

HEALTH LAW ALERT

May 5, 2010

May 21 Deadline for Submitting PPACA Internet Portal Data HHS to Publish Detailed Pricing Information

Today, the Department of Health and Human Services Office of Consumer Information and Insurance Oversight (“OCIO”) issued an interim final rule requiring health insurance issuers to submit data to HHS for an “Internet Portal to Affordable Coverage Options” mandated by the Patient Protection and Affordable Care Act (“PPACA”). The first data for the Portal must be submitted by May 21, 2010. The Internet-Portal rule was published at 75 *Federal Register* 24470.

Immediate Data Reporting Requirements

The Internet Portal rule requires health insurance issuers to report information by May 21, 2010 in “accordance with guidance [to be] issued by the Secretary.” The information includes:

- Corporate, contact, and other administrative information;
- Enrollment data by health insurance product;
- Product names, types, and whether enrollment is open for each insurance product;
- Geographic availability information;
- Customer service phone numbers;
- Financial ratings; and
- Links to the health insurance issuer’s website, including brochures and provider networks.

The OCIO will host a training session for health insurance issuers on Friday May 7, from 3:00 – 4:30 pm EST. For more information on the training session, *see* <http://www.hhs.gov/ociio/regulations/index.html>.

Internet Portal

PPACA requires the Department of Health and Human Services to establish by July 1, 2010 an Internet Portal “through which a resident of, or small business in any State may identify affordable health insurance coverage options.” Based on this directive, OCIO intends to create an Internet Portal “that would empower consumers by increasing informed choice and promoting market competition.” The OCIO expects the Portal to “provide[] information to consumers in a clear, salient, and easily navigated manner . . . [that] minimize[s] the use of technical language, jargon, or excessive complexity in order to promote the ability of consumers to understand the information and act in accordance with what they have learned.” The Internet Portal will include information about the small group and individual markets.

Although the initial release of the Portal would provide only “introductory information,” the OCIO plans to provide “a more comprehensive version of the [Internet Portal] on October 1, 2010.” By September 3, 2010, insurers will be required to report pricing and benefit information for each “discrete pairing of a package of benefits and a particular cost sharing option (not including premium rates or premium quotes).” Thus, insurers must report a standard premium rate for *each* combination of deductible, copayments, and other out-of-pocket costs with respect to *each* benefit package it offers. The information must be provided by zip code for each benefit package that is open for enrollment.¹

OCIO expects that the Internet Portal “will be driven by interactive functionality that accounts for geographic and personal demographic information such as State and zip code of residence, sex, family composition, smoking status and other health indicators.” Moreover, the Internet Portal will rank “search results . . . based on consumer choice parameters such as range of premium, high and low deductibles, ranges of out-of-pocket maximums, [and] provider network.”

In addition, the OCIO plans to eventually include detailed performance measures on the Portal. Specifically, the Portal will include information about a health insurance issuer’s performance, such as medical loss ratio, percent of policies sold at the manual (standard) rate, percent of claims denied, quality and performance measures, the percent of policies rescinded, and the number and disposition of appeals.

Request for Comments

The OCIO invites the public to comment on the interim final rule; comments are due no later than June 4, 2010. The agency specifically seeks comments on:

¹ Benefit packages that make up less than 1% of an insurer’s enrollment in a particular zip code may be excluded from the report.

- How to reduce unnecessary burdens on health insurance issuers (and others in the private sector);
- Whether enrollment information constitutes confidential business information;
- How much information is necessary for consumers to make informed decisions;
- How to sort and compare options on the Internet Portal; and
- “[A]ll relevant issues to make improvements [in the OCIO’s plans for the Internet Portal].”

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