

**2021 CHECKLIST and WORKSHEET FOR
 QUALIFIED HEALTH PLANS IN THE
 CALIFORNIA HEALTH BENEFIT EXCHANGE**

The Department of Managed Health Care (DMHC or Department) offers the following information to assist Individual Qualified Health Plans (QHP) and Covered California for Small Business (CCSB) Issuers for the Plan Year 2021, for compliance with the Knox-Keene Act at California Health and Safety Code sections 1340 et seq. (the Act or KKA). References herein to “Section” are to sections of the Act. References to “Rule” are to the regulations promulgated by the Department at California Code of Regulations, title 28.

This checklist and worksheet are not intended to be all-inclusive and represent only what issues, at a minimum, are required to be addressed by a health plan for compliance with the Act and Rules. Additional information as needed may be requested by the Department within the course of review of a health plan filing. For health plans licensed pursuant to the Act, the Department has primary responsibility for regulatory review and preliminary recommendations with respect to certain selection criteria identified by the California Health Benefit Exchange (Exchange) in evaluation of whether an applicant is in “good standing.” All licensure and regulatory requirements of the Act and Rules apply to product(s) offered through the Exchange.

Filing Timeframes

Prior to certification, health plans must have Department approval of necessary filings, including, but not limited to, licensure, networks, product, benefit plan design, and rate filings. Complete filings are due as follows:

	New Applicant; QHP Proposing New: Rating Region, Network, Service Area Expansion and/or Line of Business	QHP proposing no changes to Rating Region or Line of Business
All Exhibits other than Benefit Plan Designs/Networks	No later than March 2	No later than April 1
Provider Network	No later than March 2	No later than April 1
Benefit Plan Designs	No later than April 1 ¹	
Rates Individual and CCSB	Guidance regarding rate filing deadlines forthcoming.	

¹ The Department may issue supplemental guidance addressing filing requirements for the Bronze benefit plan.

Filing Checklist

- ❑ Prepare and submit an Amendment or Material Modification pursuant to Sections 1351 and 1352 to a health plan's license to address compliance with the Act, Rules, CA-ACA, and ACA laws and regulations. When submitting your filing in the e-Filing system, use the subject title "**HBEX QHP Application 2021.**"
- ❑ Benefit plan design or product revisions that do not meet the federal Uniform Modification standards should be submitted as a Notice of Material Modification filing.²
- ❑ Health plans are not required to file network exhibits for the sole purpose of QHP recertification. Health plans must submit a complete network when required under the Act (see below under "Provider Network").
- ❑ Complete and file the attached QHP DMHC Filing Worksheet(s) as Exhibit E-1. Provide a narrative ensuring the description corresponds to the summary provided in the [QHP DMHC Filing Worksheet](#).
- ❑ Complete and file the attached [QHP Subcontractor Worksheet](#) as Exhibit E-1.
- ❑ For each formulary utilized in connection with product(s) required to comply with the 2021 Patient-Centered Benefit Plan Designs, submit: (i) an Exhibit T-3 that contains a copy of the formulary, and (ii) an Exhibit T-5 that contains a signed [2021 Prescription Drug Compliance Attestation](#).
- ❑ Changes and updates to previously approved exhibits should be indicated with clearly visible redlined changes.

Narrative: Exhibit E-1

At a minimum, the health plan must provide the following information in its Exhibit E-1:

- ❑ Whether the health plan's application with the Exchange is for Individual and/or Small Group contracts, and identify the region(s) included in the application.
- ❑ Whether the proposed benefit plan designs have been previously approved by the Department including e-Filing numbers of previously approved benefit plan designs.
- ❑ A description of the provider network(s) to be used to provide health care services to enrollees in the health plan's proposed QHP, including:
 - (1) The name of network for each network;
 - (2) The e-Filing number associated with the most recent time the network was filed and reviewed;
 - (3) A brief overview of any changes to the health plan's networks previously approved for use on the Exchange; and

² 45 C.F.R. § 147.106(e).

