

TO: [Department of Insurance/State Insurance Commissioner or Legislative target]

RE: Request to Establish a Public Process for [STATE'S] New Essential Health Benefits Benchmark Plan Selection

Dear [STATE COMMISSIONER]:

As highlighted in the Benefit Payment Parameters regulation¹, states will have an opportunity to select a new Essential Health Benefits (EHB) benchmark for the 2017 plan year. We understand the Center for Consumer Information and Insurance Oversight (CCIIO) has asked states to make a selection by June 1, 2015.² As part of that process, CCIIO has recently released a list of plans that states can choose from as their EHB benchmark plan for 2017 and beyond.³ As this process moves forward, we urge you to take steps to ensure a transparent, consumer friendly selection process. **We are requesting that [state's] Department of Insurance [or other body] use its authority to swiftly establish, convene and facilitate a public process (such as a workgroup) to 1. Review [STATE's] current EHB benchmark package and 2. Establish the state's EHB benchmark plan for 2017.**

A transparent assessment of the previous EHB benchmark package to identify successful attributes and areas for improvement for consumers will be critical to informing the selection of an EHB benchmark for 2017. Moving forward, the EHB benchmark plan should meet consumers' needs as well as balance health services across the ten federally-mandated benefit categories.

[INSERT sentence about how the state selected its first EHB benchmark (default, legislative, DOI, Governor). For example:]

As you know, [STATE] did/did not participate in HHS' process for selecting an initial EHB package in 2013, [and instead defaulted to the benefit package produced by the generic process established by HHS]. [We applaud STATE DOI/OTHER REGULATORY BODY for setting up a public process for plan analysis and comments last time] Or [STATE did not set up a public process for plan analysis and comments the last time].

We believe that [continued] active participation in selecting [STATE's] EHB benchmark would both benefit [State-ians] and strengthen [STATE]'s health

¹ 45 CFR Parts 144, 147, 153, et al., *HHS Notice of Benefit and Payment Parameters for 2016*, retrieved from <http://www.gpo.gov/fdsys/pkg/FR-2015-02-27/pdf/2015-03751.pdf>.

² CCIIO report to the NAIC Managed Care and Insurance (B) Committee at the National Association of Insurance Commissioners (NAIC) Spring Meeting, March 29, 2015.

³ Center for Consumer Information and Insurance Oversight (April 8, 2015), *Essential Health Benefits: List of the Largest Three Small Group Products by State*, retrieved from <http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/largest-smgroup-products-4-8-15-508d-pdf-Adobe-Acrobat-Pro.pdf>.

insurance markets. The types and levels of benefits available to consumers going forward will be determined in large part by how [STATE's] EHB package is defined. In short, decisions about [STATE's] EHB benchmark selection are too critical to (too) many to justify remaining a bystander state.

In working closely with consumers and learning their experience with their health plans, we believe that areas to assess and address in the future EHB include habilitative services, limited access to substance use disorder treatment and mental health services, and pediatric services **[insert other concerns relevant to your state]**.

Given the short time frame to select a new EHB benchmark plan, we believe that the public review process should commence as soon as possible in order to make room for consumer input and a robust evaluation of the previous EHB. We would also support a request to CCIIO to submit [your state's] EHB selection after June 1 if more time is needed to fully evaluate the EHB benchmark options and allow for public input. **[Insert this line if state has the capacity]** Our organizations are willing to work closely with the DOI and other appropriate state regulatory authorities to make sure the new EHB benchmark plan for 2017 truly serves our state's consumers.

Thank you in advance for your consideration of this issue and of the role of the [DOI] in determining appropriate next steps. We look forward to hearing from you.

Sincerely,