



## Advisory Memorandum

**To: All Insurers of Non-Grandfathered ACA-Compliant Health Benefit Plans in the Individual or Small Group Markets**

**From: Life & Health Division**

**Date: April 26, 2024**

**Re: 2025 Plan Year Single Risk Pool Rate Filing Submission Instructions**

As an effective rate review state under federal regulation, the North Carolina Department of Insurance (NCDOI) is required to uniformly make public certain information of 2025 Plan Year annual single risk pool rate filings. To meet that requirement, NCDOI has established the following process for insurers to follow in submitting their 2025 Plan Year rate filings.

This guidance addresses filings with a threshold calculation of 15% or greater as well as filings where the threshold calculation is less than 15%. Also included is a listing of all supporting documentation/data requirements for single-risk pool filings. **Please read the entire memorandum and all instructions before submitting a rate filing.**

**NCDOI expects insurers to follow the procedures outlined below with no deviations:**

- I. For Non-Grandfathered ACA compliant Single-Risk Pool Rate Filings for the 2025 Plan Year in the individual or small group markets in which any plan in any product contained in the filings has a threshold calculation of 15% or greater.<sup>1</sup>**

**Insurers will be expected to submit a demonstration of the threshold calculation for each product contained in the single-risk pool rate filing as part of NC's actuarial memorandum requirements.**

- A. Insurers are expected to submit an annual single-risk pool rate filing for the 2025 Plan Year for each market (as applicable) directly in SERFF. Due to new functionality (implemented for 2023 and forward Plan Years), a rate filing filed in SERFF is automatically uploaded to the Uniform Rate Review (URR) Module of HIOS and will be considered filed with CMS once submitted in SERFF.
- B. **Recommended Due Date – May 15, 2024, but no later than May 24, 2024 - Insurers are expected to submit ALL single-risk pool filings via SERFF. Note that if you are unable to submit your rate submission on May 15, 2024, please contact Mary Jo Wegenast at [L&Hinbox@ncdoi.gov](mailto:L&Hinbox@ncdoi.gov).**

<sup>1</sup> Refer to 45 CFR §154.200(c)(2) for when a rate increase is subject to review. Note the definition of product, as found in 45 CFR §154.102 was revised in the HHS Notice of Benefit and Payment Parameters for 2018 issued in the Federal Register on December 22, 2016.

- C. Insurers should use SERFF Filing Type '2025 Plan Year ACA Single-Risk Pool Rate Filing' AND one of the following SERFF Types of Insurance (TOI) for each submission; H16I, H16G, HOrg02I, HOrg02G (**Note, these are the only TOI's allowed for this Filing Type**).
- D. Insurers are expected to submit all state required information for an ACA-compliant single-risk pool rate filing as outlined in related guidance and per SERFF filing requirements, including Parts I, II and III of the Federal Rate Filing Justification via the URRT tab in the SERFF filing. **Please note that SERFF rate filings may NOT be re-opened after a final determination is made on the URRT tab. CMS/CCIIO will need to be contacted and the submission deactivated in HIOS and a new rate filing submitted in SERFF. To avoid this, please see section III. Guidance on Unsolicited Amendments/Updates to pending Single-risk Pool Rate Filings below for NCDOL amendment submission deadlines.**
- E. Insurers are expected to submit the redacted version of the federal Actuarial Memorandum (Part III of the Rate Filing Justification) AND the un-redacted version if the insurer wishes to take advantage of the federal policy permitting the use of a redacted version AND the federal requirement is applicable. **The two documents MUST be submitted separately and have different file names.** Note, the Part III federal Actuarial Memorandum (and redacted version, if applicable) is required in addition to the North Carolina Actuarial Memorandum (see North Carolina Actuarial Memorandum SERFF submission requirement for template).
- F. Pursuant to 45 CFR §154.301(b)(1)(i) and (ii), to coordinate the uniform public release of Parts I, II and III of the Rate Filing Justifications for all proposed rate increases subject to review and all final rate increases, insurers are expected to mark as confidential Parts I, II and III (both redacted and un-redacted versions) of the Rate Filing Justification.
1. Should Parts I, II and III be revised during the review process, the insurer may mark such amended information as confidential in SERFF if the information qualifies as trade secret under NC's laws and the insurer follows the Division's trade secret process.
  2. To coordinate the uniform public release of Parts I, II and III of all final rate increases, insurers must also, and as a final step before approval, submit final versions of Parts I, II, and III (redacted version) to be disclosed publicly on the uniform date specified in regulation or otherwise chosen by the State. Such versions should be marked confidential in SERFF, but the documents should not contain any internal markings of confidentiality or trade secret.
- G. Insurers are expected to submit the following required statement signed by an officer of the company relating to the temporary confidentiality of Parts I, II, and III on the Supporting Documentation tab in the SERFF filing:
- [COMPANY] acknowledges that Parts I, II, and III of the federal Rate Filing Justification (as applicable) are being submitted as confidential only on a temporary basis to facilitate NCDOL compliance with federal requirements for uniform release of rate information pursuant to 45 CFR §154.301(b).I***
- H. Insurers may mark other submitted content which qualifies for trade secret status under NC's laws as confidential if the insurer follows the Life and Health

