

**2023 Health Benefit Plan and Pediatric Dental Plan  
Kentucky Department of Insurance  
Rate and Form Filing Guidance  
February 18, 2022**

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 Deadlines<sup>1</sup>:**

<b>Activity</b>	<b>Due Date to Kentucky DOI</b>
Health benefit plan form filings <sup>2</sup>	April 1, 2022
Standalone dental form filing	April 1, 2022
Network adequacy filings	April 1, 2022
Health benefit plan and SADP initial rate filings	June 01, 2022
Prescription drug templates and binder filings	June 01, 2022
Open Enrollment	November 1, 2022

**II. Other Key Issues**

- a. Is the Kentucky DOI going to allow extension of “transitional” plans through December 31, 2023?
  - i. CMS has not issued guidance, as of the date of this document’s posting, regarding extending the non-enforcement policy for transitional plans to policy years beginning on or before October 1, 2023. DOI plans to adopt the CMS guidance regarding permitting the renewal of transitional plans, when issued.
  
- b. Are issuer service area changes permissible?
  - i. Yes, the DOI and the SBE 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 the SBE. Service area changes are not permitted until approval has been granted. The deadline for changes is July 15, 2022.
  - ii. Service Area Expansions must be filed with DOI for approval on or before June 10, 2022. Approval of additional counties for network adequacy should be received before including additional counties in the Service Area template.

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<sup>1</sup> All dates are subject to change.

<sup>2</sup> 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 KRS 304.17A-515 and 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, 2022.
- e. 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. Each QTL tool completed for a plan needs to be submitted with the corresponding schedule form filing.

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.