effectuated or provided in the issuer's systems;
3. Inclusion of full month enrollment and premium data for twenty (20) duplicate subscribers in the Payment Desk Audit File;
4. Inclusion of extra months of enrollment and therefore overstated premium amounts for four hundred and thirteen (413) members, including two (2) of the forty-five (45) selected subscribers, in the Payment Desk Audit File; and
5. Provision of coverage and reporting of extra months of enrollment for which no premium payments were received for four (4) of the fifteen (15) selected subscribers in the Payment Desk Audit File.

Please refer to section IV for details on the findings and observations listed above, including the condition, cause, effect, corrective actions, and the issuer's responses.

II. BACKGROUND, OBJECTIVES, SCOPE, AND METHODOLOGY

A. Background

Sections 1401 and 1412 of the PPACA established the APTC program to support the provision of affordable health care coverage to individuals. Additionally, section 1311 of the PPACA allows the SBEs to charge participating issuers user fees to support SBE operations.

CMS has the responsibility to confirm successful implementation of, and adherence to, the PPACA provisions and implementing regulations governing the APTC program. As such, CMS established this audit program.

Interim Payment Process

In 2014, CMS implemented a temporary process (“interim payment process”) to calculate and make monthly payments of APTC and advance cost-sharing reduction (CSR) amounts. CMS used this interim payment process to calculate payments for all SBE issuers for the 2014-2017 benefit years. CMS transitioned most SBE issuers to policy-based payments (PBP) in 2018 and transitioned the last SBE to PBP in 2020.

For the 2014 benefit year, the interim payment process required SBE issuer submitters, including issuers in New York, to self-report enrollment and payment data on a monthly basis, including any adjustments to previous months’ requests, via manual submission of an EPDW, and to attest to the accuracy of the data. SBE issuer submitters were required to calculate the QHP enrollment and payment amounts and to submit that information in the EPDW using their internal source data.

CMS calculated and made monthly payments based on the QHP data submitted in the EPDW. While using this interim process, CMS designed and implemented a robust set of internal controls within a larger program integrity framework to ensure payment accuracy. CMS required submitters to send the following QHP plan information at the variant level via the password-protected template:

1. State
2. Tax Identification Number (TIN)
3. Health Insurance Oversight System (HIOS) ID
4. QHP ID
5. Total premium amount for all enrollments
6. Total APTC amount
7. Total advance CSR amount
8. Total effectuated enrollment groups
9. Total effectuated enrollment groups with APTC
10. Total effectuated enrollment groups with advance CSR
11. Total effectuated members
12. Total effectuated members with APTC
13. Total effectuated members with advance CSR

CMS conducted a SBE payment close-out process for the 2014 benefit year in which CMS compared the EPDW data against the policy-level reporting (PLR) data submitted by the SBE. The PLR data was based on the monthly submissions that SBEs sent to the Internal Revenue Services (IRS) for reporting purposes and contained cumulative individual market enrollment APTC data. CMS requested that SBEs append an additional field for the QHP ID for each policy and separately submit the data to CMS for this purpose. CMS asked SBEs or SBE issuers to explain any outlier discrepancies between EPDW and PLR data and to re-submit the EPDW, if necessary, or to verify that payment data was accurate despite discrepancies with PLR data.

B. Regulations Governing APTC Programs

CMS established an audit protocol to assess health insurance issuers' compliance with the following regulations governing the APTC program:

- [45 CFR § 155.1210](#): Maintenance of Records;
- [45 CFR § 156.460](#): Reduction of enrollee's share of premium to account for advance payments of the premium tax credit; and
- [45 CFR § 156.480](#): Oversight of the administration of the cost-sharing reductions and advance payments of the premium tax credit programs.

Please refer to Appendix 2 for the specific requirements established under the authorities listed above.

C. Objectives

The objectives of this audit are to:

- (1) Evaluate the accuracy and integrity of issuer-generated EPDW data reported for premiums and the APTC program;
- (2) Identify potential CMS APTC payment errors resulting from issuer data reporting errors;
- (3) Test accuracy and integrity of issuer processes for reducing an enrollee's share of premium to account for APTCs.

D. Scope and Methodology

CMS selected Affinity for an audit to assess the issuer's compliance with 45 CFR §§ 155.1210, 156.460 and 156.480. CMS evaluated Affinity's activities related to the 2014 benefit year (January 1, 2014 through December 31, 2014) individual market data reported in the final EPDW submitted in July 2015 by the issuer to CMS to support APTC payments and premium amounts.

