

**LIFE & HEALTH**

**To: All Insurers of Non-grandfathered ACA-compliant Health Benefit Plans in the Individual or Small Group Markets**

**From: NCDOI/Life & Health Division**

**Date: September 21, 2016 - UPDATED September 23, 2016**

**Re: Plan for Public Release of Information from Finalized Single-Risk Pool Rate Filings for the 2017 Plan Year**

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**I. Release of Final Rate Information on NCDOI Website**

As an effective rate review state under federal regulation, the North Carolina Department of Insurance (NCDOI) is required to uniformly make public certain information relating to **FINAL** 2017 Plan Year annual single risk pool rate filings for the individual and small group markets. **On October 28, 2016**, NCDOI will make information from the 2017 Plan Year Final Annual single-risk pool rate filings available to the public through a posting on our website at <http://www.ncdoi.com/HealthCareReform/Information For North Carolina Consumers - Rate Review Information About Your Insurer.aspx> . The following information will be published for each single-risk pool rate filing.

- Company Name
- Exchange/SHOP participation (Yes/No)
- Approved Average Rate Change (Source: NCDOI Approval)
- SERFF Tracking Number (Source: SERFF)

**II. Release of Final Rate Information – Final Versions of Parts II and III (redacted) of the Federal Rate Justification and Approval Information via SERFF**

NCDOI will release the following information via SERFF Filing Access portal (also known as the Public Viewing Portal). In order to accomplish this, NCDOI will mark final versions of the following information as public on the SERFF filings, and the information will be viewable via the portal by close of business on October 28, 2016.

- The final version of Part II of the federal Rate Filing Justification (if applicable) (Source: SERFF)
- The final version of the redacted Part III of the federal Rate Filing Justification. (Source: SERFF)
- NCDOI's "Note to Filer" which contains the document with the specifics of the Department's approval for each insurer for each market/filing and references the approved average rate change. (Source: SERFF Filing)

### III. Items to Note

- NCDI has and will continue to include a link to the federal rate disclosure websites from our website for the public disclosure of information contained in Part I of the federal Rate Filing Justification. That website also includes access to Parts II and III (redacted) of the federal Rate Filing Justification.
- The Department will continue to maintain confidential any other information contained in the annual single risk pool rate filings that is properly identified by the insurer as confidential as provided under state law and submitted pursuant to the Life & Health Division's process. Any information contained in a filing which was not submitted as trade secret by the insurer will be marked for public viewing on October 28, 2016.

### IV. UPDATE FOR SEPTEMBER 23, 2016

- NCDI understands that CMS/CCIIO will publish the final versions of Parts I, II and III (redacted) of the federal Rate Filing Justification on October 28, 2016. CMS/CCIIO will publish that information on the federal Rate Review website at:

<https://ratereview.healthcare.gov/> .

Based upon an email to NCDI (copied in part below) from CMS/CCIIO<sup>1</sup>, the following explains how the federal government releases information found in Parts I, II and III of the federal Rate Filing Justification. The information will be released at

<https://ratereview.healthcare.gov/> .

- “1. An issuer submits their initial set of documents (URRT, Actuarial Memo, Consumer Justification Narrative) with their proposed rates.*
- 2. The numbers that are displayed on ratereview.healthcare.gov regarding the initial rate request are ALWAYS pulled from that very first URRT. That never changes regardless of how many updated URRT versions an issuer submits into HIOS.*
- 3. That is not the case for the Actuarial Memorandum or the Consumer Justification Narrative. Those can be updated and refreshed at any point during the review process. Those two items refresh on ratereview.healthcare.gov every time we <CMS/CCIIO> push new data. Right at the moment, we <CMS/CCIIO> are typically refreshing on Friday afternoons.*
- 4. When we <CMS/CCIIO> push final rates for a particular state, the preliminary rates are still being pulled from that very first URRT... but now the final rates are also being pulled from the most recently uploaded URRT.*
- 5. In order to avoid having an issuer's updated Actuarial Memorandum showing prior to the final rate numbers being displayed, they just need to wait to load them into HIOS until right before final rates are displayed for the entire state.”*

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<sup>1</sup> Centers for Medicare and Medicaid Services/Center for Consumer Information and Insurance Oversight

*Additionally, the email indicated "we <CMS/CCIIO> only need the first version of the documents <Parts I, II and III of the RFJ>, and the last version of the documents. Issuers and states do not have to upload every interim change during the rate review process into HIOS."*

Therefore insurers should note that your most recent versions of Parts II and III of the federal Rate Filing Justification and uploaded to HIOS are what will be (or already have been) published on the [ratereview.healthcare.gov](http://ratereview.healthcare.gov) website upon the next data refresh. Therefore, final versions of those documents, will be (or have already been) made public in advance of when NCDOJ will public final "rates" on October 28, 2016.

If you wish to have only the initial versions of Parts II and III displayed on [healthcare.gov](http://healthcare.gov) until final rates are posted, you may submit the initial versions through HIOS again, and upon data refresh the initial versions will display. Should you wish to do this, please send Jean Holliday an email requesting that the HIOS record be reopened for you to submit the initial versions of those documents. Note that NCDOJ will also reopen all such HIOS submissions on October 24, 2016, for those insurers to upload the final versions of Parts I, II, and III to the HIOS submission in advance of our publication of final "rates".

NCDOJ regrets any confusion our previous guidance on this matter may have caused.

Any questions relating to this memorandum should be addressed to Jean Holliday at [jean.holliday@ncdoj.gov](mailto:jean.holliday@ncdoj.gov) or (919) 807-6061.