



**Letter to Issuers**

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The New Mexico Health Insurance Exchange (NMHIX), also known as beWellnm, in collaboration with the New Mexico Office of Superintendent of Insurance (OSI), is releasing this 2023 Letter to Issuers participating in New Mexico’s state-based exchange for Plan Year (PY) 2023. This letter is issued alongside and incorporates guidance from the Centers for Medicare & Medicaid Services (CMS) 2023 Letter to Issuers in the Federally-facilitated Exchanges. See <https://www.cms.gov/files/document/py2023-qhp-data-submission-and-certification-timeline-bulletin.pdf> for more information.

This letter provides operational and technical guidance for the 2023 Plan Year for issuers seeking to offer qualified health plans (QHPs), including stand-alone dental plans (SADPs), on the exchange (“beWellnm Platform”).<sup>1</sup> It contains guidance provided by CMS and OSI to ensure compliance with the New Mexico Administrative Code (NMAC), the NM Insurance Code (§59A-1-1 et seq NMSA 1978) and the Code of Federal Regulations (CFR) (45 CFR 155 subpart K).

To the extent that this guidance summarizes policies proposed through other rulemaking processes that have not yet been finalized, such as the rulemaking process for the federal 2023 Payment Notice Proposed Rule, stakeholders should comment on those underlying policies through the ongoing rulemaking processes, not to the email address provided here. Questions about this letter may be sent to [carriers@nmhix.com](mailto:carriers@nmhix.com). Please organize your questions by Chapter and Section, and include “Question about Letter to Issuers” in the subject line.

A summary of revisions to this guidance is provided in the following table.

**Revision History**

Date	Chapter	Section	Description of Revision
3/21			Initial Draft
4/22	1	1	Updated table of key dates for Carriers Submissions, including removal of approval of marketing materials. This change does not indicate that prior approval by OSI will not be necessary.
	1	1 & 6	Reorganized and consolidated guidance for how to request plan withdrawals into Section 6.
	1	2	Updated Summary of Key Changes
	1	5	Added additional information about testing and onboarding in the Plan Management Portal
	1	8	Removed requirement of off-Exchange and group plan crosswalk
	Throughout		Updated links
	Throughout		Edits for clarity

<sup>1</sup> The beWellnm Platform is the information technology system to provide exchange functionality for consumer application and eligibility determination; QHP/SADP shopping and enrollment; and premium billing.

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## CHAPTER 1: Certification Process for Qualified Health Plans and Stand-Alone Dental Plans

The Patient Protection and Affordable Care Act (PPACA) and applicable regulations provide that health plans, including Qualified Dental Plans, also known as Stand-Alone Dental Plans (SADPs), must meet a number of standards in order to be certified as qualified health plans (QHPs) or SADPs. Several of these are market-wide standards that apply to plans offered in the individual and small group markets, both inside and outside of the Exchanges. The remaining standards are specific to health plans seeking QHP certification from the Exchanges.

This chapter provides an overview of the QHP certification process. Additional information and instructions about the process for issuers to complete a QHP application is OSI's website under the QHPs, Individual and Small Group Product Filings section or <https://www.osi.state.nm.us/pages/bureaus/life-and-health/resources/guidance-for-carriers>.

### Section 1. QHP Certification Process and Timeline Overview

Issuers should submit a complete QHP application for plans they intend to have certified according to the timelines provided in Table 1, "Proposed QHP Data Submission and Certification Timeline for Plan Year 2023." NMHIX and OSI will review QHP applications for current and new issuers applying for QHP certification and, as needed, communicate with issuers about corrections to their submissions.

NMHIX will send Draft Plan Year 2023 Issuer Agreements for issuers to review prior to finalizing the agreements. Once finalized, NMHIX will send the Final Plan Year 2023 Issuer Agreements to QHP and SADP issuers to sign and submit to NMHIX outlined in Table 1. NMHIX will countersign the Issuer Agreements and return them to issuers.

Any legal requirements to notify HHS must be provided with copy to beWellnm.

