

STATE OF MINNESOTA  
INTER-AGENCY AGREEMENT

This Inter-Agency Agreement ("Agreement") is made by and between the Minnesota Department of Commerce ("Commerce") and the Minnesota Insurance Marketplace ("MNSure").

Recitals

- A. Public Law 111-148, known as the Patient Protection and Affordable Care Act ("ACA") and subsequent amendments, regulations and guidance promulgated thereunder require that health plans offered in the individual and small group insurance market include coverage for specific pediatric dental services as part of the Essential Health Benefits package. This requirement may be met by allowing separate purchase of an exchange-certified stand-alone dental plan either through MNSure or outside of MNSure; therefore, there is a need for stand-alone dental plans offered outside of the exchange to be certified as a qualified dental plan ("QDP").
- B. The ACA provides that the Secretary of the United States Department of Health and Human Services (HHS) shall, by regulation, establish the criteria for certification of health plans as QHPs and QDPs and specifies certain criteria to be included in such certification.
- C. Under Minnesota Statutes section 62V.05, subdivision 5(c), MNSure is authorized to certify health plans as QHPs or dental plans as QDPs, according to applicable certification requirements.
- D. MNSure has authority to establish and maintain agreements with Commerce under Minnesota Statutes section 62V.05, subdivision 7(a)(3) for services regarding enforcement of certification requirements for health and dental plans, as well as other services. To expedite the process of certification of QDPs, MNSure is willing to delegate to Commerce the duty to complete the final steps of the QDP and issuer certification for dental plans that will be offered solely outside of MNSure, for the term of this Agreement.
- E. Commerce is authorized under Minnesota law to review and approve policy filings for dental plans to be offered for sale in Minnesota, and is willing to assume the duty to complete the final steps of the QDP and issuer certification process on behalf of MNSure for dental plans that will be offered solely outside of MNSure.

NOW, THEREFORE, it is agreed:

Agreement

- 1. Term of Agreement
  - 1.1 *Effective date:* May 1, 2014, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
  - 1.2 *Expiration date:* This Agreement shall remain in effect until either party chooses to terminate upon thirty days written notice to the other party to the Agreement.
- 2. Scope of Work
  - a. MNSure shall delegate authority to Commerce to certify qualified dental plans ("QDP") intended to be offered for sale in Minnesota solely in the market outside of MNSure.
  - b. Commerce shall assume the duties of certification of QDPs intended to be offered for sale in Minnesota solely in the market outside of MNSure. These duties include verifying that QDPs intended

to be offered for sale in Minnesota solely in the market outside of MNsure include the necessary standards outlined in the guidance released by MNsure on February 4, 2013, or any subsequent guidance, regulation or law that amends or replaces these standards. Commerce will not be required to verify that products offered outside of MNsure meet the submission requirements outlined in the February 4, 2013 guidance that are only applicable to products offered through MNsure, including the following:

- i. Annual updates to rates do not need to be reported to MNsure
- ii. Network provider directories do not need to be made available to MNsure

3. Consideration and Payment

The total obligation of MNsure to Commerce under this Agreement will be \$0.00.

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4. Conditions of Payment

No payments will be made under this Agreement.

5. Authorized Representative

Commerce's Authorized Representative is:

Tim Vande Hey, Deputy Commissioner, or his successor  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101  
651-539-1728

MNsure's Authorized Representative is:

Scott Leitz, Chief Executive Officer, or his successor  
81 East 7<sup>th</sup> Street, Suite 300  
St. Paul, MN 55101

651-431-2012

6. Amendments

Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

7. Liability

Each party will be responsible for its own acts and behavior and the results thereof.

8. Termination

Either party may terminate this Agreement at any time, with or without cause, upon 30 days' written notice to the other party.

1. MNsure

By:

Scott Leitz  
(with delegated authority)

Title:

CEO

Date:

8-5-14

2. Department of Commerce

By:

Tim Vande Hey  
(with delegated authority)

Title:

Deputy Comm.

Date:

8/6/14