



Request for Comment Regarding Interim Final Exchange and Medicaid Regulations

Agency: Joint agency request by the Minnesota Departments of Commerce, Human Services and Health.

Summary: On March 12, 2012, the U.S. Department of Health and Human Services (HHS) published a final rule on Affordable Health Insurance Exchanges, which combines policies from two Notices of Proposed Rulemaking (NPRMs) published last summer. One rule, published on July 15, 2011, outlined a proposed framework to enable states to build Affordable Insurance Exchanges (Exchanges), which are new state-based competitive marketplaces created under the Affordable Care Act. A second NPRM, published on August 17, 2011, outlined proposed standards for eligibility for enrollment in qualified health plans through the Exchange and insurance affordability programs, including premium tax credits.

On March 23, 2012 The U.S. Department of Health and Human Services released a final rule defining the eligibility and enrollment policies designed to achieve a seamless system of coverage for individuals who will be eligible for Medicaid and the Children's Health Insurance Program beginning in 2014.

Portions of these rules were issued on an interim final basis. As such, HHS is considering comments on the following provisions:

Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (45 CFR Parts 155, 156, and 157)

- §155.220(a)(3) – State option to permit agents and brokers to assist individuals in applying for tax credits and cost-sharing reductions
- §155.300(b) – Related to Medicaid and CHIP regulations
- §155.302 – Related to options for conducting eligibility determinations
- §155.305(g) – Related to eligibility standards for cost-sharing reductions
- §155.310(e) – Related to timeliness standards for Exchange eligibility determinations
- §155.315(g) – Related to verification for applicants with special circumstances
- §155.340(d) – Related to timeliness standards for the transmission of information for the administration of advance payments of the premium tax credit and cost-sharing reductions
- §155.345(a) and §155.345(g) – Related to agreements between agencies administering insurance affordability programs.

Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010; Final Rule (42 CFR Parts 431, 435 and 457)

- §431.300(c)(1) and (d)- Basis and Purpose
- §431.305(b)(6)- Types of information to be safeguarded
- §435.912- Timely determination of eligibility
- §435.1200- Medicaid Agency responsibilities
- §457.340(d)- Application for and enrollment in CHIP: Timely determination of eligibility
- §457.348- Determinations of Children's Health Insurance Program eligibility by other insurance affordability programs
- §457.350(a), (b), (c), (f), (i),(j), and (k)- Eligibility screening and enrollment in other insurance affordability programs

The final rules, including the interim final provisions, can be found on the below websites:

- Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (45 CFR Parts 155, 156, and 157):
http://www.ofr.gov/OFRUpload/OFRData/2012-06125_PI.pdf
- Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010; Final Rule (42 CFR Parts 431, 435 and 457):
<http://www.gpo.gov/fdsys/pkg/FR-2012-03-23/html/2012-6560.htm>

Minnesota submitted comments in October 2011 regarding a number of proposed regulations, the letter can be found on the Department of Commerce's website:
<http://mn.gov/commerce/insurance/images/Exch-MN-Reg-Comments.pdf>.

This is a request for comment regarding the aforementioned proposed interim regulations to assist the Departments in preparing a formal response.

Date Requested: On or before 3pm central time on Monday April 23, 2012.

How to Send Comments: Send written comments to HealthReform.MN@state.mn.us and write "Interim Final" in the subject line of the email.

Request for Comments: This request identifies a broad set of content areas of interest related to the interim regulations. Commenters may respond to one or more of the abovementioned interim final content areas. To assist us in compiling comments, please cite the specific section of the proposed rules you are referencing.