Please note: All QHP binders must be certified and approved through SERFF and the beWellnm Platform's Plan Management Portal, respectively, in order for plans to be visible for purchase to consumers. Once binder submission occurs, no additional plans can be added. Also, final certification and publication on the beWellnm Platform can only occur once the QHP application is Approved-Certified by OSI. Any changes needed to a QHP or SADP binder after August 15, 2022, will require a State Authorization form to be submitted to NMHIX and approved by OSI or NMHIX, as appropriate. The form will be posted on the beWellnm website at <https://www.bewellnm.com/state-based-exchange/sbe-carriers/>.

<b>Table 1. PY2023 OSI Key Date for Carrier Submissions – Subject to Change</b>	
<b>Activity</b>	<b>Date</b>
QHP and SADP Application submission window opens	04/22/2022
<b>QHP and SADP Application submissions deadline (Form and Rates Filings and Binders, as well as Transparency in Coverage and Plan ID Crosswalk data must be submitted via SERFF).</b>	<b>05/31/2022</b>
Individual Plans Initial Form and Rates Transfer to beWellnm	06/06/2022
SHOP Plans Initial Form and Rates Transfer to beWellnm	06/07/2022
Plan Management Portal Testing/Onboarding Window; specific times to be scheduled.	6/13/2022 – 8/14/2022
Risk adjustment rate revisions	7/8/2022 – 7/15/2022
48-hour turn-around on carrier responses to form and rate review objections	08/01/2022
24-hour turn-around on carrier responses to form and rate review objections	08/08/2022
<b>Approval &amp; Certification for Individual and SHOP Plans</b>	<b>08/15/2022</b>
<b>Final plan confirmation in beWellnm’s Plan Management Portal</b>	<b>09/02/2022</b>
URL Deadline – all URLs (e.g., to SBCs and plan marketing materials) for the beWellnm platform must be live and active	09/12/2022
beWellnm sends QHP/SADP Certification Agreements to Issuers	9/16/2022
Issuers return QHP Certification Agreements	9/16/2022 – 9/23/2022
<b>beWellnm releases certification notice to issuers</b>	<b>09/23/2022</b>
<b>PY2023 beWellnm “Window Shopping”</b>	TBD
<b>OPEN ENROLLMENT BEGINS</b>	<b>11/01/2022</b>

## Section 2. Summary of Key Changes for 2023

BeWellnm is coordinating with OSI on the implementation of the Health Care Affordability Fund, Section 59A-23F-11 NMSA 1978. For Plan Year 2023, this new “Marketplace Affordability Program” will further reduce the cost of coverage for qualifying individuals and families by providing additional state-funded premium assistance for those with incomes up to 400% of the FPL and enhanced out-of-pocket assistance for those with incomes up to 300% of the FPL. Additional information about the program and its implementation can be found here: <https://www.osi.state.nm.us/pages/bureaus/life-and-health-division/resources/healthcare-affordability-fund>

Issuers participating on the Exchange for 2023 are required to provide supplemental templates during the benefit and rate review process and comply with rules issued under the Health Care Affordability Plan, §59A-23F-12 NMSA. To access the required forms and find additional details, please refer to the OSI Marketplace Affordability Program Policy Manual, which is posted on the webpage above.

### Section 3. Electronic Data Interchange (EDI) Requirements

Please refer to the 834 Companion Guide for EDI requirements.<sup>2</sup> This section may be updated with additional information in future publications.

### Section 4. QHP Application Data Submission

NMHIX and OSI expect issuers to adhere to the QHP certification timeline. NMHIX requires issuers, including SADPs seeking certification, to submit complete QHP applications by the initial binder submission deadline outlined in Table 1.

All issuers must obtain Health Insurance Oversight System (HIOS) product and plan IDs through HIOS. The beWellnm Platform, specifically the Plan Management Portal, is used by beWellnm and Issuers to review and verify the accuracy of plan data prior to launching on the shopping platform. Issuers applying for QHP certification will use the National Association of Insurance Commissioners' System for Electronic Rate and Form Filing (SERFF) to submit plan data, including required templates, and any other data required to demonstrate compliance with state and federal law.

