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## MEMORANDUM

**TO:** Issuers of Individual and Small Group Health Insurance Coverage, Issuers of Student Health Plans, and Issuers of Exchange-certified Stand-Alone Dental Coverage

**FROM:** Kendall Buchanan  
Deputy Director of Market and Consumer Services

**SUBJECT:** Filing Timeline for Plan/ Policy Years Beginning in 2021  
Guidance for Student Health Plans

**DATE:** March 26, 2020

### I. PURPOSE

The purpose of this memorandum is to set forth filing timelines for issuers wishing to offer non-grandfathered health insurance coverage or coverage of pediatric dental services under Exchange-certified Stand-Alone Dental Plans pursuant to the Patient Protection and Affordable Care Act's (ACA) 2014 Market Reforms with plan or policy years beginning in calendar year 2021. It is specific to any such coverage offered in the individual or small group market as defined under South Carolina law and as amended via Bulletin 2011-11<sup>1</sup>. Hereafter, these policies are referred to as 2021 Plans and 2021 SADPs, respectively. It also reiterates previously-issued guidance for issuers wishing to offer student health insurance coverage. Hereafter, such coverage is referred to as Student Health Plans or SHPs.

### II. FILING TIMELINES FOR 2021 PLANS AND 2021 SADPs

While the State of South Carolina has a Federally-facilitated Marketplace (FFM), this Department retains responsibility for the review and approval of forms and rates for 2021 Plans and 2021 SADPs sold on and off the FFM.

The proposed federal timelines published by the Center for Consumer Information and Insurance Oversight (CCIO) are summarized in the [Proposed Key Dates for Calendar Year 2020](#) (January 21, 2020) and the [Draft 2021 Letter to Issuers in the Federally-facilitated Exchanges](#) (January 21, 2020). The initial QHP application submission deadline is listed as June 17, 2020. The final deadline for

<sup>1</sup>This guidance does not apply to non-grandfathered health insurance coverage that does not comply with the 2014 Market Reforms, commonly referred to as "grandmothered" plans, that may be renewed under the transitional policy as most recently extended via SCDOI Bulletin 2020-01.



submission of QHP application data is August 19, 2020. This is the same deadline by which issuers must finalize all rate filings that contain QHPs in the federal Unified Rate Review (URR) System. For those issuers that are seeking to write 2021 Plans strictly outside of the FFM or FF-SHOP, the URR deadline is October 15, 2020. These proposed federally-imposed deadlines are the basis for the filing timeline summarized below. We will adjust our filing timeline if needed once the final federal deadlines are published.

We are requesting that issuers submit filings for 2021 Plans and 2021 SADPs by the following dates:

Health Insurance Issuers Seeking QHP Certification (excluding SADPs)

QHP Application Deadline:	June 17, 2020
<b>Submit Rate/ Form Filing in SERFF by:</b>	<b>June 22, 2020</b>
<b>Submit Binder in SERFF Plan Management by:</b>	<b>June 22, 2020</b>
Submit Rate Filing Justification in URR Module by:	June 22, 2020 <sup>2</sup>
SERFF/ URR System Dispositions Deadline:	August 19, 2020 at 3:00 p.m. EDT
State QHP Certification Recommendations Due:	September 23, 2020

Dental Issuers Seeking SADP Certification (including SADPs that will be offered strictly outside of the FFM and/or FF-SHOP)

QHP Application Deadline:	June 17, 2020
<b>Submit Rate/ Form Filing in SERFF by:</b>	<b>June 29, 2020</b>
<b>Submit Binder in SERFF Plan Management by:</b>	<b>June 29, 2020</b>
SERFF Dispositions Deadline:	August 19, 2020
State QHP Certification Recommendations Due:	September 23, 2020

