

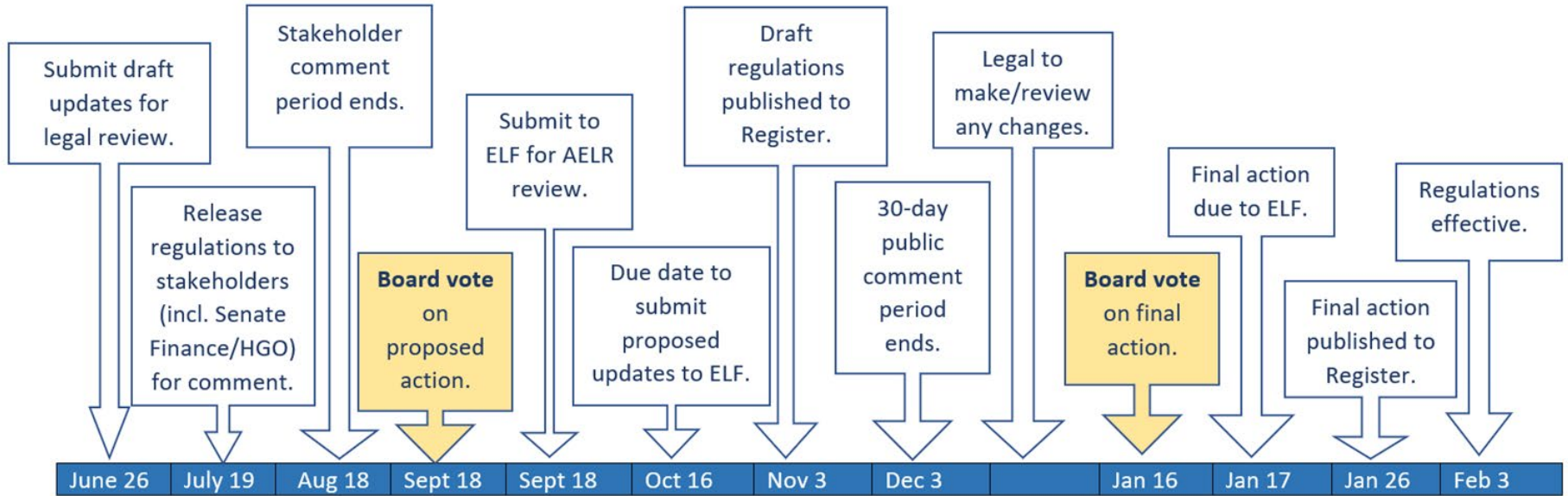
# Federal Conformity and Policy Final Regulations

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Johanna Fabian-Marks, Director of Policy & Plan Management

January 16, 2024

# Timeline



# Proposed Regulatory Changes: Federal Conformity Updates

- ✓ Clarify: dependents remain in household plan until end of PY in which they turn 26
- ✓ Give consumers two years (up from one) to resolve failure to file and reconcile taxes
- ✓ Increase number of Essential Community Providers carriers must contract with to 35%
- ✓ Clarify that plan variant marketing names must be correct and not misleading
- ✓ Establish a timeliness standard for notices of payment delinquency
- ✓ Renewals - Consider plan network in crosswalked plans

# Proposed Regulatory Changes: SEP Updates

- ✓ **Loss of Minimum Essential Coverage**
  - Option to allow people to enroll 1st of the month in the month the coverage is lost
- ✓ **Loss of Medicaid/CHIP coverage**
  - Increase to 90 day SEP (currently 60)
- ✓ **Plan Display Errors**
  - Remove the burden currently on consumers to demonstrate this error

# Proposed Regulatory Changes: MHBE Policy Proposals

- ✓ Limit number of plans per carrier per metal level to 3 starting in PY 2025 (2022 Affordability Workgroup Recommendation)
  - Original proposal applied to Individual and Small Group markets; final proposal applies only to Individual market. Following public comment, staff recommend continuing to allow 4 plans per metal level in the small group market.

# Comments

Commenter	Comment	MHBE Response
Aetna (written)	Notes that they will need to drop one currently offered Silver Plan due to the proposed limit of 3 plans per metal level and points out there will be an impact to members when one plan is discontinued. Requests that MHBE allow carriers to offer an additional plan if adult vision and dental are embedded (CMS allows this federally).	MHBE considers the benefit of limiting the number of plans on-Exchange overall to outweigh the one-time inconvenience of crosswalking some consumers to new plans. MHBE does not plan to allow exceptions to the 3 plans per metal level limit in the Individual market. MHBE recommends continuing to allow 4 plans per metal level in the small group market.
Aetna (written)	Requests that MHBE keep 30% ECP threshold. Believes MD ECP list is more granular than CMS ECP list.	MD's ECP list is not significantly more granular than the Federal list. MHBE recommends finalizing the 35% threshold.
Kaiser (verbal)	Requests that MHBE continue to allow 4 plans per metal level in the small group market.	MHBE recommends continuing to allow 4 plans per metal level in the small group market.

# Next Steps

If the Board votes to adopt the regulations, as proposed:

- Notice of Final Action and Final Regulations will be published in the January 26, 2024 Issue of the Maryland Register.
- Regulations will be final on February 4, 2023.

# Request for Approval of Final Regulatory Updates and Authorization to Submit for Publication

MOTION: I move to [approve/defer/reject] the final regulations as presented, and authorize MHBE to submit the final regulations [as presented/as amended] to the Department of Legislative Services for publication in the Maryland Register on January 26, 2024, to go into effect on February 3, 2024.