



Date: February 20, 2013
From: Center for Consumer Information and Insurance Oversight
Title: Frequently Asked Questions
Subject: State evaluation of plan management activities of health plans and issuers

Q1: Can a state evaluate whether health plans and issuers meet certification standards and conduct other specified plan management activities as a part of its established regulatory role and in connection with market reform standards without submitting a Blueprint?

A1: Yes. An interested State should submit to HHS a letter as soon as possible from its Governor or Commissioner of Insurance attesting that the State will perform all the plan management activities listed in Section 4.0 of the Blueprint in time for the 2013 QHP selection process. This letter also should include specific attestations that the State will: (1) have the legal authority and operational capacity to conduct the plan management activities required to support certification of QHPs, as described in 45 CFR 155.1010(a); (2) collect and analyze information on plan rates, covered benefits, and cost-sharing requirements pursuant to 45 CFR 155.1020; (3) help ensure ongoing plan compliance and resolve consumer complaints described in 45 CFR 155.1010(a)(2); (4) provide issuer technical assistance as needed; (5) help manage decertification of issuers and associated appeals in compliance with 45 CFR 155.1080; and (6) participate in a one-day review of its operational plans and capacity to perform these functions.

After receiving this letter and completing a review, HHS will initiate a process under which it may rely on the state's recommendations that health plans meet QHP certification requirements. This process would likely involve a written understanding between the state and HHS, in addition to any Agreement under which § 1311(a) grant funds are provided. Assuming a state continues to act in accordance with its attestations, HHS would continue to rely on its recommendations with regards to Exchange specific requirements for QHPs, for example, anti-discrimination and network adequacy. HHS will maintain its responsibility for ensuring that QHPs meet all QHP certification standards.

Finally, a state is eligible to apply for an Exchange Establishment Grant, consistent with the guidance set forth in the Funding Opportunity Announcement, to fund these activities. If a state does apply, it is agreeing to participate in the review, reporting, and technical assistance programs associated with oversight of these Establishment Grants and to ensure appropriate use of grant funds and effective performance of the required plan management activities.