

March 12, 2019

SUBMITTED ELECTRONICALLY TO: DORA_Ins_RulesandRecords@state.co.us

Division of Insurance
Colorado Department of Regulatory Agencies
1560 Broadway, Suite 850
Denver, CO 80202

Re: *Proposed amended regulation 4-2-27 - Procedures for Reasonable Modifications to Individual and Small Group Health Benefit Plans and Pediatric Stand-alone Dental Plans Compliant with the Affordable Care Act*

To Whom It May Concern:

The staff of Connect for Health Colorado, the state-based health insurance marketplace (SBM) for Colorado, greatly appreciates the opportunity provided by the Division of Insurance (“Division”) to comment on the proposed amended regulation 4-2-27 regarding reasonable modifications. Connect for Health Colorado offers the following comments on the proposed amended regulation:

Section 6 - Requirements

The proposed amended regulation includes requirements on issuers for providing reasonable modification notices to individual and small group policyholders. The two proposed notices are contained in Appendix D for individual policyholders and Appendix E for small group policyholders.

We recommend the following specific changes to the language of the Individual Policyholder Letter Template (Appendix D):

- **Modify the following language for on-exchange policyholders: “If you want to keep your plan, you don’t have to do anything. Your plan will automatically be renewed on January 1st and you just have to pay the new monthly premium.”**
 - While this language may make sense in the off-exchange market, it will not always make sense for on-exchange consumers. In order to remain eligible for automatic renewal on Connect for Health Colorado, the individual must meet certain eligibility criteria. For example, if someone were to age out of their Catastrophic plan, or where we discover someone has a simultaneous

enrollment (meaning they are enrolled in both a Qualified Health Plan through Connect for Health Colorado and in Medicaid coverage).

- Given the automatic renewal is not certain for all on-exchange consumers, we recommend making this sentence variable, with suggested language for on-exchange plans only, such as: “You may or may not be auto-enrolled in coverage next year. Connect for Health Colorado will be contacting you if you need to take any action to renew your coverage.”

We recommend the following specific changes to the language of Small Group Policyholder Letter Template (Appendix E):

- **Modify the following language: under the “What if I want to change plans?” section: “You can choose a new plan from us, another insurance carrier or through Connect for Health Colorado.”**
 - In 2018, Connect for Health Colorado discontinued the administration of Small Business Health Options Program (SHOP). However, we partnered with Kaiser and Delta Dental to offer medical and dental plans designed to cover a small group of employees. Thus, Connect for Health Colorado no longer handles the enrollment of small groups, but this activity is done directly with the issuers. Some companies may still qualify for the small business tax credits that were available through the SHOP program.
 - Given these changes to the SHOP program, we recommend changing the language in this bullet. For example, we would propose the following language: “You can choose a new plan from us, another insurance carrier, or to learn about small business opportunities available through Connect for Health Colorado, please visit: <http://connectforhealthco.com/get-started/small-business>”.
- **Modify the following language: under the “Questions?” section: “Please contact your broker or, if you purchased the plan through Connect for Health Colorado, contact Connect for Health CO at 1-855-752-6749 or visit www.connectforHealthCO.com”**
 - Given the changes to the SHOP program, we recommend changing the language in this bullet. For example, we would propose the following language: “To learn about small business opportunities available through Connect for Health Colorado, please contact your broker or visit: <http://connectforhealthco.com/get-started/small-business>”.

General Comments

We would be interested in more broadly exploring opportunities to streamline the variety of required notices sent between Connect for Health Colorado and issuers to consumers in the

individual market around renewals and redeterminations. We suggest convening a stakeholder process to globally discuss the variety of notices and the challenges consumers face regarding the following at minimum:

- 4-2-27 – Procedures for Reasonable Modifications to Individual and Small Group Health Benefit Plans and Pediatric Stand-alone Dental Plans Compliant with the Affordable Care Act
- 4-2-51 – Carrier Discontinuance of a Health Benefit Plan
- B-4.79 – Renewal and Redetermination Notices for Use by Carriers and Connect for Health Colorado

We believe such a process can unearth issues that consumers face annually which can cause confusion and frustration. Taking a more comprehensive look at these various notices can help streamline access to coverage and reduce barriers to care which in turn can support a more stable and healthy insurance marketplace.

Connect for Health Colorado can serve as an essential space for dialogue around noticing challenges. We would therefore offer to either more widely publicize the Division's efforts on this front or help in convening stakeholders specific to exchange enrollees and issues to ensure all involved have a voice in the solutions.

Conclusion

We appreciate the opportunity to provide comments on this proposed amended regulation. We would welcome the opportunity to speak with you in more detail and answer any questions you have regarding these comments. If you have any questions or would like to discuss further, please contact Ian McMahon, Interim Policy & External Affairs Director, at imcmahon@c4hco.com or (720) 496-2562.

Sincerely,

Connect for Health Colorado Staff