

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Bulletin 2023-09-INS

In the matter of:

**2024 Form and Rate Filing
Requirements for Stand-Alone Dental Plans**

**Issued and entered
this 29th day of March 2023
by Anita G. Fox
Director**

SECTION 1: CERTIFICATION AND RECERTIFICATION FILING REQUIREMENTS FOR STAND-ALONE DENTAL PLANS (SADPs) ON- AND OFF-MARKETPLACE

General Information

DIFS will continue to perform Plan Management functions for Plan Year 2024 (PY24). Plan Management functions are part of DIFS' regulatory role for products offered on- and off-Marketplace. Issuers will work directly with DIFS to submit all Stand-Alone Dental Plan (SADP) application data in accordance with federal and state guidelines. SERFF will be used by issuers to transmit information to DIFS, and DIFS will use SERFF to transmit information to the Centers for Medicare & Medicaid Services (CMS).

Issuers will again be required by CMS to be registered for the [CCIIO Plan Management Community](#). This platform will be utilized to issue all notices, including corrections and notification notices.

New Information

New information specific to Service Area, Network Adequacy, and Essential Community Providers (ECPs) can be found in Section 1 of this Bulletin under the applicable headings.

HIOS has introduced the Marketplace Plan Management System (MPMS Module for PY24 submissions). CMS will be releasing additional information and offering issuer webinars. Issuers are required to request access to the new module so they may use the New Plan Validation Workspace as applicable.

Pursuant to the Draft Notice of Benefit and Payment Parameters for PY24 ([Draft Notice](#)), CMS requires SADP issuers, as a condition of Marketplace certification, to use an enrollee's age at the time of policy issuance or renewal as the sole method to calculate an enrollee's age for rating and eligibility purposes. This requirement is applicable whether the SADP is sold on- or off-Marketplace.

The Draft Notice also requires SADP issuers, as a condition of Marketplace certification, to submit guaranteed rates. This requirement is applicable whether the SADP is sold on-or off-Marketplace.

Finally, the annual limitation on cost-sharing for PY24 will be \$400 for one child and \$800 for two or more children.

NOTE: Issuers must adhere to the requirements in the Final Notice of Benefit and Payment Parameters and Final Letter to Issuers, once issued, if different from the Draft Notice and Draft Letter to Issuers.

New Plans and Recertification of SADPs

For PY24, DIFS' process for certification and recertification of a SADP is consistent with the process used in prior plan years. Issuers submitting previously approved plans for recertification will be required to submit much of the same information as for prior plan years. Issuers submitting plans for certification for the first time should review the pertinent federal and state guidance. **The omission of any federal or state requirement from this Bulletin should not be construed to mean that compliance with those requirements is not necessary.** For additional guidance, issuers are urged to refer to the 2024 Draft Letter to Issuers ([Draft Letter](#)).

Timeline for SADP Submissions

| Activity | | Dates |
|--|--|---------------------|
| SADP Application Submission and Review Process | Michigan Filing Deadline | 5/10/23 |
| | DIFS' 1 st transfer of plan data to CMS; Transparency in Coverage and Plan ID Crosswalk Templates submission deadline | 6/14/23 |
| | CMS reviews and posts initial SADP application results in PM Community | 6/15/23 to 7/14/23 |
| | DIFS' 2 nd transfer of plan data to CMS | 7/19/23 |
| Final Review | DIFS' final transfer of plan data to CMS | 8/16/23 |
| | CMS reviews and posts final SADP applications results in PM Community | 8/17/23 to 9/11/23 |
| SADP Agreement/ Final Certification | CMS sends Certification Notices | 9/12/23 |
| | Limited data correction window and last date to withdraw plans | 9/14/23 to 9/15/23 |
| | CMS posts SADP agreements; Issuers send signed agreements; States confirm final SADP recommendations | 10/3/23 to 10/4/23 |
| Open Enrollment | | 11/1/23 to 12/15/23 |

PY24 SADP Filing Requirements

A complete submission includes the SERFF Form/Rate Filing and Binder, with all required validated templates and associated items, as outlined in Exhibit 1. Issuers are required to run the [PY24 QHP Application Review Tools](#), including the Data Integrity Tool for the initial and all subsequent template submissions. Review tool results containing errors must be corrected prior to submission.

All template revisions made during DIFS' review must be uploaded to the same locations as originally filed i.e., filing, Binder, or both. See Exhibit 1.

