

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 18, 2023

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COMMONWEALTH OF VIRGINIA, *ex rel.*

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STATE CORPORATION COMMISSION

CASE NO. INS-2023-00036

Ex Parte: In the matter of
presentations of premium rates
in connection with individual and
small group health insurance
coverage

ORDER DIRECTING PRESENTATIONS

In accordance with § 38.2-316.1 of the Code of Virginia ("Code"), the State Corporation Commission ("Commission") reviews and approves premium rates applicable to health benefit plans issued in Virginia in the individual and small group markets, as those terms are defined in § 38.2-3431 of the Code. Additionally, pursuant to § 38.2-326 of the Code, the Commission's Bureau of Insurance ("Bureau") with the assistance of the Virginia Department of Health, performs plan management functions required to certify health benefit plans and stand-alone dental plans for participation in Virginia's Health Benefit Exchange ("Exchange") pursuant to either § 1321 of the Patient Protection and Affordable Care Act ("PPACA") (codified at 42 U.S.C. § 18041) or § 1311(b) of PPACA (codified at 42 U.S.C. § 18031). The Bureau must complete its review of Qualified Health Plans ("QHP") in consultation with the Commission's Health Benefit Exchange Division ("HBE") pursuant to § 38.2-6502 of the Code, for the 2024 plan year by August 17, 2023.

The Commission has historically delegated to the Bureau its authority to review and approve premium rates for health benefit plans issued in the individual and small group markets. Given the importance of the cost of health insurance to Virginia's small businesses and individuals (many of whom are self-employed), the Commission reviews closely, prior to

approval, rates for health insurance that may represent a significant impact on small businesses and individuals.

Accordingly, prior to the Bureau's recommendation of QHP certification to the HBE, and prior to finalizing both form and rate approvals for the related products for sale and use in Virginia both inside and outside the Exchange, the Bureau is directed to coordinate for the Commission presentations by insurance companies. Presentation exhibits are generated within the Virginia ACA Rate Filing Template,¹ and each company may reference its exhibits as part of its presentation on August 9, 2023. Companies should also address the outlook for future rate changes and steps being taken or anticipated to control rate increases. At the conclusion of each company's presentation, the Bureau may offer additional comments.

Accordingly, IT IS ORDERED THAT:

(1) On August 9, 2023, commencing at 9:30 a.m., the Commission will convene premium rate presentations in this matter offered by the Bureau and health carriers via Microsoft Teams ("Teams").

(2) In accordance with Rule 5 VAC 5-20-120 A of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.* of the Virginia Administrative Code, a hearing examiner is hereby assigned to this matter for purposes of convening the rate presentations and ensuring their complete development.

(3) The Bureau shall coordinate for the Commission premium rate presentations in this matter that will provide an overview representing the range of rate impact or change for

¹ The Virginia ACA Rate Filing Template was designed by the Bureau to facilitate submission and review of proposed individual and small group health insurance coverage. Presentation exhibits are required to be submitted as part of the Virginia ACA Rate Filing Template.

identified products proposed to be offered in the individual and small group markets for use as of January 1, 2024.

(4) The companies shall attend and make presentations as designated by the Bureau and shall also address the outlook for future rate changes and steps being taken or anticipated to control rate increases.

(5) A Teams connectivity test for health carrier participants and the Bureau's staff will be held prior to the presentations. Teams invitations will be sent to participants prior to this connectivity test.

(6) The Bureau shall provide notice of this order electronically to each company intending to offer individual and small group health insurance coverage in 2024 in Virginia.

Commissioner Patricia L. West participated in this matter.

A COPY of this Order shall be sent electronically by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel at mbrowder@oag.state.va.us, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424; and a copy hereof shall be delivered to the Commission's Office of General Counsel, to the Bureau of Insurance in care of Deputy Commissioner Julie S. Blauvelt, and to the Health Benefit Exchange Division in care of Acting Director Keven Patchett.