CMS sent Affinity an electronic letter on May 25, 2018 to notify them of the scope of this audit. CMS's audit contractor sent a follow-up letter to Affinity on May 29, 2018 that identified data requirements required to conduct the audit. CMS's audit contractor reviewed the audit data file submitted by Affinity, as well as the final 2014 EPDW submitted by the issuer to CMS and the PLR data submitted by the SBE to CMS, and used CMS's audit procedures to assess compliance with APTC program rules and regulations².

CMS's audit contractor applied CMS's audit protocol to identify the findings and observations listed in section IV of this report. CMS's audit contractor performed the following procedures:

- Validations of the Payment Desk Audit File² data submitted to CMS:
 - EPDW Validations: Review and comparison of the issuer's final submitted 2014 EPDW to the Payment Desk Audit File from the issuer's systems.
 - Unreconciled Subscribers Review: Review and comparison of the subscribers reported in the Payment Desk Audit File to the subscribers included in the SBE's PLR data to determine if the subscribers existed and their coverage was effectuated in the issuer's system (i.e., the amount the subscriber is responsible to pay toward the first month's total premium amount has been paid in full by the subscriber).
 - Duplicate Exchange-assigned Subscriber IDs Check: Review of the Payment Desk Audit File containing subscriber level data from the issuer's systems to verify that duplicate Exchange-assigned subscriber IDs (i.e., Exchange-assigned subscriber IDs that were reported in the file twice in the same month with full month or incorrectly prorated payment data) were not reported in the file.
 - Premium Less than APTC Validation: Review of the Payment Desk Audit File to verify that the subscribers' premium amounts reported in the file were not less than the APTC amounts reported in the file.
 - Coverage Days Validation: Review of the Payment Desk Audit File to verify that enrollments of five (5) days or fewer reported in the file were effectuated and had active coverage in the issuer's systems.
- Validations on samples of issuer's systems data:
 - Forty-five (45) Subscribers Sample Review: Review and comparison of the coverage periods, premium and APTC amounts from the issuer's systems to the corresponding data included in the SBE's PLR data for a selected sample of forty-five (45) subscribers.
 - Fifteen (15) Subscribers Sample Review: Analysis and review of data and documentation from the issuer's systems to verify effectuation and the appropriate application of premium and APTC amounts to policies for a selected sample of fifteen (15) subscribers.
- Policy and Procedure Review: Review of issuer APTC policies and procedures for completeness and clarity.

² The Payment Desk Audit File is CMS's standard document for issuers to provide information in support of this audit.

III. RESULTS OF REVIEW

CMS assessed issuer compliance with regulations using the following procedures: EPDW Validations, Unreconciled Subscribers Review, Duplicate Exchange-assigned Subscriber IDs Check, Premium Less than APTC Validation, Coverage Days Validation, Forty-five (45) Subscribers Sample Review, Fifteen (15) Subscribers Sample Review, and Policy and Procedure Review.

To build collaborative relationships and identify process improvements that support program integrity goals, CMS conducted a discrepancy phase following the review of the initial audit data submission to work with the issuer to resolve or reduce audit findings, thereby improving compliance. During the discrepancy phase, Affinity submitted an updated Payment Desk Audit File to address data issues and the procedures were re-performed. Additional follow-up with the SBE was performed as necessary to confirm or resolve the identified audit findings. Below are the results of this review following the discrepancy phase.

EPDW Validation

One (1) finding and one (1) observation resulted from the comparison of the final 2014 EPDW submitted by the issuer to Affinity's Payment Desk Audit File. Please refer to Finding No. 1 and Observation No. 1 included in section IV for details on the finding and observation.

Unreconciled Subscribers Review

One (1) finding and one (1) observation resulted from the review of Affinity's Payment Desk Audit File to determine if the subscribers reported in the file existed and their coverage was effectuated in the issuer's systems. Please refer to Finding No. 2 and Observation No. 2 included in section IV for details on the finding and observation.

Duplicate Exchange-assigned Subscriber IDs Check

One (1) finding and one (1) observation resulted from the review of Affinity's Payment Desk Audit File to verify that duplicate Exchange-assigned subscriber IDs were not reported in the file. Please refer to Finding No. 3 and Observation No. 3 included in section IV for details on the finding and observation.

