

To: All Insurers of Student Health Insurance Plans¹ in North Carolina

From: Life & Health Division

Date: April 23, 2019

Re: Student Health Insurance

Submission of 2019/20 School Year Regulatory Submissions

Pursuant to NCGS §§58-3-150 and 58-51-85, all blanket policy forms, certificates and rates must be submitted to the Department for our review and prior approval. Insurers of student health insurance plans must submit their 2019/20 school year insurance policy forms (including certificates or other summaries of coverage issued to students) and their rates along with an actuarial memorandum explaining the development of the rates, for the Department's review and, as appropriate, prior approval.

- Insurers will NOT be required to submit a SERFF Plan Binder for the 2019/20 school year insurance plans.
- Insurers are expected to make regulatory submissions relating to their student health business to NCDOI to seek prior approval of the insurance forms (or amendments thereto) and/or rates, as applicable, that will be used with the 2019/20 school year. **If an insurer does not intend to submit a form filing (to seek approval of a new policy/certificate or to amend a previously approved form), then all required documentation noted below should be submitted either in the rate filing or in an informational "form" filing.**
- Insurers are requested to make a rate filing submission to NCDOI reflecting the rates for student health insurance for the 2019/20 school year. In some cases, insurers are required to seek NCDOI's prior approval of such rates, and such prior approval requirements still apply.
- Insurers should make clear in any regulatory submission pertaining to student health insurance coverage that the forms and/or rates are for use in that market.

¹ As defined in 45 CFR § 147.145(a)

- NCDOI has confirmed with CMS/CCIIO that student health insurance for the 2019/20 academic year must comply with the 2014-2016 EHB Benchmark plan. Insurers can review that NC EHB Benchmark information at the following links:
<http://www.ncdoi.com/HealthCareReform/Documents/HealthCareReform/NC%20EHB%20Benchmark%20Plan%20BCBSNC%202012%20Blue%20Option%20Plan%20Document.pdf>

AND

<http://www.ncdoi.com/HealthCareReform/Documents/HealthCareReform/CCIIO%20Summary%20Info%20and%20Template%20for%20NC%20EHB%20Benchmark%20Plan%20with%20Updated%20Rx%20Drug%20Count.pdf>

- Insurers are REQUIRED to submit a copy of the NCDOI Student Health 16-17 EHB Crosswalk with their form filing* which facilitates the Department’s review of your forms with the benefits required to be included in the plan as part of Essential Health Benefits. The crosswalk can be located in the SERFF Filing Requirements for Student Health submissions.
- Student Health regulatory submissions should use ONLY the following TOI and sub-TOI for their submissions in SERFF.

TOI	Sub-TOI
H22 Student Health Insurance	H22.000 Student Health Insurance

ANY ACA STUDENT HEALTH INSURANCE RELATED SUBMISSION WHICH UTILIZES H04 AND H04.001 WILL BE REJECTED.

- While recent guidance issued by CMS/CCIIO in the HHS Notice of Benefit and Payment Parameters for 2017 provides that student health insurance plans no longer need to meet an AV metal level, insurers are REQUIRED to submit screen shots from the 2016 Plan Year AV calculator for each distinct plan (usually on a school or system basis) of student health insurance coverage issued/renewed in NC for the 2019/20 school year to demonstrate compliance with the 60% minimum value requirement. The screen shots should be submitted in the 2019/20 rate filing(s) and added to the Supporting Documentation tab in SERFF. Additionally, insurers are REQUIRED to include a certification from an actuary that all the 2019/20 student health plans in NC will meet the minimum value requirements for student health insurance in 45 CFR §147.145(b)(2).
- Insurers are REQUIRED to submit an explanation of how they comply with the provisions relating to the rating of student health insurance coverage found in the federal ACA Health Insurance Market Rules issued in the federal register on February 27, 2013 (also

known as CMS-9972-F) AND the HHS Notice of Benefit and Payment Parameters for 2017 issued in the federal register on March 8, 2016. Specifically, an actuarial certification that the rates for each student health “group” are structured “to comply with ‘school-specific group community rating’ as outlined in 45 CFR §147.145(b)3)” OR “to comply with the applicable premium rating requirements of Section 2701 of the ACA, including use of the federal age curve and NC’s rating areas.”

Insurers should review the preamble to the final HHS Notice of Benefit and Payment Parameters for 2019, Federal Register, Vol. 83, No. 74, April 17, 2018 for information on single-risk pool requirements related to student health insurance rating. NCDOI will confirm that all student health insurance rate submissions comply with that guidance as well as any previously issued guidance from CMS/CCIIO and/or NCDOI.