Note: only one Business Rules Template and Transparency in Coverage Template needs to be completed. Each template must include both individual and small group plans and be submitted in the SERFF Binder, regardless of Marketplace participation.

PY24 SADP Checklist Requirements

Checklists that must be completed and filed as shown in Exhibit 1 are:

- Checklist for Individual and Small Group SADP – Forms ([FIS 2305](#))
- Checklist for Individual and Small Group SADP – Rates ([FIS 2304](#)); and
- Checklist for Individual and Small Group SADP – Network Adequacy ([FIS 2314](#))

Revisions to Previously Approved SADP Forms: Red-Lined Versions

Issuers revising previously approved SADP forms must provide red-lined versions, as well as clean versions. The red-lined and clean versions should both be filed in the Forms Schedule tab of the SERFF Form/Rate filing under the same document number. **Note:** forms not being revised must still be submitted.

Forms must be SADP-specific. Forms must not include variable bracketed fields for use interchangeably with non-SADP forms.

File Naming

Certain items in the Supporting Documentation tab in the Form/Rate filing and/or the Binder filing must adhere to a standard naming convention as follows: IssuerName_MIFormDescription_Version#.

The purpose of adherence to a standard naming convention is to have the ability to track new versions as they are updated. It is important to start with Version 1 and use the same issuer name and form description in the file name each time. In addition, all review tools must be run each time a template is revised.

Items that are required to have a standard naming convention are:

- DIFS SADP Forms Checklist;
- DIFS SADP Rates Checklist;
- DIFS SADP Network Adequacy Checklist;
- Rates Table Template;
- Actuarial Memorandum;
- MI Uniform Modification Justification Form;

- Justifications and Attestations; and
- Any document that is amended from its original version that is not automatically versioned through SERFF

SERFF Filings

All federal and Michigan-specific templates must be filed in Excel formats. Do not submit templates in PDF. Additionally, **do not** submit templates in the Supporting Documentation tab of the Binder, except for the Plan ID Crosswalk and Michigan Network Adequacy Templates.

Under Section 234 of the Michigan Insurance Code, MCL 500.234, the Director has the discretion to designate certain records to be nonpublic. Accordingly, issuers have the option to mark their filings as confidential upon submission. The filings will remain confidential until one day after the submission deadline at which time DIFS will make the filings public.

Guaranteed Renewability

Although SADPs are considered excepted benefits, and therefore not subject to federal guaranteed renewability requirements, CMS will apply the Plan ID Crosswalk Template to SADPs in order to support automatic re-enrollment for plans offered during PY24.

Plan Withdrawal

Plans may be withdrawn in accordance with the process in the [Draft Letter](#). The final opportunity to withdraw plans will be during the plan confirmation process. Issuers opting to withdraw must submit the following in both the SERFF Form/Rate filing and Binder:

1. A completed CMS Plan Withdrawal form for plans offered either on-Marketplace or on- and off-Marketplace **or** a list of plans to be withdrawn for those offered off-Marketplace only;
2. A letter to the DIFS Director outlining the issuer's intent and how it will comply with both state and federal guaranteed renewability and availability requirements; and
3. A copy of the proposed letter that will be sent to enrollees/consumers outlining the issuer's intent and detailing **all** options available to the enrollee/consumer, including seeking coverage from a different issuer. This letter must not be sent to enrollees/consumers until approved by DIFS.

Note: Do not make changes to templates.

Uniform Modification and Plan ID Crosswalk

DIFS requires that the MI Uniform Modification Justification Form ([FIS 2316](#)) and Plan ID Crosswalk Template be submitted as shown on Exhibit 1.

CMS requires that the Plan ID Crosswalk Template, together with authorization from DIFS, be submitted for SADPs in the individual market. The deadline for this submission is June 14, 2023.

Licensure and Good Standing

DIFS will review the licensure status of all issuers filing SADPs on- and/or off-Marketplace.

Annual Limit on Cost-Sharing

The PY24 out-of-pocket maximums for Marketplace-certified SADPs are \$400 for one covered child and \$800 for two or more covered children.

Service Area

DIFS does not permit service areas with partial counties for SADPs.

Issuers should inform DIFS of any service area data change through the SERFF binder and include all templates and supporting documentation impacted.

After DIFS' final transfer August 16, 2023, service area data may only be changed with DIFS' approval and submission of a Data Change Request (DCR) to CMS, even if the change is directed by DIFS or CMS. Submission of the DCR to CMS is through the Plan Management Community and must include an explanation and justification for the change(s), evidence of state approval, and the DCR Supplement.

