Letter to Issuers

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New Mexico Health Insurance Exchange
7601 Jefferson St. NE, Suite 120
Albuquerque, NM 87109
www.beWellnm.com

The New Mexico Health Insurance Exchange (NMHIX), also known as beWellnm, in collaboration with the New Mexico Office of Superintendent of Insurance (OSI), is releasing this 2022 Letter to Issuers participating in New Mexico's state-based exchange for Plan Year (PY) 2022. This letter is issued alongside and incorporates guidance from the Centers for Medicare & Medicaid Services (CMS) 2022 Letter to Issuers in the Federally-facilitated Exchanges. See https://www.cms.gov/files/document/py2022-qhp-data-submission-and-certification-timeline-bulletin.pdf for more information.

This letter provides operational and technical guidance for the 2022 Plan Year for issuers seeking to offer qualified health plans (QHPs), including stand-alone dental plans (SADPs), on the exchange ("beWellnm Platform").[1] It contains guidance provided by CMS and OSI to ensure compliance with the New Mexico Administrative Code (NMAC), the NM Insurance Code (§59A NMSA 1978) and the Code of Federal Regulations (CFR). During the 2021 transition year, carriers should refer to this letter, as well as OSI and CMS guidance, to help them successfully participate on the beWellnm Platform in Plan Year 2022.

To the extent that this guidance summarizes policies proposed through other rulemaking processes that have not yet been finalized, such as the rulemaking process for the federal 2022 Payment Notice Proposed Rule, stakeholders should comment on those underlying policies through the ongoing rulemaking processes, not to the email address provided here. Questions about this letter may be sent to SBE-Transition@nmhix.com. Please organize your questions by Chapter and Section, and include "Question about Letter to Issuers" in the subject line.

Revision History

Date	Chapter	Section	Summary of changes
4/21/21	Throughout		Clarified use of term for "beWellnm Platform"
	1	1	Provided additional information about "early bird submission"
	1	1	Clarified plan withdrawal process
	1	3	Provided additional information about beWellnm's Plan Management Portal and process
	1	4	Updated Table 2. Key Dates for QHP Data Changes
	1	4	Clarified types of changes allowed after OSI certification
	3		Clarified that an updated version of OSI's QHP Submission Guide is forthcoming

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[1] The beWellnm Platform is the information technology system to provide exchange functionality for consumer application and eligibility determination; QHP/SADP shopping and enrollment; and premium billing.

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CHAPTER 1: Certification Process for Qualified Health Plans and Stand-Alone Dental Plans

The Patient Protection and Affordable Care Act (PPACA) and applicable regulations provide that health plans, including Qualified Dental Plans, also known as Stand-Alone Dental Plans (SADPs), must meet a number of standards in order to be certified as qualified health plans (QHPs) or SADPs. Several of these are market-wide standards that apply to plans offered in the individual and small group markets, both inside and outside of the Exchanges. The remaining standards are specific to health plans seeking QHP certification from the Exchanges.

This chapter provides an overview of the QHP certification process. Additional information and instructions about the process for issuers to complete a QHP application is forthcoming and will be published on OSI's website at https://www.osi.state.nm.us/index.php/insurers/healthcare-reform.

Section 1. QHP Certification Process and Timeline

Issuers should submit a complete QHP application according to the timelines provided in Table 1, "Proposed QHP Data Submission and Certification Timeline for Plan Year 2022." NMHIX and OSI will review QHP applications for current and new issuers applying for QHP certification and, as needed, communicate with issuers about corrections to their submissions.

NMHIX will send Draft Plan Year 2022 Issuer Agreements for issuers to review prior to finalizing the agreements. Once finalized, NMHIX will send the Final Plan Year 2022 Issuer Agreements to QHP and SADP issuers to sign and submit to NMHIX outlined in Table 1. NMHIX will countersign the Issuer Agreements and return them to issuers. NMHIX will then publish a final list of certified QHPs and SADPs, completing the certification process for the upcoming plan year.

Issuers will submit a complete QHP application for plans they intend to have certified in New Mexico. The "Early Bird" QHP Application submission window, as defined by CMS, is an optional submission window for issuers wishing to submit application data prior to the first formal submission deadline. Issuers may also submit form and rate filings at this time.

An issuer must formally request a plan withdrawal from OSI, with copy to NMHIX, in order to withdraw a plan from QHP certification consideration, or to change an on-Exchange QHP under certification consideration to an off Exchange only plan under approval consideration. In addition to OSI notification, plan withdrawal requests should also follow the process outlined by CMS.[2]

Please note: All QHP binders must be certified and approved through SERFF and the beWellnm Platform's Plan Management Portal, respectively, in order for plans to be visible for purchase to consumers. Once binder submission occurs, no additional plans can be added. Also, final certification and publication on the beWellnm Platform can only occur once the QHP application is Approved-Certified by OSI. Any changes needed to a QHP or SADP binder after 8/14/2021 will require a State Authorization form to be submitted to NMHIX and approved by OSI or NMHIX, as appropriate. The form will be posted on the beWellnm website.

