Qualified Health Plan Issuer Application Instructions

Plan Year 2023

Extracted section:
Section 1A: Program Attestations

CMS

Section 1A: Program Attestations

1. Introduction

In the Program Attestations section, issuers filing via HIOS attest to their intent to comply with Federally-facilitated Exchange (FFE) requirements. (Figure 1A-1). It includes the following four subsections of attestations (in order):

- Attestations required of both Medical QHP and stand-alone dental plan (SADP) issuers

- Attestations required of Medical QHP issuers only

- Attestations required of SADP issuers only

- Optional attestations.

You must respond to all four subsections. Respond "Not Applicable" to any subsections that do not apply to you.

If your state performs plan management functions, complete and submit the form via the National Association of Insurance Commissioners' (NAIC's) System for Electronic Rates & Forms Filing (SERFF).

Figure 1A-1. Program Attestations Application Section

2. Data Requirements

To complete this section, you will need the following:

1. Company organizational chart: Save the organizational chart using the naming convention in Table C-1.

2. Company compliance plan.

3. Compliance Plan and Organizational Chart Cover Sheet: To merge the Compliance Plan and Organization Chart Cover Sheet PDF with an existing compliance plan PDF file, use the Combine Files

or Insert Pages functions in Adobe Acrobat. Save the compliance plan using the naming convention in Table C-1.

4. Justification Form: Only required if you select No for the optional compliance plan attestation. Save the Justification Form using the naming convention in Table C-1.

5. State Partnership Exchange Issuer Program Attestation Response Form: Only required if your state performs plan management functions and you are submitting in SERFF. Save the form using the naming convention in Table C-1.

3. Quick Reference

Key Changes for 2023
◆ Issuers will submit responses to the Interoperability Attestation and Justification Form via the Supplemental Submission Module (SSM).

Tips for the Program Attestations Section
◆ You must respond to all attestation subsections.
◆ If you only offer Medical QHPs for certification, respond **Not Applicable** to the Attestations required in the SADP-only issuers subsection.
◆ If you only offer SADPs for certification, respond **Not Applicable** to the Attestations required in the Medical QHP-only issuers subsection.
◆ If you respond **Yes** to the optional compliance plan attestation, upload a compliance plan that includes the Compliance Plan and Organizational Chart Cover Sheet. If you respond **No** to the optional compliance plan attestation, upload a Justification Form.
◆ You must upload supporting documents for your responses to the attestations.
◆ Use the Justification Form only if you are submitting plans to the FFE using HIOS.
◆ Use the State Partnership Exchange Issuer Program Attestation Response Form only if your state performs plan management functions.

Additional Resources
◆ There are supporting documents for this section.
◆ There are no instructional videos for this section.
◆ There are no templates for this section.

4. Detailed Section Instructions

To participate in the FFE, you must respond to all Program Attestations subsections and upload supporting documentation or justifications.

Attestation Area	Steps
Attestations required of both Medical QHP and SADP issuers	Choose from the following to attest to the attestations in this section: ◆ **Yes**—if you agree to the listed attestation. If you select **Yes**, you must submit an Organizational Chart. Use the document upload feature in this subsection and select "Organizational Chart" as the document type. ◆ **No**—if you do not agree to the listed attestation. If you select **No**, you must still submit an Organizational Chart or "Other" document. Note: To offer certified QHPs or SADPs you must respond **Yes**.
Attestations required of Medical QHP issuers only	Choose from the following to attest to the attestations in this section: ◆ **Yes**—if you agree to the listed attestation. ◆ **No**—if you do not agree to the listed attestation. ◆ **Not Applicable**—if you are not submitting for Medical QHP certification.