(4) For previously approved networks, an affirmation of whether any of the Exhibits I-1, I-2, or I-3 have experienced a 10 percent or greater change in provider names since the most recent time the network was filed and reviewed. For this purpose, it is not sufficient to reference the filing made pursuant to Annual Network Review.

Note: File any network revisions in a separate Amendment or Material Modification, as appropriate based on the change.

- ❑ A list of each benefit plan design (specifying each metal level, market, region and network) offered by the health plan required to comply with 2021 Patient-Centered Benefit Plan Designs and an explanation of whether the health plan utilizes the same or different formularies for different benefit plan designs or product(s).
- ❑ To ensure the health plan has adequately considered both Federal and State Law as well as confirmed the health plan's processes conform as such, provide an affirmation that the health plan's special enrollment period (SEP) triggering events are consistent with State and Federal law, as applicable, including, but not limited to: Sections 1399.849 and 1357.503; California Code of Regulations, title 10, sections 6504 and 6520; and Code of Federal Regulations, title 45, sections 155.420 and 155.725. If the health plan is unable to provide the affirmation requested, it must provide the specific triggering event(s) at issue with appropriate justification.
- ❑ Identify the health plan's documents that disclose SEP triggering events to the public and/or enrollees and whether said document(s) were previously filed for Department review. The health plan is not required to file the documents described above unless requested by the Department.
- ❑ Identify the e-Filing number in which the health plan submitted the compliance filing associated with APL 19-020 demonstrating compliance with AB 2470.
- ❑ Identify the page numbers of the EOC that demonstrate compliance with newly enacted statutes effective on or after January 1, 2020, including but not limited to³:
 - AB 577 (Eggman, Ch. 776, Stats. 2019) – Maternal Mental Health Continuity of Care
 - AB 651 (Grayson, Ch. 537, Stats. 2019) – Air Ambulance Balance Billing Prohibition
 - AB 744 (Aguiar-Curry, Ch. 867, Stats. 2019) – Telehealth Reimbursement Parity
 - AB 1309 (Bauer-Kahan, Ch. 828, Stats. 2019) – Open/Special Enrollment Periods
 - AB 1802 (Committee on Health, Ch. 113, Stats. 2019) – DMHC Contact

³ For additional guidance see the Department's All Plan Letter regarding newly enacted statutes in 2019 impacting health plan license filings on or after January 1, 2020.

- SB 583 (Jackson, Ch. 482, Stats. 2019) – Clinical Trial Coverage Requirements
 - SB 600 (Portantino, Ch. 853, Stats. 2019) – Fertility Preservation Coverage
 - Any other newly enacted statute(s) or regulation(s) for which the health plan deems revision is appropriate.
- Identify the page numbers of the EOC revised for compliance with newly-enacted or revised Endnotes in the 2021 Patient-Centered Benefit Plan Designs. If revision is not required, the health plan must provide a confirmatory declaration, which states no revisions are required.
 - If the health plan is proposing to offer non-standard plan(s) on the Exchange, explain whether it has submitted the proposal to the Exchange for approval.
 - An affirmation that the health plan discloses coverage of pediatric vision benefits that are the same benefits as contained in the BCBS Association, 2014 FEP Blue Vision – High Option, including, but not limited to, low vision benefits, and that the health plan discloses coverage of the aphakia benefit without age limitations as required by Section 1367.005, subdivision (a)(2). Additionally, identify the page numbers of the EOC which disclose the pediatric vision and aphakia benefits.
 - For pediatric embedded dental benefits, where the dental Evidence of Coverage (EOC), Schedule of Benefits (SOB), and limitations and exclusions are fully embedded within the QHP materials, please identify by page and section number the dental information within the health plan’s Exhibit E-1.

For Small Group benefit plan designs only, affirm that for every contract it is offering coverage for:

- The treatment of infertility, except in vitro fertilization. The term “infertility” is as defined in Section 1374.55; and
- Orthotic and prosthetic and special footwear benefits, as set forth in Sections 1367.18 and 1367.19.