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[2] See CMS's Plan Withdrawal FAQs found at:
https://www.qhpcertification.cms.gov/s/Plan%20Withdrawal%20FAQs

Please note: To ensure successful submission to CMS, which is still required during the SBE transition, some dates have been advanced from the CMS schedule. Carriers are still responsible for submissions required by CMS, as outlined in Qualified Health Plan (QHP) Data Submission Timeline for PY2022, found here: https://www.cms.gov/files/document/py2022-qhp-data-submission-and-certification-timeline-bulletin.pdf

Table 1. Proposed PY2022 OSI Key Date for Carrier Submissions	
Activity	**Date**
QHP and SADP Application submission window opens	04/22/2021
Optional Early Bird QHP and SADP Application submissions deadline	05/19/2021
Initial QHP and SADP Application submissions deadline (Form and Rates Filings and Binders, as well as Transparency in Coverage and Plan ID Crosswalk data must be submitted via SERFF).	**06/11/2021**
Individual Plans Initial Form and Rates Transfer to CMS **and** beWellnm[2]	06/13/2021-06/15/2021
SHOP Plans Initial Form and Rates Transfer to beWellnm	06/18/2021
BeWellnm/OSI review initial QHP Applications, inclusive of rates, and data validity and notifies Issuers about any corrections through Plan Management Portal and SERFF	6/16/2021 – 7/22/2021
Rate Amendments (deadline for application changes)	**07/14/2021-07/18/2021**
Individual Plans 2nd Transfer of Forms and Amended Rates to CMS **and** beWellnm[2]	07/19/21-7/21/2021
SHOP Plans Second Transfer of Forms and Amended Rates to beWellnm	07/22/2021
BeWellnm/OSI review QHP Application data with amendment rates, as well as data validity, and notify Issuers about any corrections to be made through SERFF	7/22/2021 – 8/13/20201
48-hour turn-around on carrier responses to form and rate review objections	08/02/2021
24-hour turn-around on carrier responses to form and rate review objections	08/09/2021
Approval & Certification for Individual and SHOP Plans	**08/14/2021**
Limited Data Correction Window for errors identified by OSI/beWellnm	8/16/2021 – 8/25/2021
Complete final plan confirmation in beWellnm's Plan Management Portal	8/31/2021
CMS/beWellnm sends QHP/SADP Certification Agreements to Issuers	9/14/2021
Issuers return QHP Certification Agreements	9/14/2021 – 9/22/2021
Deadline for marketing URLs to be live and active	9/10/21
CMS/beWellnm releases certification notice to issuers and states	TBD
beWellnm Go-Live	10/1/2021
PY2022 beWellnm "Window Shopping"	10/1/2021
OPEN ENROLLMENT BEGINS	**11/01/2021**

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[2] OSI is required to transfer plans to both CMS and beWellnm through the end of July

Section 2. Electronic Data Interchange (EDI) Requirements

Please refer to the DRAFT [834 Companion Guide](#) for EDI requirements.[3] This section may be updated with additional information in future publications.

Section 3. QHP Application Data Submission

NMHIX and OSI expect issuers to adhere to the QHP certification timeline. NMHIX requires issuers, including SADPs seeking certification, to submit complete QHP applications by the initial binder submission deadline on June 11, 2021 and to make necessary updates to the QHP application prior to the rate amendment deadline on July 18, 2021.

All issuers must obtain Health Insurance Oversight System (HIOS) product and plan IDs through HIOS. The beWellnm Platform, specifically the Plan Management Portal, is used by beWellnm and Issuers to review and verify the accuracy of plan data. Issuers applying for QHP certification will use the National Association of Insurance Commissioners' System for Electronic Rate and Form Filing (SERFF) to submit plan data, including required templates, and any other data required to demonstrate compliance with state and federal law.

All issuers applying for certification will be able to view plan data in the beWellnm Platform's Plan Management Portal – after OSI transfers the data from SERFF -- in order to identify and correct data submission errors before the rate amendment deadline on July 18, 2021. Issuers should utilize the Plan Management Portal environment to verify that their plan display reflects their approved filings and will display properly for consumers. All plans must be verified in the Plan Management Portal by August 31, 2021, as reflected in Table 1, Proposed Data Submission and Certification Timeline for Plan Year 2022. NMHIX will provide additional information to Issuers about the Plan Management Portal prior to first use, which is planned for mid-June.

Discrepancies between an issuer's submission in SERFF, HIOS and the Plan Management Portal may result in a plan not being certified or a compliance action if OSI has already certified a plan. All issuers must complete quality assurance activities to ensure the completeness and accuracy of application data, including reviewing plan data in the Plan Management Portal, and run all necessary review tools provided by CMS. Tools can be found at the following link: https://www.qhpcertification.cms.gov/s/Review%20Tools.