Discrepancies between an issuer's submission in SERFF and the Plan Management Portal (see below) may result in a plan not being certified or a compliance action if OSI has already certified a plan. All issuers must complete quality assurance activities to ensure the completeness and accuracy of application data, including reviewing plan data in the Plan Management Portal, and run all necessary review tools provided by CMS and OSI. For more information see the OSI 2023PY QHP Issuer Submission Guide.

### Section 5. Plan Management Portal

All issuers applying for certification will be able to view plan data in the beWellnm Platform's Plan Management Portal (PMP) – after OSI transfers the data from SERFF – to validate the presentation of plan data prior to launch in the shopping portal. Issuers should utilize the Plan Management Portal environment to verify that their plan display reflects their approved filings and will display properly for consumers. All plans must be verified in the Plan Management Portal by September 2, 2022, as reflected in Table 1. Additional information about the Plan Management Portal and Carrier Onboarding process can be found here: <https://www.bewellnm.com/wp-content/uploads/2021/07/Plan-Management-Module-Carrier-Onboarding-Process-v-0.4.pdf>.<sup>3</sup>

Carrier onboarding and testing in the Plan Management Portal (PMP) will be conducted between 6/13/2022 – 8/14/2022. BeWellnm will be hosting a series of meetings with Carriers as a group and individually for onboarding and training. These will be conducted by the beWellnm PMP administrator. Carriers may contact Kevin Swinson, [kswinson@nmhix.com](mailto:kswinson@nmhix.com), for additional information. Note: the 2023 PMP testing will include additional steps for implementation of the Health Care Affordability Fund.

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<sup>2</sup> 834 and 820 Companion Guides can be found at the following webpage (under "Presentations" and "Resources"): <https://www.bewellnm.com/state-based-exchange/sbe-carriers/>.

<sup>3</sup> An updated version of this presentation will be available at <https://www.bewellnm.com/state-based-exchange/sbe-carriers/>.

## Section 6. Data Changes

During the initial application submission and before the QHP submission deadline specified in Table 1, issuers can make changes without NMHIX and OSI authorization. After the close of the initial application submission window, issuers may not add new plans to an application or change an off-Exchange plan to be both on- and off-Exchange. In addition, issuers may not change plan type(s) or market type and may not change QHPs, including SADPs, from a child-only plan to a non-child-only plan.

Except for service area changes or rate changes during the risk adjustment window issuers can only make changes if requested and approved by both NMHIX and OSI. Please refer to *Table 2. Key Dates for QHP Data Changes*.

NMHIX and OSI encourage issuers to only submit plans for certification that they intend to offer to consumers.

<b>Activity</b>	<b>Deadline</b>
Changes permitted without State Authorization	4/22/2022 - 5/31/2022
QHP/SADP certification review, limited changes at OSI/NMHIX direction	5/31/2022 – 8/14/2022
Limited data correction window. Post-certification data corrections must have OSI and NMHIX authorization.	8/16/2022 - 8/25/2022

After completion of the OSI certification process on August 15, 2022, NMHIX and OSI will only allow issuers to make changes and data corrections that are necessary to correct data display errors on the beWellnm Platform and to align QHP display with products and plans approved by OSI. Such changes may result in plans being suppressed from display on the beWellnm Platform until the data is corrected and refreshed for consumer display.

BeWellnm and OSI will only consider approving changes that do not alter the QHP’s certification status.

Issuers are responsible for ensuring that requested changes are in compliance with all applicable state and federal law and QHP certification standards

Issuers that request to make changes that affect consumers may have their plans suppressed from display on beWellnm.com until the data is corrected and refreshed for consumer display.

A request for a data change after the final submission deadline due to inaccuracies, the incompleteness of a QHP Application or discrepancies between the issuer’s QHP Application and approved state filings may result in a plan not being certified, decertification, suppression from the beWellnm Platform, or additional compliance action if OSI and NMHIX have already certified a plan as a QHP. This includes but is not limited to an administrative penalty assessment by OSI of up to \$5,000.

Before making QHP Application data changes, issuers are required to provide a justification for each requested change. Issuers must utilize the NM State Data Request Form<sup>4</sup> and send it via email to OSI, with copy to NMHIX, for authorization and signatures.