Contracts with Specialized Health Plans:

- Full service health plans that contract with specialized health plans for the provision of Essential Health Benefits⁴ (EHB), such as acupuncture, pediatric dental or vision benefits, should include in Exhibit E-1 a brief explanation of each contractual relationship.
- Specialized health plans are required to submit a mirror filing in coordination with a contracted full service health plan for new or amended Plan-to-Plan contracts. Plan-to-Plan contracts, where the specialized health plan is at risk, should be filed as an Exhibit P-5. Plan-to-Plan contracts where the specialized health plan is not at risk (i.e. rental of network) should be filed as an Exhibit N-1.

⁴ See Section 1367.005; Rule 1300.67.005.

- ❑ If the full service health plan is not providing its own specialized services list the entities providing specialized services on behalf of the full service health plan.
- ❑ Full service health plans should include the filing number for the specialized health plan's mirrored filing. In addition, the full service health plan should ensure the Plan-to-Plan contract specifies the health plan that will be performing Utilization Management, and Grievance and Appeals functions. Ensure this information is set forth in the Plan-to-Plan contract. See 2021 CHECKLIST FOR QUALIFIED DENTAL PLANS IN THE CALIFORNIA HEALTH BENEFIT EXCHANGE, which encompasses dental plans contracting directly with a) the Exchange and b) QHPs.
- ❑ Specialized health plans that contract to provide EHB may also need to submit EOCs, disclosure forms, and provider network information on behalf of the full service health plan. QHP's should share this checklist with contracted specialized health plans to ensure the specialized health plan's mirror filings include all Department requirements.
- ❑ Specialized health plans are not required to provide eligibility information in connection with catastrophic or AI/AN benefit plan designs within their EOC. Specialized health plans must file catastrophic and AI/AN Schedule of Benefits. Note, full service health plans must also include the information regarding those benefit plan designs in the full service health plan's disclosure documents.

All Other Exhibits as Necessary

If the health plan will be relying on existing contracts, policies, or procedures previously approved by the Department, and there are no changes, the health plan should indicate this in Exhibit E-1, and is not required to submit these exhibits unless requested.

- ❑ **Quality of Care (Exhibit J).** Internal quality of care system(s) the health plan intends on implementing to serve Exchange enrollees, and address how it meets state and applicable federal requirements.
- ❑ **Provider and Administrative Services Contract(s) (Exhibits K and N).** New or revised provider or administrative service contract(s) related to Exchange product(s).
- ❑ **Plan Organization (Exhibit L).** New or revised organizational chart(s).
- ❑ **Plan-to-Plan Contracts (Exhibit P-5).** New or revised Plan-to-Plan contract(s) related to the delivery of services to Exchange enrollees.
- ❑ **Grievance & Appeals (Exhibit W).** New or revised Grievance and Appeal procedures.
- ❑ **Marketing (Exhibits V, Y, Z, AA, and BB).** Advertising and marketing materials related to Exchange product(s).

