

Qualified Health Plan Issuer Application Instructions

2019

04/09/2018

Version 1

Section 1A: Program Attestations

1. Introduction

In the Program Attestations section, issuers must respond to attestations regarding the intent to comply with FFE requirements. The Program Attestations section of the Issuer Module includes the following four subsections of attestations (in order):

- Attestations required of both Medical QHP and SADP issuers
- Attestations required of Medical QHP issuers only
- Attestations required of SADP issuers only
- Optional Attestations.

These instructions only apply to FFE issuers filing through HIOS. Issuers in states performing plan management functions need to complete and submit the State Partnership Exchange Issuer Program Attestation Response Form through SERFF. The 2019 State Partnership Exchange Issuer Program Attestation Response Form is available at <https://www.qhpcertification.cms.gov/s/Program%20Attestations>.

2. Data Requirements

To complete this section, issuers need the following information:

1. Company organizational chart: Save the organizational chart using the following naming convention: [HIOS Issuer ID]_[Title of Document]. For example: "12345_OrganizationalChart.doc."
2. Company compliance plan.
3. Compliance Plan and Organizational Chart Cover Sheet: The 2019 Compliance Plan and Organizational Chart Cover Sheet is available at <https://www.qhpcertification.cms.gov/s/Program%20Attestations>.
 - a. To add the Compliance Plan and Organizational Chart Cover Sheet PDF into an existing compliance plan PDF file, use the Document/Insert Pages function in Adobe Acrobat.
 - b. Merge the Compliance Plan and the Compliance Plan Cover Sheet into a single PDF file and save the document using the following naming convention: [HIOS Issuer ID]_[Title of Document]. For example: "12345_CompliancePlanandCoverSheet.PDF."
4. Justification Form, applicable only to those issuers attesting **No** to the optional compliance plan attestation. A blank justification form is available at <https://www.qhpcertification.cms.gov/s/Program%20Attestations>. Save the justification form using the following naming convention: [HIOS Issuer ID]_[Title of Document]. For example: "12345_ComplianceJustificationForm.PDF."
5. State Partnership Exchange Issuer Program Attestation Response Form, applicable only to issuers in states performing plan management functions submitting in SERFF. The 2019 State Partnership Exchange Issuer Program Attestation Response Form is available at <https://www.qhpcertification.cms.gov/s/Program%20Attestations>. Save the form using the following naming convention: [HIOS Issuer ID]_[SPEissuerAttestations]. For example: "12345_SPEissuerAttestations.PDF."

3. Quick Reference

Key Changes for 2019
<ul style="list-style-type: none"> ◆ The attestation language for the “Attestations required of Medical QHP issuers only” subsection has been updated to incorporate the segregation of funds requirement. ◆ Issuers are strongly encouraged to submit a compliance plan. ◆ Issuers responding No to the optional compliance plan attestation are required to upload a justification form.

Tips for the Program Attestations Section
<ul style="list-style-type: none"> ◆ Issuers must respond to all attestation subsections. ◆ Medical QHP-only issuers may respond Not Applicable to the Attestations required of SADP issuers only subsection. ◆ SADP-only issuers may respond Not Applicable to the Attestations required of Medical QHP issuers only subsection. ◆ All issuers, including those submitting only medical QHPs, only SADPs, or both, are strongly encouraged to respond Yes to the optional compliance plan attestation and upload a compliance plan and the Compliance Plan and Organizational Chart Cover Sheet. ◆ All issuers are required to upload supporting documents depending on responses to the attestations. ◆ The justification form is only for FFE issuers using HIOS. ◆ The State Partnership Exchange Issuer Program Attestation Response Form is only for issuers in states performing plan management functions.

4. Detailed Section Instructions

All issuers and their affiliates seeking to participate in the FFE, including SADP issuers, must complete all program attestations subsections of the application. To complete this section, issuers must respond to all program attestations subsections and, as applicable, upload supporting documentation or justifications.