Section 4. Data Changes

During the initial application submission and before the QHP submission deadline of 6/11/2021, issuers can make changes without NMHIX and OSI authorization. After the close of the initial application submission window, issuers may not add new plans to an application or change an off-Exchange plan to be both on- and off-Exchange. In addition, issuers may not change plan type(s) or market type and may not change QHPs, excluding SADPs, from a child-only plan to a non-child-only plan. Issuers can make rate amendments and update their Plans and Benefits templates during the period listed in *Table 1.*

Except for service area changes, after the rate amendment deadline, issuers can only make changes if requested and approved by both NMHIX and OSI. Prior to the final certification deadline, issuers may submit plan withdrawal requests to withdraw plans or change an on-Exchange SADP to off-Exchange.

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[3] 834 and 820 Companion Guides can be found at the following webpage: https://www.bewellnm.com/SBECarriers

NMHIX and OSI encourage issuers to only submit plans for QHP certification that it intends to offer to consumers. Please refer to *Table 2. Key Dates for QHP Data Changes.*

Table 2. Key Dates for QHP Data Changes	
Activity	**Deadline**
Changes permitted without State Authorization	4/22/2021 - 6/11/2021
QHP/SADP certification review, limited changes allowed with OSI permission	6/11/21 - 7/18/2021
QHP/SADP certification review, limited changes at OSI/NMHIX direction	7/19/2021 – 8/14/2021
Limited data correction window. Post-certification data corrections must have OSI and NMHIX authorization.[4]	8/16/2021 - 8/25/2021

To withdraw a plan from certification consideration, an issuer must submit a formal withdrawal request to both NMHIX and OSI. After submission of an initial application, an issuer should not remove plan data from the application templates, even if the issuer withdraws a plan. In addition, issuers seeking to change an on-Exchange status under certification consideration to an off-Exchange status for approval consideration must submit a plan withdrawal request.

After completion of the OSI certification process on August 14, NMHIX may allow issuers to make changes and data corrections in order to correct data display errors on the beWellnm Platform and to align QHP display with products and plans approved by OSI. Post-certification data corrections require data change requests and NMHIX and OSI approval.   NMHIX may offer additional data correction windows for approved changes.

Issuers whose applications are not accurate after the Certification deadline on August 13, 2021, and are required to make changes during the limited data correction window, may be subject to compliance action by OSI. Issuer changes made in the limited data correction window require state authorization. Changes to a QHP Application not approved by NMHIX and/or OSI, may lead to compliance action, decertification and suppression of the issuer's plans on the beWellnm Platform.

Discrepancies between the issuer's application and approved State filings may result in a plan not being certified or a compliance action if NMHIX and/or OSI have already certified the plan. Issuers that request to make changes that affect consumers may have their plans suppressed from display on the beWellnm Platform until the data is corrected and refreshed for consumer display.

Section 5. QHP Review Coordination with NMHIX

NMHIX, in consultation with OSI, will define the relevant submission windows for reviews as well as dates and processes for corrections and resubmissions. OSI will perform plan and rate reviews and certification, and NMHIX will conduct data validity reviews to ensure plans are presented correctly on the beWellnm Platform.

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[4] Any changes needed to a QHP or SADP binder after 8/14/2021 will require a State Authorization form to be submitted to NMHIX and approved by OSI or NMHIX, as appropriate. The form will be posted on the beWellnm website.

Issuers seeking certification in New Mexico should continue to refer to OSI direction in addition to this guidance. NMHIX and OSI will establish the timeline, communication process, and resubmission window for any reviews conducted under State and Federal authority. As noted previously, issuers should comply with any State-specific guidelines for review and resubmission related to State review standards. Issuers must meet all applicable obligations under State and Federal law to be certified for sale on the beWellnm Platform.

NMHIX and OSI will make final certification decisions, and load certified plans on the beWellnm Platform for consumer purchase. NMHIX will provide all of their recommendations and relevant information to issuers in a timely manner and no later than the final plan recommendation deadline noted in Table 1.

Section 6. Plan ID Crosswalk
Pursuant to 45 CFR 155.335(j), Plan ID Crosswalk templates must be submitted to OSI as part of the SERFF Binder submission. Plan ID Crosswalk changes must be uploaded to SERFF.

Section 7. SERFF Template
BeWellnm will use the CMS templates for Plan Year 2022. Carriers should note that CMS made several changes in the templates during plan year 2021.

Section 8. Issuer Participation for the Full Plan Year
Issuers seeking QHP certification for individual and group plans must adhere to 45 CFR 156.272 in offering a plan through the entire plan year. This requirement also applies to SADPs offered in conjunction with QHPs. The full plan year for plan year 2022 is defined as 1/1/2022-12/31/2022.

CHAPTER 2: Stand Alone Dental Plans: 2022 APPROACH
The approach for submitting applications for certification of SADPs remains unchanged from 2021. Please refer to page 16 of the 2022 Draft Letter to Issuers for more information.

CHAPTER 3: Qualified Health Plan and Stand-Alone Dental Plan Standards
Similar to the QHP certification process in past years, OSI will conduct reviews of QHPs and SADPs and provide to CMS and beWellnm the determinations on individual and small group QHPs and SADPs. For more information, please refer to the QHP Submission Guide on OSI's website. An updated version is forthcoming, and will posted on the OSI website.