Benefit Plan Designs: Exhibits S, T, and U

- ❑ **Evidence of Coverage (EOC) or combined EOC and Disclosure Form (Exhibit T or U).** EOC(s) for each benefit plan design and/or product(s) proposed. Ensure all EHB are included in these exhibits, including those provided by a contracted specialized health plan.⁵
- ❑ **Schedule/Summary of Benefits (SOC) (Exhibit S,T, or U)**
 - For each proposed benefit plan design, submit a SOB.⁶
 - If the health plan prefers to submit a sample SOB, please use the Department's INDIVIDUAL AND SMALL GROUP MARKET REPRESENTATIVE BENEFIT PLAN DESIGN WORKSHEET (Representative Worksheet). Health plans using this worksheet are not required to submit individualized SOBs for each benefit plan design offered in the Individual and/or Small Group markets. Health plans utilizing the Representative Worksheet or similar worksheet(s) must provide one representative SOB populated for use in connection with the California Health Benefit Exchange's 2021 Individual Silver 70 plan under the exhibit type(s) described above, together with the Representative Worksheet. For further instruction, see the [Representative Worksheet instructions](#).
- ❑ **Federal Summary of Benefits and Coverage (Exhibit S-3).** A federal Summary of Benefits and Coverage (SBC) disclosure form in connection with the Exchange's Individual Silver benefit plan design only. This SBC will be reviewed as a representative sample for all benefit plan designs offered in the Individual and Small Group markets. Health plans are reminded to utilize the SBC instructions, materials and supporting documents authorized for use for any plan years that begin on or after January 1, 2021.⁷ If the health plan has received approval of its representative SBC(s) pursuant to a separate filing, provide the e-Filing number in lieu of submitting the exhibit. If the health plan has not received approval of its representative SBC(s), submit within a separate filing the representative SBC(s) and provide the e-Filing number.
- ❑ **EHB Filing Worksheet (Exhibit T-2).** An EHB worksheet, as promulgated in Rule 1300.67.005 (effective as of June 27, 2017). Note, if the health plan has previously submitted a complete EHB worksheet, as described above, it is not required to submit a new EHB worksheet unless the previously approved EHB worksheet requires amendment.
- ❑ **Prescription Drug EHB Benchmark Plan Benefits Chart (Exhibit T-4).** A Prescription Drug EHB Chart, as promulgated in Rule 1300.67.005 (effective as of

⁵ See the 2021 QDP Checklist which has specific instructions for SBD dental benefits.

⁶ *Id.*

⁷ Template instructions, materials and supporting documents authorized for use on and after January 1, 2021, may be located at <https://www.cms.gov/CCIIO/Resources/Forms-Reports-and-Other-Resources/index>

June, 27, 2017). Note, if the health plan has previously submitted a complete worksheet, as described above, it is not required to submit a new worksheet unless the previously-submitted worksheet requires amendment.

As part of the submission of the chart disclose the following in the Exhibit E-1:

- If EHB Count Chart includes generics
- A summary of any category/class variations from what is shown in the health plan's EHB Count Chart
- For each variation, a justification and basis for the health plan's determination of compliance with Rule 1300.67.005

Renewal Notices: Exhibit I-9

- **Representative Renewal Notices (Exhibit I-9).** Renewal notices must comply with federal requirements including the Updated Federal Standard Renewal and Product Discontinuation Notices Bulletin (September 2, 2016; amended on July 30, 2019⁸) issued by the Centers of Medicare & Medicaid Services (CMS), Form and Manner of Notices When Discontinuing a Product in the Group or Individual Market (September 2, 2014) issued by CMS, and Draft Standard Notices When Discontinuing or Renewing a Product in the Small Group or Individual Market (June 26, 2014) issued by CMS.

Provider Network: Exhibits H and I

- Health plans are not required to file network exhibits for the sole purpose of QHP recertification. Health plans must submit a complete network when required under the Act, as follows:
 - **New License Application:** The health plan is applying for a new license to operate as a health care service plan under the Act. (See Section 1351, Rule 1300.51.) Network exhibits must be filed with the Department as part of the application for licensure. (See Rule 1300.51.)
 - **Service Area Change or New Network:** The health plan is expanding its existing, approved network into a new service area, proposing a materially different provider network for use in an existing service area, or withdrawing from a service area. (See Section 1351; Rule 1300.52.4, subd. (d).) Network exhibits must be filed with the Department as a Notice of Material Modification. (See Rule 1300.52.4, subd. (d).)
 - **10 Percent Change to Approved Network:** the health plan has experienced a 10 percent or greater change in the names included in Exhibits I-1, I-2, or I-3 previously reviewed by the Department. (See Section 1367.27, subd. (r); Rule

⁸ Updated guidance may be issued by CMS after the creation of this document. When completing the Plan's submission, the most current version of CMS guidance should be utilized. Contact the plan's assigned licensing reviewer if you have any questions regarding renewal notices.