Premium Less than APTC Validation

No findings or observations resulted from the review of Affinity's Payment Desk Audit File to verify that subscribers were not reported in the file with premium amounts that were less than the APTC amounts.

Coverage Days Validation

No findings or observations resulted from the review of Affinity's Payment Desk Audit File to verify that enrollments of five (5) days or fewer reported in the file were effectuated and had active coverage in the issuer's systems.

Forty-five (45) Subscribers Sample Review

One (1) finding and one (1) observation resulted from the review and comparison of the data

from Affinity's systems to the corresponding data included in the SBE's PLR data to determine accuracy of the reported enrollment months and the application of premium and APTC for a selected sample of forty-five (45) subscribers. Please refer to Finding No. 4 and Observation No. 4 included in section IV for details on the finding and observation.

Fifteen (15) Subscribers Sample Review

No findings and one (1) observation resulted from the review of the data and documentation from Affinity's systems to verify effectuation and the appropriate application of premium and APTC amounts to policies for a selected sample of fifteen (15) subscribers. Please refer to Observation No. 5 included in section IV for details on the observation.

Policy and Procedure Review

No findings or observations resulted from the review of Affinity's APTC policies and procedures.

IV. FINDINGS AND OBSERVATIONS

A finding is an identification of an instance of issuer non-compliance with APTC program requirements that requires correction to payment. CMS's audit procedures identified four (4) findings, which resulted in a change to the APTC amounts reported in Affinity's EPDW for individual market plans for the 2014 benefit year.

An observation is a deviation from CMS or Exchange requirements that we are calling to the attention of management for purposes of improving compliance in future program years but that does not require correction to payment. CMS's audit procedures identified five (5) observations, consisting of four (4) observations that resulted in a change to the premium amounts reported in Affinity's EPDW for individual market plans for the 2014 benefit year and one (1) observation that did not result in a change to the premium amounts reported in Affinity's EPDW but that is noted for purposes of improving compliance in future program years.

In light of the four (4) findings and five (5) observations, the adjusted 2014 benefit year EPDW APTC and premium amounts for individual market plans are shown in the following table.

Recalculated EPDW for the 2014 Benefit Year

	APTC	Premium (Observations)
EPDW as Filed in July 2015	\$5,349,896.61	\$11,317,215.98
Finding No. 1 and Observation No. 1 - EPDW Validations Adjustment	\$(24,060.98)	\$(48,132.74)
Finding No. 2 and Observation No. 2 – Unreconciled Subscribers Review Adjustment	\$(10,895.18)	\$(54,050.67)
Finding No. 3 and Observation No. 3 – Duplicate Exchange-assigned Subscriber IDs Check Adjustment	\$(19,415.36)	\$(72,922.55)
Finding No. 4 and Observation No. 4 – Forty-five (45) Subscribers Sample Review Adjustment	\$(440,812.52)	\$(865,452.17)

	APTC	Premium (Observations)
Observation No. 5 – Fifteen (15) Subscribers Sample Review Adjustment	\$0.00	\$0.00
EPDW As Recalculated	\$4,854,712.57	\$10,276,657.85
Total Impact	\$(495,184.04)	\$(1,040,558.13)*

Note: Positive APTC values indicate funds owed to the issuer.

The net financial impact of the four (4) findings is a payment of \$495,184.04, consisting of APTC owed to CMS.

*Note: The premium impact of the five (5) observations is an overstatement of \$1,040,558.13 in premiums. The premium impact is noted for purposes of improving compliance in future program years.

For the four (4) findings and five (5) observations, CMS documented the criteria, cause, effect, corrective actions, and Affinity's responses as seen in the charts below.

Finding No. 1 and Observation No. 1 – EPDW Validations	
Condition:	<p>APTC Differences (Finding) – For one (1) or more months of 2014 benefit year enrollment in four (4) QHPs, the net "Total APTC Amount by QHP ID for effectuated enrollments" included in Affinity's EPDW was greater than the total APTC amount included in Affinity's Payment Desk Audit File, resulting in an overpayment of \$24,060.98 in APTC. For the one (1) or more months of 2014 benefit year enrollment in four (4) QHPs, the total net enrollment in the EPDW was understated by ten thousand and seventy-four (10,074) APTC enrollment groups and overstated by one hundred and twenty-eight (128) APTC members.</p> <p>Premium Differences (Observation) – For one (1) or more months of 2014 benefit year enrollment in six (6) QHPs, the net "Total Premium Amount by QHP ID for effectuated enrollments" included in Affinity's EPDW was greater than the total premium amount included in Affinity's Payment Desk Audit File, resulting in an overstatement of \$48,132.74 in premiums. For the one (1) or more months of 2014 benefit year enrollment in six (6) QHPs, the total net enrollment in the EPDW was understated by eleven thousand, four hundred and eighty-one (11,481) enrollment groups and overstated by one hundred and thirty-eight (138) members.</p>