Service area data changes include:

1. Revising Service Area Template to:
 - a. change any service area name or ID
 - b. add or remove a service area
 - c. add or remove a county/ies to a service area
2. Revising the Plans and Benefits Template (PBT) to:
 - a. change a Service Area ID
 - b. add or remove a Service Area ID
3. Any change to the list of counties associated with a particular plan

Any service area data change must be reflected on the **new** Michigan Network *Adequacy* Template ([FIS 2385](#)).

For more information, see [CMS' QHP Information and Guidance](#) for Service Area and Data Change Windows.

Network Adequacy

New for PY24

- Issuers will use DIFS' **new** Michigan Network *Adequacy* Template ([FIS 2385](#)) and **not** the Michigan Network *Data* Template (FIS 2273) to collect detailed provider data. Note for this template:
 - Instructions included in template file
 - Collection of whether individual providers:
 - Submitted claims in past six months
 - Offer telehealth
 - Required use of CMS' Health Service Delivery (HSD) individual provider and

- o facility specialties and codes
 - o Revised county designations
 - o Collection of network name, service area name and ID, and whether service area covers entire state
 - o Naming Convention:
 - [HIOS ID]_[Med/SADP]_[Ind/SG]_MI NA Temp_ v[#]
- DIFS is adopting CMS':
 - o HSD individual provider and facility specialties and codes (replacing DIFS' preferred terminology for provider types and sub-specialties)
 - o Time and distance standards accessed at the county level
 - o Requirement for access to at least one provider for at least 90% of enrollees
 - o Five county classifications/designations based on population size and density
 - o Appointment Wait Time Standards
 - o Collection of whether individual providers offer telehealth
- Appointment Wait Time Attestations (issuer created)
- Network Adequacy Justifications (issuer created)

The [Michigan Network Adequacy Guidance](#) reflects network sufficiency requirements and standards. See also Checklist for Individual and Small Group Stand-Alone Dental Plans – Network Adequacy ([FIS 2314](#)), CMS' PY24 [Draft Letter](#), [Draft Notice](#), and [QHP Certification Information and Guidance](#).

Essential Community Providers

New for PY24:

- DIFS is adopting CMS' ECP Standards
- ECP Justification Form to be completed when issuers do not meet the 35 percent threshold of available ECPs in each plan's service area, including detail of issuer's efforts to demonstrate compliance.

Issuers must complete CMS' ECP/NA template in accordance with CMS' instructions generally with respect to the ECP data. For the network adequacy portion, issuers should only submit information necessary to validate the template (i.e., generate the Individual Providers (NA) and Facility Providers (NA) tabs via the User Control tab and enter at least one complete line of information for each new tab), actual and dummy data are acceptable.

Issuers must run the SADP ECP Tool and submit the results in Supporting Documentation of SERFF binder.

See CMS' web page [QHP Certification Application Materials](#) for Application Instructions, ECP and Network Adequacy, and Review Tools.

SECTION 2: CONTRACT REQUIREMENTS

Readability

Submitted forms must comply with the following readability standards found under MCL 500.2236(3):

1. Each form entered in the SERFF Forms Schedule tab shall include the form's readability score.
2. The readability score must be based on the Microsoft Word Flesch Reading Ease test and have a

score of 45 or higher. Forms with a Microsoft Word Flesch Reading Ease score lower than 45 will not be approved by DIFS or transferred to CMS for certification.

3. Dental policies and certificates with more than 3,000 words printed on not more than three pages, or more than three pages of text regardless of the number of words, shall contain a table of contents. (This requirement does not apply to riders or endorsements.)
4. Be printed in font size not less than 10 point.

Dependent Coverage

Essential Health Benefit (EHB) coverage for pediatric services is required for enrollees until at least the end of the month in which the enrollee turns 19 years of age.

Internal Formal Grievance and External Review Procedures

SADPs offered by commercial issuers must offer a formal grievance procedure pursuant to MCL 500.2213 and adhere to the external review process under the Patient's Right to Independent Review Act (PRIRA), PA 251 of 2000 (MCL 550.1901 to 550.1929). These procedures must be part of the policy and submitted for approval with the SADP filing. If the issuer has DIFS-approved grievance and external review procedures, these must be filed in the Supporting Documentation tab of the SERFF Form/Rate filing.