1300.52, subd. (f).) Network exhibits may be filed with the Department as an Amendment to the health plan's license. (See Rule 1300.52, subd. (f).)

- Material Modification Filing or New License Application: Any service area expansions, withdrawals, new networks, or new license applications for the 2021 benefit year must be filed as soon as practicable, but **no later than March 2, 2020**. A network filing proposing a service area expansion, new network, or withdrawal must be submitted as a **separate Notice of Material Modification** to the health plan's license in the e-Filing system. Health plans are strongly encouraged to contact the Department and schedule a pre-filing conference before submission in the e-Filing system. Please refer to the checklist for New Networks and Service Area Expansions, and/or the checklist for Service Area Withdrawals available in the "Downloads" section of the e-Filing webportal, and be sure to include the following Exhibits with your filing:
 - Provider Network Rosters (Exhibits I-1, I-2, and I-3, utilizing the Department's templates available for download on e-Filing)
 - Provider-to-enrollee Ratios (Exhibit I-4)
 - Description of Service Area, by ZIP code (Exhibit H-1, utilizing the Department's template available for download on e-Filing)
 - Standards of Accessibility (Exhibit I-5)
 - Enrollment Projections (Exhibit I-4, utilizing the Department's template available for download on e-Filing)
- Amendment Filing: If the health plan has determined that its QHP network has experienced a 10 percent or greater change in the names included in the health plan's Exhibits I-1, I-2, or I-3, please submit an amendment to the health plan's license in the e-Filing system **no later than April 1, 2020**. Please visit the "Downloads" section of the e-filing webportal to locate and utilize the Checklist for Network Amendment Filings and the Department templates for filing provider roster information.
- Significant Enrollment Changes: If the health plan experienced greater enrollment in 2020 than was projected in the prior year's QHP filing, or if the health plan projects a significant increase in enrollment in 2021 beyond what was previously projected for 2021, submit the following:
 - Enrollment Projections (projected over two years) (Exhibit I-4, utilizing the Department's template available for download on e-Filing)
 - Provider-to-enrollee Ratios (Exhibit I-4)
- New or Revised Plan-to-Plan Arrangement: If the health plan intends to enter into a new Plan-to-Plan contract with a KKA licensed health plan, or change the health plan with which it currently has a plan-to-plan contract to another KKA licensed health plan, to provide some or all of its network providers, the Department will require information from both the QHP and the KKA licensed subcontracting health plan as follows:

- The QHP must file:
 - A statement within the Exhibit E-1 identifying the portion of the service area in which the QHP intends to utilize the subcontracting health plan's network and affirmation that the subcontracting health plan has been approved to operate a network in that portion of the service area. For this purpose, it is not sufficient to reference filings made pursuant to Annual Network Review.
 - In some cases, Exhibits I-1, I-2, and/or I-3, as applicable, and Exhibit H-1. These need only be filed if the change in subcontracting arrangement will result in a 10 percent or greater change to the QHP's network exhibits, as described in Rule 1300.52, subdivision (f) and Section 1367.27, subdivision (r). (The Department Checklist for Network Amendment Filings and templates for these exhibits are available for download in the e-Filing webportal).
- The subcontracting health plan must file:
 - Provider-to-enrollee Ratios (Exhibit I-4) demonstrating that the health plan has the capacity to take on the enrollment from the QHP.
 - A statement within the Exhibit E-1 indicating the e-Filing number of the most recent network review conducted by the Department and the filing in which the health plan was approved to operate in the service area covered by the QHP. For this purpose, it is not sufficient to reference the filing made pursuant to Annual Network Review.
 - A statement within the Exhibit E-1 indicating whether any of the provider rosters (Exhibits I-1, I-2, or I-3) have experienced a 10 percent or greater change in provider names since the most recent time the network was filed and reviewed. The calculation of change in names should be based on the change since the e-Filing referenced above.
 - An Exhibit H-1 demonstrating the subcontracting health plan is approved for the service area in which the QHP intends to utilize the subcontracting health plan's network. (The Department template for this exhibit is available for download in the e-Filing webportal).
- New or Revised Plan-to-Plan Arrangement with Non-KKA Licensed Plan: If the health plan intends to enter into a new plan-to-plan arrangement with a health plan not licensed by the Department, or change the health plan with which it currently has a plan-to-plan arrangement to a health plan not licensed by the Department, to provide some or all of its network providers, the QHP will be responsible for providing all network information as follows:
 - A statement within the Exhibit E-1 identifying the health plan with which the QHP intends to contract.