Finding No. 1 and Observation No. 1 – EPDW Validations	
Criteria:	<p>Pursuant to CMS guidance and EPDW submission requirements:</p> <p>The “Total APTC amount by QHP ID for effectuated enrollments” submitted on the EPDW is the “total APTC toward the total premium amount for effectuated enrollments within a 16-digit QHP ID.”</p> <p>The “Total premium amount by QHP ID for effectuated enrollments” submitted on the EPDW is the “total premium amount for the health coverage for all effectuated enrollments within that plan.”</p>
Cause:	<p>The issuer indicated “Affinity believes the discrepancies are due to timing and retroactivity. Also during this time a system transition was being performed to move eligibility from Dell to Softheon.”</p> <p>It was noted that the issuer reported one (1) enrollment group for all months and QHPs reported in the final EPDW, which resulted in the significant enrollment group differences identified in the condition.</p>
Effect:	The APTC and premium differences resulted in a change to Affinity’s final, restated 2014 benefit year EPDW data.
Corrective Action Required:	<p>The net financial impact of this finding is a payment of \$24,060.98, consisting of APTC owed to CMS. Affinity should confirm the financial impact and coordinate on resolution with CMS.</p> <p>The premium impact of this observation is an overstatement of \$48,132.74 in premiums. CMS notes this observation for purposes of improving compliance in future program years.</p>
Management Response:	Agree

Finding No. 2 and Observation No. 2 – Unreconciled Subscribers Review	
Condition:	Affinity overstated the 2014 benefit year premium amounts and, if applicable, the 2014 benefit year APTC amounts for thirty-seven (37) subscribers in the Payment Desk Audit File by reporting enrollment and payment data for subscribers with coverage that was not effectuated.
Criteria:	Pursuant to New York SBE guidance, “Enrollment is not effectuated until CONTRACTOR receives initial payment of premium, if applicable, from the prospective enrollee and sends a confirmation 834 transaction to the STATE (the “Coverage Effective Date”). Unless

Finding No. 2 and Observation No. 2 – Unreconciled Subscribers Review	
	<p>required otherwise by federal law, CONTRACTOR shall provide a grace period of no less than ten (10) days to Enrollees for their initial premium payment to effectuate coverage. Initial payments received by the 10th of the month in which the initial coverage is in effect shall be considered timely. Contractor will be financially responsible for any claims incurred by Enrollee during the ten (10) day grace period provided that the Enrollee pays the initial premium prior to or during such ten (10) day grace period.”</p> <p>Additionally, pursuant to CMS guidance and EPDW submission requirements, the EPDW should include data for effectuated enrollments where an effectuated enrollment is described as “any enrollment in which the amount the enrollment group is responsible to pay toward the total premium amount has been paid in full by the enrollment group.”</p>
Cause:	<p>The issuer noted the enrollments were not effectuated in their systems. The issuer indicated “Please note that Dell/IKA (Affinity Health Plan's vendor) site has been shut down. As you are aware Affinity exited the QHP market and as such our contract with Dell/IKA.” Additionally, the issuer indicated there was “a learning curve due to the infancy of the QHP enrollment systems with all parties involved along with the State.”</p> <p>The issuer performed an analysis by comparing the full desk audit file against their source of record containing the enrollment and claims universes and identified thirty-seven (37) of the unreconciled subscribers did not exist in their source of record.</p>
Effect:	The inclusion of the thirty-seven (37) non-effectuated enrollments resulted in a change to Affinity’s final, restated 2014 benefit year EPDW data.
Corrective Action Required:	<p>The net financial impact of this finding is a payment of \$10,895.18, consisting of APTC owed to CMS. Affinity should confirm the financial impact and coordinate on resolution with CMS.</p> <p>The premium impact of this observation is an overstatement of \$54,050.67 in premiums. CMS notes this observation for purposes of improving compliance in future program years.</p>
Management Response:	Agree

