



MEMORANDUM

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

FROM: Michael Wise
Acting Director and Deputy Director, Office of Actuarial and Market Services

SUBJECT: Rates & Forms Filing Timeline for Plan & Policy Years Beginning in 2023

DATE: May 17, 2022

I. PURPOSE

This memorandum details the filing timelines for issuers offering:

- individual or small group¹ non-grandfathered health insurance coverage²; or
- coverage of pediatric dental services under Exchange-certified Stand-Alone Dental Plans (SADPs).

It applies to coverage with plan or policy years beginning in calendar year 2023. Hereafter, these policies are referred to as 2023 Plans and 2023 SADPs, respectively.

II. FILING TIMELINES FOR 2023 PLANS AND 2023 SADPs

South Carolina has a Federally-facilitated Marketplace (FFM). However, this Department retains responsibility for the review and approval of forms and rates for 2023 Plans and 2023 SADPs sold on and off the FFM.

The Center for Consumer Information and Insurance Oversight (CCIIO) sets QHP application and single risk pool rate submission timelines annually, which are summarized in the [Key Dates for Calendar Year 2022: Qualified Health Plan \(QHP\) Data Submission and Certification; Rate Review; and Risk Adjustment](#) (posted by CMS on March 28, 2022).

¹As defined under South Carolina law and as amended via SCDOI Bulletin 2011-11.

²This 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 by CMS in their Insurance Standards Bulletin Series dated March 23, 2022.



These federally-imposed deadlines are the basis for the filing timeline summarized on the following page. We are requesting that issuers submit filings for 2023 Plans and 2023 SADPs by the following dates:

Health Insurance Issuers Seeking QHP Certification (excluding SADPs)

QHP Application Deadline:	June 15, 2022 <u>at 1:00 p.m. ET</u>
Submit Rate/ Form Filing in SERFF by:	June 15, 2022
Submit Binder in SERFF Plan Management by:	June 15, 2022
Submit Rate Filing Justification in URR Module ⁵ by:	June 15, 2022 ³
SERFF/ URR ⁵ System Dispositions Deadline:	August 17, 2022 <u>at 3:00 p.m. ET</u>
State QHP Certification Recommendations Due:	September 21, 2022

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

QHP Application Deadline:	June 15, 2022
Submit Rate/ Form Filing in SERFF by:	June 15, 2022
Submit Binder in SERFF Plan Management by:	June 15, 2022
SERFF Dispositions Deadline:	August 17, 2022
State QHP Certification Recommendations Due:	September 21, 2022

Health Insurance Issuers Writing Solely Outside of the FFM

Submit Rate/ Form Filing in SERFF by:	July 15, 2022
Submit Binder in SERFF Plan Management by:	July 15, 2022
Submit Rate Filing Justification in URR Module by:	July 15, 2022 ⁴
SERFF/ URR ⁵ System Dispositions Deadline:	October 17, 2022 <u>at 3:00 p.m. EDT</u>

Open Enrollment for 2023 Plans begins: November 1, 2022

III. FILING REQUIREMENTS FOR 2023 PLANS & 2023 SADPs

Our goal continues to be to provide issuers with the maximum amount of time possible to develop their filings to get better quality, more complete submissions at the beginning of the process.

With that in mind, we ask that issuers be mindful of the following items 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 2023 Plan/SADP issuer per market segment**.
- The Department will provide two weeks for issuers to respond to initial objections on rate objections and one week on form objections. Approximately 30 days prior to the federally-imposed disposition deadlines, response timeframes will be limited to one week or less in some cases. Extensions will not be granted unless there is an extraordinary circumstance.
- Prior to filing, issuers should review **all objections and requests from prior years**. The current filing should be amended accordingly to expedite the review of the filing.

³ The federal deadline is July 20, 2022, 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.

⁴ *Id.*

⁵ A rate filing that is filed through the NAIC's System For Electronic Rates & Forms Filing (SERFF) and automatically uploaded to the URR module of HIOS will be considered as filed with CMS.

- Only one set of rates should be submitted in the filing. These rates should reflect the current law and assume that expanded subsidies approved under the American Rescue Plan of 2021 will expire at the end of the 2022.
- Please review the 2022 Filing Requirements (for 2023 Plans) chart on our website. There are several changes, updates, and new requirements for PY 2023. It is imperative that the most recent guidelines are followed to maintain accuracy and completeness of the filing. We have addressed a few important changes below:
 - Issuers are required to offer a standardized plan for each product network type at every metal level throughout every service area in which the issuer offers non-standardized QHP options. The standardized plans were outlined in the PY 2023 Final Letter to Issuers. We have added the Standardized Plan Design chart to our website, which can be accessed by [clicking here](#).
 - CMS will be evaluating network adequacy for PY 2023. Further guidance on this is pending and will be released at a later date.
 - South Carolina has implemented limitations on plan marketing names to avoid confusion to the consumer when reviewing plans. Plan marketing names will be required to be limited to the name of the plan (which may include the metal level) and the deductible amount. For silver plans, we will allow the cost sharing level to be included. No benefit information will be allowed in the marketing name.
 - The URRT Tab will now populate in SERFF for major medical filings. The URRT Template, Actuarial Memoranda (full and redacted), and the Consumer Justification Narrative will be uploaded under this tab in SERFF.
- The Consolidated Certificate of Compliance and the High-Level Summary documents have been updated for PY 2023. Please review our website for the updated documents and submit them in the filing accordingly. Previous versions of these documents will not be accepted.
- New issuers for PY 2023 will need to submit the 2021 Consolidated Appropriations Act/No Surprises Act Certification that is found in [SC Bulletin 2021-09](#). Please note that this certification is due annually for all issuers by February 1 of each year.
- The Department will publish additional guidance as necessary on its LA&H webpage under the PPACA Resources heading, which may be accessed at doi.sc.gov/lah.
- The information in this Memorandum is based on the Final Key Dates for Calendar Year 2022 and the 2023 Final Letter to Issuers. Please check our [website](#) often for the latest updates.

IV. QUESTIONS

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

Questions should be submitted via email to lahmail@doi.sc.gov and include the company name and primary point of contact (with phone number and email address).