Division's Trade Secret submission process. Those instructions may be accessed here: <https://www.ncdoi.gov/insurance-industry/form-and-rate-filings/life-and-health/form-and-rate-filing-instructions#trade-secret-instructions>

- I. **The SERFF Rate/Rule Schedule should be marked Confidential in its entirety. Each Schedule Item on the tab should be marked Confidential. However, do not mark the entire SERFF rate filing as Confidential. If this occurs, the filing will be rejected in SERFF and deactivated by CMS and a new rate filing will need to be submitted.**
- J. *See pages 6 & 7 of this document - **SERFF – NCDOI REQUIRED FIELDS FOR ACA PY25 RATE FILINGS** for guidance on SERFF field input.*

Insurers should understand that for filings described in Section I above, as required by 45 CFR §154.301(b), by 8/1/2024, NCDOI will make public a summary of these filings, including the company name, market, and average change in rates requested, as well as Parts II and III of the Rate Filing Justification included in the May 15th submission. CMS/CCIIO is expected to publish information from Parts I, II and III for ALL rate submissions on 8/1/2024. Lastly, NCDOI will, after approval, make public a summary of final rates and the final versions of Parts II and III from all filings on a uniform date but no later than the first day of open enrollment.

**II. For Non-grandfathered ACA-compliant Single-Risk Pool Rate Filings for the 2025 Plan Year in the individual or small group markets in which the threshold calculation is less than 15%.**

**Insurers will be expected to submit a demonstration of the threshold calculation for each product contained in the single-risk pool rate filing as part of NC's actuarial memorandum requirements.**

- A. Insurers are expected to submit an annual single-risk pool rate filing for the 2025 Plan Year for each market (as applicable) via SERFF.
- B. Recommended Due Date – May 15, 2024, but no later than May 24, 2024 - Insurers are expected to submit ALL single-risk pool filings to NCDOI and CMS/CCIIO. Note that if you are unable to submit your rate submission on May 15, 2024, please contact Mary Jo Wegenast at LHinbox@NCDOI.gov.
- C. Insurers should use SERFF Filing Type '2025 Plan Year ACA Single-Risk Pool Rate Filing' AND one of the following SERFF Types of Insurance (TOI) for each submission; H16I, H16G, HOrg02I, HOrg02G (**Note, these are the only TOI's allowed for this Filing Type**).
- D. Insurers are expected to submit all state required information for an ACA-compliant single-risk pool filing as outlined in previous guidance and/or per SERFF filing requirements, including Parts I and III of the federal Rate Filing Justification as applicable. **Please note that SERFF rate filings may NOT be re-opened after a final determination is made on the URRT tab. CMS/CCIIO will need to be contacted and the submission deactivated in HIOS and a new rate filing submitted in SERFF. To avoid this, please see section III. Guidance on Unsolicited Amendments/Updates to Pending Single-Risk Pool Rate Filings below for NCDOI amendment submission deadlines.**
- E. Insurers are expected to submit the redacted version of the federal Actuarial