Finding No. 3 and Observation No. 3 - Duplicate Exchange-assigned Subscriber IDs Check	
Condition:	Affinity overstated the 2014 benefit year premium amounts for twenty (20) subscribers, and overstated the 2014 benefit year APTC amounts for fifteen (15) of those subscribers, in the Payment Desk Audit File by reporting enrollment and full month payment data for the subscribers more than once in the same month. Additionally, Affinity understated the 2014 benefit year APTC amounts for one (1) of the twenty (20) duplicate subscribers.
Criteria:	Issuers cannot request full month payment from CMS for the same subscriber twice within a month.
Cause:	<p>The issuer indicated the following explanations for the twenty (20) duplicate subscribers, where “false” indicates the duplicate record that was reported in the Payment Desk Audit File:</p> <ul style="list-style-type: none"> • “False, plan received a change transaction effective [issuer provided date] which voided the policy ID/APTC amount.” (Five (5) subscribers) • “False, term date is incorrect.” (Five (5) subscribers) • “False plan received the multiple enrollment for 2014 the 1/01/2014 effective date ended 2/28/2014.” (Two (2) subscribers) • “False, plan received a 4/30/2014 termination transaction for policy id.” (One (1) subscriber) • “False, plan received 2 enrollments for this member 1/01/2014-3/31/2014 and 4/1/2014-11/30/2014.” (One (1) subscriber) • “False, Plan received the change transaction with 12/01/2014 effective date APTC amount of \$344.44 was not in effective yet until 12/01/2014.” (One (1) subscriber) • “False plan received a cancellation for plan id APTC \$301.00.” (One (1) subscriber) • “False, QHPSILVER ID effective date was 11/01/2014.” (One (1) subscriber) • “False family change to 2 effective 11/01/2014.” (One (1) subscriber) • “False member has a 9/30/2014 term date.” (One (1) subscriber) • “False, enrollment effective date is wrong.” (One (1) subscriber)
Effect:	The inclusion of the twenty (20) duplicate subscribers resulted in a change to Affinity’s final, restated 2014 benefit year EPDW data.

Finding No. 3 and Observation No. 3 - Duplicate Exchange-assigned Subscriber IDs Check	
Corrective Action Required:	<p>The net financial impact of this finding is a payment of \$19,415.36, consisting of APTC owed to CMS. Affinity should confirm the financial impact and coordinate on resolution with CMS.</p> <p>The premium impact of this observation is an overstatement of \$72,922.55 in premiums. CMS notes this observation for purposes of improving compliance in future program years.</p>
Management Response:	Agree

Finding No. 4 and Observation No. 4 - Forty-five (45) Subscribers Sample Review	
Condition:	Affinity overstated the 2014 benefit year premium and, if applicable, the 2014 benefit year APTC amounts for four hundred and thirteen (413) members, including two (2) of the forty-five (45) selected subscribers, in the Payment Desk Audit File, by reporting extra months of enrollment for which no coverage was provided.
Criteria:	<p>Pursuant to CMS guidance, the issuer must create a single Inbound Payment Desk Audit File consisting of detailed enrollment group effectuated enrollment records (one per enrollment group, per month) with the corresponding payment data.</p> <p>Pursuant 45 CFR § 156.270, a QHP issuer may only terminate enrollment in a QHP through the Exchange as permitted by the Exchange and must follow the transaction rules established by the Exchange in accordance with § 155.430(e) of this subchapter (i.e., termination events).</p>
Cause:	<p>For the two (2) subscribers included in the Forty-Five (45) Subscribers Sample Review with extra months of enrollment reported in the Payment Desk Audit File but for which no premium payments or coverage was provided, the issuer indicated the following:</p> <ul style="list-style-type: none"> For the subscriber with enrollment from January through July in the Payment Desk Audit File, the issuer indicated “the subscriber had coverage from 01/01/2014 - 5/31/2014 with APTC amount of \$214.00” and that there is no eligibility for June and July. The SBE indicated “Enrollment effective 1/1/14 with \$214.00 APTC was terminated effective 5/31/14 for reason of non-payment of premium.”

Finding No. 4 and Observation No. 4 - Forty-five (45) Subscribers Sample Review

- For the subscriber with enrollment from April through July in the Payment Desk Audit File, the issuer indicated “The plan confirms the subscriber had coverage from 4/01/2014 - 6/30/2014. Consumer had no coverage for the month of July.” The SBE indicated “Enrollment effective 4/1/14 with \$292.00 APTC was terminated effective 6/30/14 for reason of non-payment of premium.”