- ***Insurers who have previously received approval from NCDOI relating to retrospective premium agreements and/or minimum premium arrangements for use with their student health insurance plans in NC are requested to contact NCDOI as soon as possible to discuss such rating and its continued use in light the federal guidance noted above and recent discussions with CMS/CCIIO surrounding this issue.***
- Insurers should note that the Final HHS Notice of Benefits and Payment Parameters for 2019 exempted student health insurance coverage from the Federal rate review process; therefore, insurers are no longer required to submit the Preliminary Justification in the federal Rate Review Justification (RRF) module of HIOS for student health plans. The Preliminary Justification must be submitted to the federal system AND to the State for all proposed rate increases that are 10% or greater.
- However, insurers are still REQUIRED to submit with ALL 2019/20 school year rate filings, a demonstration of the threshold calculation, on a product level basis, which is certified by an actuary.
- Insurers are REQUIRED to submit a completed federal prescription drug template in order that NCDOI can confirm compliance with the Essential Health Benefits benchmark and drug list. The template for the 2019 Plan Year can be accessed from NCDOI’s website. Note the template will be the same as the federal template from the 2019 Plan Year but which is no longer accessible from the federal QHP webpage.

Insurers should submit the completed template in the Excel format and place it on the SERFF Supporting Documentation tab for the company’s form filing*. The insurer should also submit completed federal justification documents as applicable and place those on the SERFF Supporting Documentation Tab.

- Insurers are REQUIRED to submit an attestation as part of their form filing* that the pediatric dental benefit provided as part of essential health benefits in the student

health insurance plans matches the benefits of the federal FEDVIP High Option as provided in EHB guidance issued by CCIIO.

(<http://www.cms.gov/CCIIO/Resources/Data-Resources/Downloads/north-carolina-ehb-benchmark-plan.pdf>) . The attestation should be added on the SERFF Supporting Documentation Tab and indicate the following

(COMPANY) hereby certifies that its applicable plans provide benefits and limitations on coverage for the Pediatric Dental Benefit that are substantially equal to those covered by the Largest FEDVIP Dental plan as of March 31, 2012, i.e. the MetLife Federal Dental Plan—High plan. The plans that Company offers will comply with all benefit design standards and state and federal regulations and laws for the pediatric dental benefit, as applicable.

I understand and agree that should a plan be found to not comply with the pediatric dental benefit as noted above, (COMPANY) will make all necessary amendments to plans, policy forms, and rates to bring the benefit into compliance.

- Insurers are REQUIRED to submit an attestation as part of their form filing* of compliance with the federal Mental Health Parity and Addiction Equity Act and add it to the Supporting Documentation Tab in SERFF as follows:

(COMPANY) hereby certifies that the benefits across all of the following categories in ALL plans (including cost sharing variations) comply with federal Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and any regulations issued thereunder, including with regard to financial requirements and treatment limitations. The categories are: Inpatient (in and out of network), Outpatient (in and out of network), Emergency Care, and Prescription Drugs.*

I understand and agree that should a plan be found to not comply with MHPAEA as noted above, COMPANY will make all necessary amendments to plans, policy forms, and rates to bring the benefit into compliance.

Updates to 2019/20 School Year Plans under the ACA

- Pursuant to the HHS Notice of Benefits and Payment Parameters for 2019 issued on April 17, 2018 the cost-sharing maximums applicable for the 2019/20 Academic School Year are:

\$7,900 for self-only coverage

\$15,800 for other than self-only coverage

- As noted above, student health insurance coverage for the 2019/20 academic year shall comply with the 2014-2016 EHB Benchmark plan. The new 2017 Benchmark plan will not apply to student health insurance until the 2017/2018 academic year.
- Pursuant to 45 CFR §147.130 a health insurer offering insurance in the individual health insurance market must provide coverage for preventive health services as referenced in the regulation without any cost-sharing requirements. Additionally, an insurer must provide coverage for changes in the list of recommendations or guidelines for policy years that begin on or after the date that is one year after the date the recommendation or guideline is issued.
- Pursuant to amendments to 45 CFR §147.145 adopted under the final HHS Notice of Benefit and Payment Parameters for 2017, student health insurance plans shall meet a minimum actuarial value of 60% but no longer must be a specific AV metal level. Additionally, pursuant to the same regulation, student health insurance rates must comply with the provisions of sub-subsection (b)(3) of the regulation.

Any questions relating to this memo should be directed to the attention of Rosemary C. Gillespie at rosemary.gillespie@ncdoi.gov or 919-807-6070.

If an insurer does not intend to submit a form filing for the 2019/20 school year, then the required templates and attestations should be attached to the requested/required rate filing referred to in the second bullet above **OR the documents should be submitted in an informational “form” filing made through SERFF.*