- Memorandum (Part III of the Rate Filing Justification) AND the un-redacted version if the insurer wishes to take advantage of the federal policy permitting the use of a redacted version AND the federal requirement is applicable. **The two documents MUST be submitted separately and have different file names.** Note, the Part III federal Actuarial Memorandum (and redacted version, if applicable) is required *in addition* to the North Carolina Actuarial Memorandum (see North Carolina Actuarial Memorandum SERFF submission requirement for template).
- F. To coordinate the uniform public release of Parts I and III of the Rate Filing Justification for all final rate increases on a uniform date as provided in 45 CFR §154.301(b)(1)(ii), insurers are expected to mark as confidential Parts I and III (both redacted and un-redacted versions) of the Rate Filing Justification.
1. Should Parts I and III be revised during the review process, the insurer may mark such amended information as confidential in SERFF if the information qualifies as trade secret under NC's laws and the insurer follows the Division's trade secret process.
  2. In order to coordinate the uniform public release of Parts I and III of all final rate increases, insurers must also, and as a final step before approval, submit final versions of Parts I and III (redacted version) to be disclosed publicly on the uniform date specified in regulation or otherwise chosen by the State. Such versions should be marked confidential in SERFF, but the documents themselves should not contain any internal markings of confidentiality or trade secret.
- G. Insurers are expected to submit the following required statement signed by an officer of the company relating to the temporary confidentiality of Parts I and III on the Supporting Documentation tab in the SERFF filing:  
***[COMPANY] acknowledges that Parts I and III of the federal Rate Filing Justification (as applicable) are being submitted as confidential only on a temporary basis to facilitate NCDI compliance with federal requirements for uniform release of rate information pursuant to 45 CFR §154.301(b).***
- H. Insurers may mark other submitted content which qualifies for trade secret status under NC's laws as confidential if the insurer follows the Life and Health Division's Trade Secret submission process. Those instructions may be accessed here: <https://www.ncdoi.gov/insurance-industry/form-and-rate-filings/life-and-health/form-and-rate-filing-instructions#trade-secret-instructions>.
- I. **The SERFF Rate/Rule Schedule should be marked Confidential in its entirety. Each Schedule Item on the tab should be marked Confidential. However, do not mark the entire SERFF rate filing as Confidential. If this occurs, the filing will be rejected in SERFF and deactivated by CMS and a new rate filing will need to be submitted.**
- J. See pages 6 & 7 of this document - **SERFF – NCDI REQUIRED FIELDS FOR ACA PY25 RATE FILINGS** for guidance on SERFF field input.

Insurers should understand that for filings described in Section II above, as required by 45 CFR §154.301(b), by 8/1/2024 NCDI will make public a summary of these filings, including the company name, market, and average change in rates requested, as well as Part III of the Rate Filing Justification included in the May

17th submission. CMS/CCIIO is expected to publish information from Parts I, II and III for ALL rate submissions on 8/1/2024. Lastly, NCDOI will, after approval, make public a summary of final rates and the final versions of Parts II and III from all filings on a uniform date but no later than the first day of open enrollment.

### III. Guidance on Unsolicited Amendments/Updates to Pending Single-Risk Pool Rate Filings

NCDOI will consider unsolicited changes/updates to pending single-risk pool rate filings, including adjustments due to the final risk adjustment information as issued by CMS, changes in assumptions, or emerging experience. **However, for single-risk pool rate filings containing any plan submitted for QHP certification, NCDOI will not accept unsolicited amendments submitted after close of business, July 25, 2024. For single-risk pool rate filings that do NOT contain any plans submitted for QHP certification (i.e., off exchange only), NCDOI will not accept unsolicited amendments submitted after the close of business on September 20, 2024.** NCDOI reserves the right to amend these time frames should limits on resources and time put timely completion of all rate filings in jeopardy, or revisions to this policy are otherwise warranted.

### IV. Data Requirements for ALL Single-Risk Pool Rate Filings

As a reminder, the following items should be submitted with ALL single-risk pool rate filings:

- A. NC Actuarial Memorandum
- B. NC Rate Data Template
- C. NC Rate Filing Checklist
- D. Threshold Calculation Demonstration
- E. Part I of the federal Rate Filing Justification – Unified Rate Review Template
- F. Part II of the federal Rate Filing Justification – Written Description Justifying the Rate Increase (if applicable)
- G. Part III of the federal Rate Filing Justification – Actuarial Memorandum – Unredacted (if applicable)
- H. Part III of the federal Rate Filing Justification – Actuarial Memorandum – Redacted (if applicable)
- I. A screen shot from the 2025 Actuarial Value Calculator for each plan in the URRT and associated plan binder
- J. Federal Unique Plan Design Supporting Documentation and Justification Form (if applicable)
- K. Federal EHB Substituted Benefit (Actuarial Equivalent) Supporting Documentation and Justification Form (if applicable)
- L. HMO Financial Projection Template (only applies to entities licensed as HMOs or who have an HMO line of authority)
- M. HMO Actual to Projected Financial Results (only applies to entities licensed as HMOs or who have an HMO line of authority)
- N. **(Applies to Individual Health Insurance Insurers Only)** - Insurers are required to provide information on the Second Lowest Cost Silver Plans. The