During the audit, CMS coordinated with the issuer to determine whether extra months of enrollment for which no coverage was provided were reported for additional subscribers included in the Payment Desk Audit File. The issuer performed an analysis to determine how many subscribers had extra enrollment reported in the Payment Desk Audit File and the issuer indicated that it “took all members and their corresponding eligibility start and stop dates from the Desk Audit file and checked them against our DWH which is our System of Record (SOR) for Affinity’s current status of their eligibility and paid claims utilization.”

Based on the issuer’s analysis, CMS concluded that the Payment Desk Audit File included extra months of enrollment for four hundred and thirteen (413) members, and therefore resulted in an overstatement of \$440,812.52 in APTC amounts and an overstatement of \$865,452.17 in premium amounts.

The issuer further indicated “The root cause analysis of the discrepancy was determined to be partially due to a learning curve due to the infancy of the QHP enrollment systems with all parties involved along with the State.”

Effect:

The inclusion of the extra months of enrollment for the four hundred and thirteen (413) members resulted in a change to Affinity’s final, restated 2014 benefit year EPDW data.

Corrective Action Required:

The net financial impact of this finding is a payment of \$440,812.52, consisting of APTC owed to CMS. Affinity should confirm the financial impact and coordinate on resolution with CMS.

The premium impact of this observation is an overstatement of \$865,452.17 in premiums. CMS notes this observation for purposes of improving compliance in future program years.

Management Response:

Agree

Observation No. 5 - Fifteen (15) Subscribers Sample Review

Condition:	Affinity provided coverage and reported 2014 benefit year premium and APTC amounts for four (4) of the fifteen (15) selected subscribers in the Payment Desk Audit File, but did not receive premium payments for the last few months of enrollment. The enrollments therefore should have been terminated due to exhaustion of the three (3) month grace period as the enrollments had APTC and all outstanding premiums were not received by the end of the third month.
Criteria:	Pursuant to 45 CFR § 156.270, a QHP issuer must return advance payments of the premium tax credit paid on the behalf of such enrollee for the second and third months of the grace period if the enrollee exhausts the grace period. Additionally, if an enrollee receiving advance payments of the premium tax credit exhausts the 3-month grace period in paragraph (d) of this section without paying all outstanding premiums, the QHP issuer must terminate the enrollee's enrollment through the Exchange on the effective date described in 155.430(d)(4) of this subchapter (i.e., the last day of the first month of the 3-month grace period).
Cause:	<p>The issuer indicated the following explanations for the four (4) subscribers:</p> <ul style="list-style-type: none">• “Based on the payments found, the subscriber should had [sic] term 2/28/2014 due to non-payment. There was a system error and the subscriber was termed 3/31/2014 due to termination transaction received on the 834 for Voluntary Withdrawal.”• “There is only one payment found in the system based on the payments found, member's term date should had been 5/31/2014 due to non-payment. There was a system error and the subscriber was termed 7/31/2014 due to termination transaction received on the 834 for Voluntary.”• “The subscriber was retro termed to 10/31/2014 on 1/02/2015 due to non-payment. It appears that the 10/31/2014 retro termination did not go through in the 834.”• “Based on payments received the subscriber should had been termed 6/30/2014 due non-payment. It appears that there was a system error and the subscriber was termed 8/31/2014 due to Voluntary Withdrawal after the receiving the termination transaction on 8/29/2014.” In addition, the SBE indicated “Enrollment effective 5/1/14 with \$307.00 APTC was terminated effective 8/31/19 for reason of non-payment of premium.” <p>The issuer confirmed that coverage was provided for the extra months of enrollment for each of the four (4) subscribers. Additionally, based</p>

Observation No. 5 - Fifteen (15) Subscribers Sample Review	
	<p>on review of the SBE's PLR data, it was noted that the coverage periods reported in the issuer's Payment Desk Audit File matched the coverage periods reported in the SBE's PLR data for the subscribers.</p> <p>During the audit, CMS coordinated with the issuer to determine whether the issue impacted other enrollments reported in the desk audit file and the issuer indicated "Please note that Dell/IKA (Affinity Health Plan's vendor) site has been shut down. As you are aware Affinity exited the QHP market and as such our contract with Dell/IKA."</p> <p>Additionally, the issuer indicated there was "a learning curve due to the infancy of the QHP enrollment systems with all parties involved along with the State."</p>
Effect:	The issuer did not follow CMS enrollment guidance and requirements as the issuer provided extra months of coverage and did not terminate the enrollments on the last day of the first month of the exhausted three (3) month grace period.
Corrective Action Required:	CMS notes this observation for purposes of improving compliance in future program years.
Management Response:	Agree

V. MANAGEMENT RESPONSES

Please provide management's response to the four (4) findings and five (5) observations identified in the draft audit report and complete the attached Appendix 1 - Issuer Management Response to Net Financial Adjustment (Appendix 1), within thirty (30) calendar days from the draft audit report date. Management's response should indicate agreement or disagreement.