- In some cases, Exhibits I-1, I-2, and/or I-3, as applicable, and Exhibit H-1. These need only be filed if the change in subcontracting health plan will result in a 10 percent or greater change to the QHP’s network exhibits, as described in Rule 1300.52, subdivision (f) and Section 1367.27, subdivision (r). (Department templates for these exhibits are available for download in the e-Filing webportal).
- **Required Network Information for All Re-Certification Filings:** As described in the “Exhibit E-1” section above, for each recertification filing, regardless of whether a network filing is required under the Act, include the following network information in the Exhibit E-1:
 - The name of network for each network;
 - The e-Filing number associated with the most recent time each network was filed and reviewed (even if the network was reviewed under a different name or connected to a different product); and
 - A brief overview of any changes to the health plan’s networks previously approved for use on the Exchange.

Actuarial Value Calculation: Exhibit FF-4

- Submit an actuarial certification that the benefit plan designs submitted do not vary by more than plus or minus two (2) percent.⁹
- Actuarial Value – Full service health plans proposing to offer 9.5 and/or 10.0 EHB should submit through the e-Filing portal the following supporting documentation under Exhibit FF-4:
 - If the benefit plan design is compatible with the federal AV calculator submit the following:
 - A screenshot of the AV calculator with inputs used for each benefit plan design.
 - The Excel tab from the AV calculator entitled “User Inputs for Plan Parameters.”
 - If the benefit plan design is not compatible with the AV calculator
 - Submit an actuarial certification on the methodology chosen from the options specified in 45 CFR §156.135(b).

⁹ Actuarial value for nongrandfathered Individual and Small Group benefit plan designs shall not vary by more than plus or minus two (2) percent pursuant to Sections 1367.008, subdivision (b)(1) and 1367.009, subdivision (b)(1), respectively. The actuarial value for a nongrandfathered bronze level high deductible health plan, as defined in United States Code, title 26, section 223, subdivision (c)(2), may range from plus four (4) percent to minus two (2) percent pursuant to Section 1367.0085.

- The certification must be prepared by a member of the American Academy of Actuaries.
- Calculate the benefit plan designs' AV by estimating a fit of the benefit plan design into the parameters of the AV calculator; or
- Partial use of AV calculator for health plan provisions that fit within the calculator parameters and with appropriate adjustments to the AV identified by the calculator for benefit plan design features that deviate substantially from the parameters of the AV calculator.

For either methodology, provide the following:

- A screenshot of the AV calculator with inputs used for each benefit plan design.
- A complete description of the data, assumptions, factors, rating models, and methods used to determine the adjustments.
- The certification must describe the methodology with sufficient clarity and detail to enable another qualified health actuary to make an objective appraisal of the reasonableness of the data, assumptions, factors, models, and methods.

Enrollment Projections: Exhibits CC, DD, and EE

- ❑ Enrollment projections and summary for all individual and small group contracts. The first year of projections should be prepared on a monthly basis and the second year on a quarterly basis. The projections should include a balance sheet, income statement and statement of cash flows.

Financial Projections: Exhibit HH

- ❑ Financial projections may be requested by the Office of Financial Review, depending upon the financial position of the health plan. If projections are requested, they should mirror the format of the enrollment projections noted above.

Rate Review

- ❑ Instructions regarding SERFF filing(s) different than non-QHP rate filings will be forthcoming.