- Department will NOT allow deviations from this worksheet.
- O. **(Applies to Individual Health Insurance Insurers Only)** - Insurers should include/describe expected impacts from COVID, continued enhanced subsidies under the Inflation Reduction Act, Medicaid Unwinding Redeterminations, and N.C. Medicaid Expansion. NCDOI will allow for revisions if the scenarios change.
  - P. **(Applies to Individual Health Insurance Insurers Only)** - Insurers should show both the On and Off Exchange actual and projected enrollment in the North Carolina Actuarial Memorandum.
  - Q. **(Applies to Individual Health Insurance Insurers Only)** – The March 24, 2020 NCDOI Advisory for Guidance for ACA Rate Loading for Defunded CSR Payments remains in effect for the 2025 Plan.
  - R. **(Applies to Small Group and Individual Health Insurers)** – Insurers should identify and provide complete listings of all pricing induced demand factors (IDF) that are applied at the metal or benefit plan level. These factors must reflect differences in utilization attributable only to differences in the generosity of plan benefits and not to claims experience or the characteristics of the on-exchange enrollees.

To assure that data stay consistent, NCDOI expects that any amendments made to a NC single- risk pool rate submission shall also be made to any like data as submitted to CMS/CCIIO or the FFM. NCDOI will ask as part of the Plan Binder submission requirements that insurers attest to this and may also request additional assurances during the form and/or rate filing review process.

As federal guidance, regulation, and legislation that may impact single-risk pool rate filings for the 2025 Plan Year may not be finalized as of the date of this memorandum, this guidance could be changed. The Division will issue additional guidance as necessary to reflect such changes. Insurers are encouraged to regularly check this website for up-to-date information: <https://www.ncdoi.gov/insurance-industry/form-and-rate-filings/life-and-health/health-insurance-affordable-care-act-aca>

All questions relating to this memorandum should be addressed to Mary Jo Wegenast, [L&Hinbox@ncdoi.gov](mailto:L&Hinbox@ncdoi.gov).

### **SERFF – NCDOI REQUIRED FIELDS FOR ACA PY25 RATE FILINGS**

**TOI:** One of the following (select applicable Sub-TOI):

*H16G Group Health Major*

*Medical H16I Individual Health*

*Major Medical*

*HOrg02G Group Health Organization-Health Maintenance*

*(HMO) HOrg02I Individual Health Organizations-Health*

*Maintenance (HMO)*

### **FILING TYPE:**

*2025 Plan Year ACA Single Risk Pool Rate Filing*

**GENERAL INFORMATION TAB:**

- Implementation Date Requested: *01/01/2025*
- Requested Filing Mode: *Review & Approval*
- Submission Type: *New Submission*
- Overall Rate Impact: **DO NOT COMPLETE – THIS FIELD SHOULD BE BLANK FOR ACA RATE FILINGS**
- Market Type: *Individual/Group*
- Group Market Size: *Individual/Small*
- Corresponding Filing Tracking Number: *Pending corresponding FORM filing under review*
- Associated Filings: *List all associated FORM filings that correspond to the rates in the rate filing*

**RATE/RULE SCHEDULE TAB:**

- Report Rate filing to HHS?: *Yes*
- Filing Method: *SERFF*
- Rate Change Type: *Increase, Decrease, Neutral*
- Overall Percentage of Last Rate Revision: *Last rate filing corresponding to the 'Affected Form Numbers' field*
- Effective Date of Last Rate Revision: *Last rate filing corresponding to the 'Affected Form Numbers' field*
- Filing Method of Last Filing: *SERFF*
- SERFF Tracking Number of Last Filing: *Last rate filing corresponding to the 'Affected Form Numbers' field*
- Company Rate Information: *ALL FIELDS*
- View Rate Review Detail (separate pop-up screen): *ALL FIELDS* (with the exception of 'Affected Forms for Closed Blocks' and 'Other Affected Forms' if not applicable. Also note, *the HIOS Product ID and HIOS Submission ID are required fields*).
- Document Name: *Applicable Document Name*
- Affected Form Numbers: *Each number must be listed separately. DO NOT SEPARATE WITH COMMAS.*
- Rate Action: *'New' or 'Revised' (Only select 'New' when a new company to ACA market. Returning companies should always select 'Revised')*
- Rate Action Information:
  - Previous Filing #: *Should match the 'SERFF Tracking Number of Last Filing' entry*
  - Percent Rate Change Request: *Should match the 'Overall % Rate Impact' & 'Overall % Indicated Change' fields*
- Attach Document: **For ACA Rate Filings, DO NOT attach documents to this field. This information should instead be attached to the Supporting Documentation tab.**

**SUPPORTING DOCUMENTATION TAB:**

- All supporting documents must be attached in "SEPARATE" Categories. PLEASE DO NOT PLACE DOCUMENTS FOR REVIEW UNDER 'ACA SINGLE RISK POOL RATE FILING SUBMISSION REQUIREMENTS'. A comment that this requirement is 'Acknowledged' is sufficient.