Agreement

If management agrees with the four (4) findings and five (5) observations, complete the "Management Response" field of the findings and observations in the draft audit report, and initial "Agree" and sign the attached Appendix 1. Return the draft audit report including Appendix 1 within thirty (30) calendar days from the draft audit report date. Upon receipt of the signed Appendix 1, CMS will finalize and publish the report on the CCIIO webpage. CMS will process the final payment adjustment amount in the next available monthly payment cycle.

Disagreement

If management disagrees with any of the four (4) findings and corrective actions or any of the five (5) observations, complete the "Management Response" field of the findings and observations in the draft audit report, and initial "Disagree" and sign the attached Appendix 1. Return the draft audit report including Appendix 1 and any supporting documentation that substantiates management's response within thirty (30) calendar days from the draft audit report date. This will be the final opportunity to provide information or supporting documentation to correct any inaccuracies in the report before it is finalized.

CMS will review the written explanations in the "Management Response" field of the findings and observations and any supporting documentation to determine if the report can be amended in a mutually acceptable manner. If you and CMS are unable to come to a mutually acceptable result, your response to this report will be included in the final published audit report.

Please return the updated Appendix 1 within fifteen (15) calendar days. Upon receipt of the signed Appendix 1, CMS will finalize and publish the report on the CCIIO webpage. CMS will process the final payment adjustment amount in the next available monthly payment cycle.

Appendix 1 – Issuer Management Response to Net Financial Adjustment

Issuer HIOS ID: 57165

Issuer Name: Affinity Health Plan (Affinity)

The undersigned Chief Executive Officer (CEO), Chief Financial Officer (CFO) or other individual who can legally and financially bind this issuer has reviewed the information included in the audit report of the issuer's 2014 benefit year APTC program participation, resulting in a payment of \$495,184.04 to CMS and:

(INITIAL) CMH Agrees with the audit net adjustment amount above, confirming the audit finding(s) and observation(s), if applicable, and as such this report will be considered final and published.

OR

(INITIAL) _____ Disagrees and requests a review of additional information that may impact the audit net adjustment amount resulting from the 2014 benefit year audit. If review is requested, CMS will consider this draft only a preliminary audit report. If the review option is selected, you must provide a written explanation with any additional documentation when you return this response within thirty (30) calendar days of the date of this draft audit report. CMS will review the written explanation and any supporting documentation to determine if the report can be amended in a mutually acceptable manner. If you and CMS are unable to come to a mutually acceptable result, your response to this report will be included in the final published audit report.

Signed: _____

Clara M. Hansen

(Signature of authorized person acting on behalf of the issuer)

Printed Name: Clara Hansen

(Print name of signature)

Title: Executive Director

(Title of authorized person acting on behalf of the Issuer)

Telephone Number: 347 831-1657

(Direct Telephone Number)

Date: April 19, 2022

Appendix 2 – Applicable Regulations

The following table identifies the specific regulatory requirements around which CMS has organized its audits.

Regulation	Rules
45 CFR § 155.1210 – Maintenance of Records	<p>(a) General. The State Exchange must maintain and must ensure its contractors, subcontractors, and agents maintain for 10 years, documents and records (whether paper, electronic, or other media) and other evidence of accounting procedures and practices, which are sufficient to do the following:</p> <ul style="list-style-type: none">(1) Accommodate periodic auditing of the State Exchange's financial records; and(2) Enable HHS or its designee(s) to inspect facilities, or otherwise evaluate the State- Exchange's compliance with Federal standards. <p>(b) Records. The State Exchange and its contractors, subcontractors, and agents must ensure that the records specified in paragraph (a) of this section include, at a minimum, the following:</p> <ul style="list-style-type: none">(1) Information concerning management and operation of the State Exchange's financial and other record keeping systems;(2) Financial statements, including cash flow statements, and accounts receivable and matters pertaining to the costs of operations;(3) Any financial reports filed with other Federal programs or State authorities;(4) Data and records relating to the State Exchange's eligibility verifications and determinations, enrollment transactions, appeals, and plan variation certifications; and(5) Qualified health plan contracting (including benefit review) data and consumer outreach and Navigator grant oversight information. <p>(c) Availability. A State Exchange must make all records and must ensure its contractors, subcontractors, and agents must make all records in paragraph (a) of this section available to HHS, the OIG, the Comptroller General, or their designees, upon request.</p>