Once approved and signed, OSI will send the request to beWellnm for their authorization and signatures. Once approved, NMHIX will send the signed form to the issuer with copy to OSI. Changes will not be authorized without the approval and signature of both, NMHIX and OSI. The signed form must be uploaded as a “Note to Reviewer” in the corresponding SERFF filing.

### Plan Withdrawals

To withdraw a plan from consideration during the QHP review period, an issuer must notify OSI and NMHIX via email and submit an official plan withdrawal request via SERFF by submitting a “Note to Reviewer” in the form and rate filing and affiliated binder. This also applies when an issuer seeks to change an on-Exchange QHP under certification consideration to an off-Exchange-only plan.

Plan withdrawal or market withdrawals and other data change requests must be submitted to OSI at [viara.ianakieva@state.nm.us](mailto:viara.ianakieva@state.nm.us), with a copy to NMHIX at [carriers@nmhix.com](mailto:carriers@nmhix.com).

### Section 7. QHP Review Coordination with NMHIX

NMHIX, in consultation with OSI, has defined the relevant submission windows, as specified in Table 1, for reviews as well as dates and processes for corrections and resubmissions. OSI will perform plan and rate reviews and certification, and NMHIX will conduct data validity reviews to ensure plans are presented correctly on the beWellnm Platform.

Issuers seeking certification in New Mexico should continue to refer to OSI direction in addition to this guidance. As noted previously, issuers should comply with any State-specific guidelines for review and resubmission related to State review standards. Issuers must meet all applicable obligations under State and Federal law to be certified for sale on the beWellnm Platform.

NMHIX and OSI will make final certification decisions, and load certified plans on the beWellnm Platform for consumer purchase. NMHIX will provide all of their recommendations and relevant information to issuers in a timely manner and no later than the final plan recommendation deadline noted in Table 1.

### Section 8. SERFF Template and Supplemental Templates

BeWellnm will use the CMS templates for Plan Year 2023. For more information see OSI’s 2023PY QHP Issuer Submission Guide. In addition, beWellnm and OSI are requiring the following templates:

#### Frozen Plan Template

BeWellnm requires issuers to submit a Frozen Plan template specifying the data for the plans that will not be offered on the beWellnm during the 2023PY. The template must be submitted in a .csv format and uploaded under the Supporting Documentation tab of the Plan Management binder.

#### OSI Supplemental Turquoise Plan and Benefits Template

Issuers are required to submit a Supplemental Turquoise Plan and Benefits template under the Supporting Documentation tab of the Plan Management Binder in .xls format.

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<sup>4</sup> The Data Change Request Form can be found at <https://www.bewellnm.com/state-based-exchange/sbe-carriers/> under the “Forms” tab.

### Plan Crosswalk

An issuer must crosswalk the 2022 QHP plan ID and service area combinations to a 2023 QHP Plan ID. This data will facilitate enrollment transactions from beWellnm to the issuer for enrollees in the Individual Market who have not actively selected a different QHP during Open Enrollment. Issuer crosswalk authorization forms are available at <https://www.qhpcertification.cms.gov/s/Plan%20Crosswalk>.

Plan crosswalk is required with on-Exchange QHP Application submissions and must be submitted under the Supporting Documentation tab in .xml and .csv formats.

The proposed 2023 National Benefits and Payment Parameters contemplate a unique crosswalk methodology. Should the finalized version include this methodology and beWellnm have the capacity to implement the new method, OSI will provide carriers with prompt guidance.

### Section 9. Issuer Participation for the Full Plan Year

Issuers seeking QHP certification for individual and group plans must adhere to 45 CFR 156.272 in offering a plan through the entire plan year. This requirement also applies to SADPs offered on the Exchange. The full plan year for plan year 2022 is defined as 1/1/2023-12/31/2023.

## CHAPTER 2: Qualified Health Plan and Stand-Alone Dental Plan Standards

Similar to the QHP certification process in past years, OSI will conduct reviews of QHPs and SADPs and provide to CMS and beWellnm the determinations on individual and small group QHPs and SADPs. For more information, please refer to the QHP Submission Guide on OSI's website: at <https://www.osi.state.nm.us/pages/bureaus/life-and-health/resources/guidance-for-carriers>.