Health Insurance Issuers Writing Solely Outside of the FFM

<b>Submit Rate/ Form Filing in SERFF by:</b>	<b>July 15, 2020</b>
<b>Submit Binder in SERFF Plan Management by:</b>	<b>July 15, 2020</b>
Submit Rate Filing Justification in URR Module by:	July 15, 2020 <sup>3</sup>
SERFF/ URR System Dispositions Deadline:	October 15, 2020 at 3:00 p.m. EDT

*Open Enrollment for 2021 Plans:* November 1, 2020 – December 15, 2020

### III. FILING REQUIREMENTS FOR 2021 PLANS & 2021 SADPs

As previously indicated, the Department started with the federally-imposed deadlines to determine the length of time that may be necessary to complete the rates and forms filing review process. Our goal continues to be to provide issuers with the maximum amount of time possible in order to develop their filings in an effort to get better quality, more complete submissions at the beginning of the process. This is in keeping with our commitment to improving the review process each year.

With that in mind, we ask that issuers be mindful of the following relative to the upcoming filing period:

- Filings cannot be reviewed until the associated binder is also submitted.
- The Department will only accept **one filing per 2021 Plan/SADP issuer per market segment**.
- The Department will provide two weeks for issuers to respond to objections until approximately 30 days prior to the federally-imposed disposition deadlines. At that time,

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<sup>2</sup> The federal deadline is July 24, 2020, but 45 CFR 154.220(b) requires issuers to submit rate information by the earlier of: (a) the State's deadline or (b) the date specified by the Secretary of HHS.

<sup>3</sup> *Id.*

response timeframes will be limited to one week. Extensions will not be granted unless there is an extraordinary circumstance.

- Prior to filing, issuers should review all objections and requests from prior years and current filing should be updated accordingly.
- The new filing exhibits introduced in 2019, the Actuarial Memorandum Dataset supplement and the Self-Compliance Tool for Mental Health Parity and Addiction Equity Act (MHPAEA), will be required again this year. Please review the 2020 Filing Requirements (for 2021 Plans) chart that will be published within the coming weeks on our website.
- The Transparency in Coverage Template is new this year and will be required by CMS and the Department.
- The Department will publish additional guidance, including the aforementioned chart of filing/ binder submission requirements, on its LA&H webpage under the PPACA Resources heading, which may be accessed at [doi.sc.gov/lah](https://doi.sc.gov/lah).
- The information in this Memorandum is based on the Draft 2021 Letter to Issuers. If the Final Letter to Issuers contains different information, the Department will issue additional guidance. Please check our [website](#) often for the latest updates.

#### IV. STUDENT HEALTH PLANS

Student Health Plans (SHPs) are exempt from the federal rate review requirements beginning with coverage effective on or after July 1, 2018. However, under S.C. law, blanket coverage is subject to Article 3 of Chapter 71 (the individual market requirements); thus, the rates are subject to prior approval by the S.C. Department of Insurance. See S.C. Code §38-71-1020 and S.C. Code §38-71-310. The forms for SHPs are exempt from prior approval. However, the company must still submit a filing prior to use of the exempt form(s) and, annually thereafter, must provide the SCDOI with a complete listing of exempt form(s) that are in use. See SCDOI Bulletin 2003-13. Accordingly, issuers are reminded that they should submit their filings as expeditiously as possible in order to provide this agency with sufficient time to review and dispose of the forms rates associated with student health insurance coverage. **Such filings should be submitted no later than 90 days in advance of the proposed effective date of coverage.** The Department will be updating its additional guidance specific to SHP issuers, including a chart of filing requirements, in the near future. This information will be available on the LA&H webpage under the PPACA Resources heading.

#### V. QUESTIONS

Issuers should regularly check the LA&H webpage ([doi.sc.gov/lah](https://doi.sc.gov/lah)) over the coming weeks for additional materials relative to the filing and review process. Please note that all materials will be listed under the PPACA Resources heading.

Questions regarding this notice, the filing process, or any related filing materials should be submitted via email to [lahmail@doi.sc.gov](mailto:lahmail@doi.sc.gov) and include the company name and primary point of contact (with phone number and email address) for follow up.