Regulation	Rules
<p>45 CFR § 156.460 - Reduction of enrollee's share of premium to account for advance payments of the premium tax credit</p>	<p>(a) Reduction of enrollee's share of premium to account for advance payments of the premium tax credit. A QHP issuer that receives notice from the Exchange that an individual enrolled in the issuer's QHP is eligible for an advance payment of the premium tax credit must—</p> <p>(1) Reduce the portion of the premium charged to or for the individual for the applicable month(s) by the amount of the advance payment of the premium tax credit;</p> <p>(2) Notify the Exchange of the reduction in the portion of the premium charged to the individual in accordance with § 156.265(g); and</p> <p>(3) Include with each billing statement, as applicable, to or for the individual the amount of the advance payment of the premium tax credit for the applicable month(s), and the remaining premium owed.</p>
<p>45 CFR § 156.480 - Oversight of the administration of the cost-sharing reductions and advance payments of the premium tax credit programs.</p>	<p>(a) Maintenance of records. An issuer that offers a QHP in the individual market through a State Exchange must adhere to, and ensure that any relevant delegated entities and downstream entities adhere to, the standards set forth in § 156.705 concerning maintenance of documents and records, whether paper, electronic, or in other media, by issuers offering QHPs in a Federally-facilitated Exchange, in connection with cost-sharing reductions and advance payments of the premium tax credit.</p> <p>(b) Annual reporting requirements. For each benefit year, an issuer that offers a QHP in the individual market through an Exchange must report to HHS, in the manner and timeframe required by HHS, summary statistics specified by HHS with respect to administration of cost-sharing reduction and advance payments of the premium tax credit programs, including any failure to adhere to the standards set forth under § 156.410(a) through (d), § 156.425(a) through (b), and § 156.460(a) through (c) of this Part.</p> <p>(c) Audits. HHS or its designee may audit an issuer that offers a QHP in the individual market through an Exchange to assess compliance with the requirements of this subpart.</p>

Regulation	Rules
<p>45 CFR § 156.705 – Maintenance of records for Federally-facilitated Exchanges</p>	<p>(a) General standard. Issuers offering QHPs in a Federally-facilitated Exchange must maintain all documents and records (whether paper, electronic, or other media) and other evidence of accounting procedures and practices, necessary for HHS to do the following:</p> <p>(1) Periodically audit financial records related to QHP issuers' participation in a Federally-facilitated Exchange, and evaluate the ability of QHP issuers to bear the risk of potential financial losses; and</p> <p>(2) Conduct compliance reviews or otherwise monitor QHP issuers' compliance with all Exchange standards applicable to issuers offering QHPs in a federally-facilitated Exchange as listed in this part.</p> <p>(b) Records. The records described in paragraph (a) of this section include the sources listed in § 155.1210(b)(2), (3), and (5) of this subchapter.</p> <p>(c) Record retention timeframe. Issuers offering QHPs in a Federally-facilitated Exchange must maintain all records referenced in paragraph (a) of this section for 10 years.</p> <p>(d) Record availability. Issuers offering QHPs in a Federally-facilitated Exchange must make all records in paragraph (a) of this section available to HHS, the OIG, the Comptroller General, or their designees, upon request.</p>

Appendix 3 – Glossary of Terms and Acronyms

Terms & Acronyms	Definition
APTC	Advance Payments of the Premium Tax Credit
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CMS	Centers for Medicare & Medicaid Services
CSR	Cost-sharing Reduction
EPDW	Enrollment and Payment Data Workbook
GAGAS	Generally Accepted Government Auditing Standards
HHS	Department of Health and Human Services
HIOS	Health Insurance Oversight System
IRS	Internal Revenue Service
PPACA	Patient Protection and Affordable Care Act
PLR	Policy-level Reporting
QHP	Qualified Health Plan
SBE	State-based Exchange
TIN	Tax Identification Number