Attestation Area	Steps
Attestations required of both Medical QHP and SADP issuers	<p>Choose from the following to attest to the attestations in this section:</p> <ul style="list-style-type: none"> ◆ Yes—if the issuer agrees to the listed issuer attestation. If Yes is selected, issuers are required to submit the Organizational Chart. Use the document upload feature in the Attestations required of both Medical QHP and SADP issuers subsection and select “Organizational Chart” as the document type. ◆ No—if the issuer does not agree to the listed issuer attestation. If No is selected, issuers may still submit an Organizational Chart or “Other” document. <p><i>Note:</i> All issuers who wish to offer either certified QHPs or SADPs are required to respond Yes.</p>
Attestations required of Medical QHP issuers only	<p>Choose from the following to attest to the attestations in this section:</p> <ul style="list-style-type: none"> ◆ Yes—if the issuer agrees to the listed issuer attestation. ◆ No—if the issuer does not agree to the listed issuer attestation. ◆ Not Applicable—if the issuer is not submitting for Medical QHP certification. <p><i>Note:</i> Applicants applying to offer medical QHPs are required to respond Yes with regard to those medical QHPs. All applicants not applying to offer medical QHPs should select Not Applicable.</p>
Attestations required of SADP issuers only	<p>Choose from the following to attest to the attestations in this section:</p> <ul style="list-style-type: none"> ◆ Yes—if the issuer agrees to the listed issuer attestation. ◆ No—if the issuer does not agree to the listed issuer attestation. ◆ Not Applicable—if the issuer is not submitting for SADP certification. <p><i>Note:</i> Applicants applying to offer SADPs are required to respond Yes with regard to those SADPs. All applicants not applying to offer SADPs should select Not Applicable.</p>

Attestation Area	
Optional Attestations	<p>Choose from the following to attest to the attestations in this section:</p> <ul style="list-style-type: none"> ◆ Yes—if the issuer agrees to the listed compliance plan attestation. If Yes is selected, submit the Compliance Plan and the Compliance Plan and Organizational Chart Cover Sheet. Use the document upload feature in the Optional Attestations subsection and select “Compliance Plan” as the document type. ◆ No—if the issuer does not agree to the listed compliance plan attestation. If No is selected, complete and submit the justification form. Use the document upload feature in the Optional Attestations subsection and select “Other” as the document type. Issuers may still submit a Compliance Plan. <p><i>Note:</i> CMS strongly encourages all applicants, including those submitting medical QHPs, SADPs, or both, to respond Yes and upload a Compliance Plan and the Compliance Plan Cover Sheet.</p>

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 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 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 Department of Health and Human Services (HHS) for review. Applicant will upload a copy of the applicant’s compliance plan.

Issuers responding **No** to the optional attestation must provide a justification for why they are not attesting **Yes** to providing a compliance plan. A sample justification form looks like **Figure 1A-1**.

example, issuers may have an Exchange Module as a part of employees' compliance training, or they may develop audit plans to evaluate compliance risks in the Exchange line of business.

A sample partially completed Compliance Plan and Organizational Chart Cover Sheet looks like **Figure 1A-2**.

Figure 1A-2. Sample Compliance Plan and Organizational Chart Review Cover Sheet

QHP Issuer Compliance Plan and Organizational Chart REVIEW COVER SHEET			
<p><i>Issuers will be asked to submit a Compliance Plan and Organizational Chart as part of the application process for certification of qualified health plan(s). The criteria listed below contain minimum requirements for this review. Compliance Plans will be reviewed based on this criteria. Issuers should respond to the evaluation criteria and, where applicable, state the page number where language supporting the response can be found. This initial evaluation and review cover sheet will be used to evaluate the adequacy of the Compliance Plan and Organizational Chart and will assist in the ongoing monitoring of issuer compliance.</i></p> <p><i>Certification of a health plan does not prevent CMS from identifying or addressing weaknesses in the Compliance Plan and/or the Organizational Chart submitted by an issuer as part of its application at a later date.</i></p>			
Evaluation Criteria	Yes	No	Page Number
Compliance Plan and Organizational Chart Submissions			
Applicant included the cover sheet in the QHP Application.	<input checked="" type="radio"/>	<input type="radio"/>	N/A
Applicant uploaded a copy of its Compliance Plan.	<input checked="" type="radio"/>	<input type="radio"/>	N/A
Applicant uploaded a copy of the Organizational Chart.	<input checked="" type="radio"/>	<input type="radio"/>	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?	<input checked="" type="radio"/>	<input type="radio"/>	13-14
2. Does the Compliance Plan include written standards of conduct for employees?	<input checked="" type="radio"/>	<input type="radio"/>	15
3. Does the Compliance Plan provide guidance for employees, contractors, subcontractors, or other applicable entities on the process for dealing with potential compliance issues?	<input checked="" type="radio"/>	<input type="radio"/>	22

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