Attestation Area	Steps
	Note: If you are applying to offer Medical QHPs, you must respond **Yes** with regard to those Medical QHPs. If you are not applying to offer Medical QHPs, select **Not Applicable**.
Attestations required of SADP issuers only	Choose from the following to attest to the attestations in this section: ◆ **Yes**—if you agree to the listed attestation. ◆ **No**—if you do <u>not</u> agree to the listed attestation. ◆ **Not Applicable**—if you are not submitting for SADP certification. Note: If you are applying to offer SADPs, you must respond **Yes** with regard to those SADPs. If you are not applying to offer SADPs, select **Not Applicable**.
Optional Attestations	Choose from the following to attest to the attestations in this section: ◆ **Yes**—if you agree to the listed compliance plan attestation. If you select **Yes**, submit the compliance plan and the Compliance Plan and Organizational Chart Cover Sheet. Use the document upload feature in this subsection and select **Compliance Plan** as the document type. **No**—if you do <u>not</u> agree to the listed compliance plan attestation. If you select **No**, complete and submit the Justification Form. Use the document upload feature in this subsection and select **Other** as the document type. You may still submit a compliance plan if you select **No**.

The specific attestations for each of the four subsections are shown below.

Attestation Area	Attestation
Attestations required of both Medical QHP and SADP issuers	Applicant agrees to adhere to all of the certification standards and operational requirements applicable to applicant in 45 *Code of Federal Regulations* (CFR) Parts 153, 155, and 156.
Attestations required of Medical QHP issuers only	Applicant agrees to adhere to all applicable requirements in 45 CFR Parts 146, 147, 155, and 156, including those related to the segregation of funds for abortion services.
Attestations required of SADP issuers only	Applicant agrees to adhere to all of the certification standards and operational requirements applicable to applicant in 45 CFR Parts 155 and 156.
Optional Attestations	Applicant attests that it is submitting a compliance plan that adheres to all applicable laws, regulations, and guidance; that the compliance plan is ready for implementation; and that the applicant agrees to reasonably adhere to the compliance plan provided. The applicant agrees to submit in advance any changes to the compliance plan to the U.S. Department of Health and Human Services (HHS) for review. Applicant will upload a copy of the applicant's compliance plan.

If you respond **No** to the optional attestation, provide a justification for why you are not submitting a compliance plan. See Figure 1A-2 for a sample Justification Form.

Figure 1A-2. Sample Justification Form

As you complete the Compliance Plan and Organizational Chart Cover Sheet, respond **Yes** or **No** to each evaluation criterion and identify the page number in the compliance plan where language supporting the evaluation criterion is found. Provide any requested organizational chart information on the same cover sheet.

We expect you to acknowledge that your compliance plans apply to Exchange products and operations and to provide examples of specific plans or processes that comply with Exchange requirements (see the Compliance Plan Contents section of the Compliance Plan and Organizational Chart Cover Sheet). For example, you might use an Exchange module as a part of employees' compliance training or develop audit plans to evaluate Exchange compliance risks.

See Figure 1A-3 for a sample partially completed Compliance Plan and Organizational Chart Cover Sheet.

Figure 1A-3. Sample Compliance Plan and Organizational Chart Review Cover Sheet

QHP Issuer Compliance Plan and Organizational Chart

Review Cover Sheet

Submit a Compliance Plan and Organizational Chart as part of your QHP Application. We review Compliance Plans based on criteria listed below. Respond to the evaluation criteria and, where applicable, state the page number where language supporting the response can be found. We will use this initial evaluation and review cover sheet to evaluate the adequacy of the Compliance Plan and Organizational Chart and to help us monitor ongoing compliance.

We reserve the right to identify weaknesses in your Compliance Plan or the Organizational Chart and to require you to address those weaknesses at a later date.

Evaluation Criteria	Yes	No	Page Number
Compliance Plan and Organizational Chart Submissions			
Applicant included a completed PY2023 cover sheet in the QHP application.	◯	◯	N/A
Applicant uploaded a copy of its Compliance Plan.	◯	◯	N/A
Applicant uploaded a copy of the Organizational Chart.	◯	◯	N/A
Compliance Plan Contents			
A. Written Policies and Procedures			
1. Does the Compliance Plan include a statement that articulates the issuer's commitment to comply with all applicable federal and state rules, regulations, and standards?	◯	◯	
2. Does the Compliance Plan include written standards of conduct for employees?	◯	◯	
3. Does the Compliance Plan provide guidance for employees, contractors, subcontractors, or other applicable entities on the process for dealing with potential compliance issues?	◯	◯	
4. Does the Compliance Plan describe the methods, processes, and procedures used to implement the Compliance Program?	◯	◯	

The next section of the Instructions for the PY2023 QHP Application is Accreditation.