

**2022 Health Benefit Plan and Pediatric Dental Plan
Kentucky Department of Insurance
Rate and Form Filing Guidance
February 10, 2021**

The purpose of this document is to provide insurers doing business in Kentucky with guidance from the Department of Insurance (DOI) for implementing the Affordable Care Act. This Implementation Update is not legally binding on the Department or the reader.

I. Key State Deadlines¹:

Activity	Due Date to Kentucky DOI
Health benefit plan form filings ²	April 1, 2021
Standalone dental form filing	April 1, 2021
Network adequacy filings	April 1, 2021
Health benefit plan and SADP initial rate filings	June 01, 2021
Prescription drug templates and binder filings	June 01, 2021
Open Enrollment begins	November 1, 2021

II. Other Key Issues

- a. Is the Kentucky DOI going to allow extension of “transitional” plans through December 31, 2022?
 - i. On January 19, 2021, CMS extended the non-enforcement policy for transitional plans to policy years beginning on or before October 1, 2022, provided that all such coverage comes into compliance with the ACA requirements by January 1, 2023. DOI is adopting the CMS policy and permitting the renewal of transitional plans in accordance with CMS guidance. Kentucky will work with insurers to implement the policy, and encourages all issuers to consider utilizing early renewals with a January 1, 2022 coverage date to promote the future transition to ACA compliant plans.

- b. Are issuer service area changes permissible?
 - i. Yes, the DOI and CMS may permit an issuer to expand or reduce their service area after the initial data submission filing. However, such changes require approval from both DOI and CMS. Service area changes are not permitted until approval has been granted. The deadline for changes is August 10, 2021.

¹ All dates are subject to change.

² Includes both qualified health plans (QHP) and non-qualified health plans (non-QHP).

- c. Network Adequacy Review
 - i. DOI will perform the network adequacy review and confirm satisfaction of 45 CFR 156.230 standards.
 - ii. In accordance with CMS guidance, issuers are encouraged to expand the use of telehealth as part of their network. Telehealth should be provided in accordance with existing Kentucky law (KRS 304.17A-138) and any subsequently enacted legislation.
- d. DOI will post all initial rate filings by issuer on June 15, 2021.
- e. **New filing requirement for form filings for Plan Year 2022**, Mental Health Parity Tool for QTL compliance review to be filed with form filings for the top five non-grandfathered plans based on projected membership per market segment. The template and instructions will be available through SERFF and the Department of Insurance's website.

The Kentucky Department of Insurance is prepared to answer any questions and offer guidance on the health benefit plan rate and form filing process. Please do not hesitate to contact us.