Complaint and Grievance Policy and Procedures must include information on [DIFS' Health Care Appeals – Request for External Review \(FIS 0018\)](#) and contact information for DIFS including fax number, email address, and mailing address.

Marketplace Certification

All SADPs intended to be EHB-compliant must be Marketplace-certified, even if the plan will not be marketed on-Marketplace. The only SADPs that can be considered to provide EHB must have followed the certification process and have been approved and recommended for certification to CMS.

SECTION 3: RATING

DIFS will **not** accept more than one filing per market (individual or small group). Issuers that offer various types of offerings, such as on- and off-Marketplace or pediatric and adult, must submit all filings in the same Form/Rate filing. SADP issuers may submit more than one actuarial memorandum or format their actuarial memorandum to adequately address their entire filing.

All SADP issuers must complete a separate Rates Table Template for individual and small group markets. The Draft Notice also requires SADP issuers, as a condition of Marketplace certification, to submit guaranteed rates. This requirement is applicable whether the SADP is sold on-or off-Marketplace.

Issuers may continue to offer pediatric dental EHBs at any actuarial value (AV). SADP issuers must, however, certify the AV and provide the AV development of each SADP plan.

SADP Michigan rate filings must include the following components:

- Rate manual showing only **Michigan-specific** rates;

- Sample rate calculation;
- Michigan Rate Checklist for SADPs; and
- Actuarial memorandum addressing items from the Michigan Rate Checklist, including:
 - Description and exhibits showing the development of rates from the experience; and
 - Derivation of the EHB apportionment percentage for pediatric dental (individual plans only)

Any questions regarding this bulletin should be directed to:

Department of Insurance and Financial Services
Office of Insurance Rates and Forms
530 W. Allegan Street—7th Floor
Lansing, Michigan 48933
Toll Free: (877) 999-6442

/s/

Anita G. Fox
Director



**Exhibit 1 – FORMS
PY24 Stand Alone Dental Plans Filing Requirements**

| Federal Required Templates | Requires Submission via SERFF | | SERFF Location: |
|---|-------------------------------|-----------------|---------------------------|
| | On- and On-/Off-Marketplace | Off-Marketplace | |
| Essential Community Providers/Network Adequacy | Yes | Yes | Binder only |
| Plans and Benefits | Yes | Yes | Binder only |
| Service Area | Yes | Yes | Binder only |
| Network ID | Yes | Yes | Binder only |
| Rates Table | Yes | Yes | Form/Rate Filing & Binder |
| Business Rules – One per Issuer, include both Individual and Small Group on the same template | Yes | Yes | Binder only |
| Plan ID Crosswalk (Individual only; Supporting Documentation tab) | Yes | No | Binder only |
| Transparency in Coverage – One per Issuer, include both Individual and Small Group on the same template | Yes | Yes | Binder only |
| Filing Deadline | 5/10/2023 | | |

| Requires Submission via SERFF | | | |
|--|-----------------------------|-----------------|---------------------------|
| Michigan Required Supporting Documentation | On- and On-/Off-Marketplace | Off-Marketplace | SERFF Location: |
| Michigan Network Adequacy Template (FIS 2385) (New PY24) (Supporting Documentation tab) | Yes | Yes | Binder only |
| Network Attestation | Yes | Yes | Binder only |
| Network Coverage Attestation | Yes | Yes | Binder only |
| Appointment Wait Time Attestation | Yes | Yes | Binder only |
| SADP ECP Tool Analysis/Results | Yes | Yes | Binder only |
| Network Submission Summary | Yes | Yes | Binder only |
| Checklist for Individual and Small Group SADP – Forms | Yes | Yes | Form/Rate Filing & Binder |
| Checklist for Individual and Small Group SADP – Network Adequacy | Yes | Yes | Binder only |
| MI Uniform Modification Justification Form | Yes | Yes | Form/Rate Filing & Binder |
| Network Adequacy Justification, as applicable (New PY24) | Yes | Yes | Binder only |
| ECP Justification, as applicable (New PY24) | Yes | Yes | Binder only |
| Filing Deadline | 5/10/2023 | | |

NOTE: All required templates must be completed and, if applicable, validated before uploading to SERFF. Use of PY24 QHP Application Review Tools including the Data Integrity Tool is required for the initial template submission and any subsequent submission. All template revisions must be uploaded to the same locations as originally filed (i.e., SERFF Form/Rate Filing, Binder or BOTH).