



Federal Issues

Regulatory

CMS Releases Enrollment Snapshot for First Week of Open Enrollment

The Centers for Medicare & Medicaid Services (CMS) has released the first Enrollment [Snapshot](#) providing data on plan selections during 2023 individual market Open Enrollment. The snapshot encompasses activity from the start of Open Enrollment through November 19 (Week 3) for the 33 states using HealthCare.gov and through November 12 (Week 2) for 16 states and the District of Columbia with State-based Marketplaces (SBM).

Why this matters: Nearly 3.4 million people nationwide have selected a Marketplace health plan so far, representing a 17% increase in total plan selections over last year. Total plan selections include 655,000 people (19% of total) who are new to the Marketplaces for 2023, and 2.7 million people (81% of total) who have active 2022 coverage and returned to their respective

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Marketplaces to renew or select a new plan for 2023.

The 2023 Marketplace OEP runs from November 1, 2022 to January 15, 2023, for states using the [HealthCare.gov](https://www.healthcare.gov) platform. Consumers must enroll by December 15, 2022 for coverage that starts January 1, 2023 or by January 15, 2023 for coverage that starts February 1, 2023. State-specific and SBM deadlines are available in the [State-based Marketplace Open Enrollment Fact Sheet](#).



State Issues

New York

Legislative

Governor Signs Health Bills

Last week Governor Hochul signed a few bills Highmark has been following:

- **Medical debt collection (A.8441/S.7625)** – protects New Yorkers from unfair medical bills and aggressive debt collection practices by providers. It prevents hospitals from garnishing patients' wages and placing liens on their homes.
 - **OT visits without referral (A.3202-C/S.5663-A)** -- requires plans to provide coverage of 10 visits with an occupational therapist without referral from a physician, registered physician assistant or registered nurse practitioner.
 - **Rabies treatment (S.7501/A.7408-A)** – requires plans to cover the costs of post-exposure treatment for rabies which has been the statutory responsibility of county health departments.
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Regulatory

COVID-19 Cost Sharing Waivers to be Extended

The Department of Financial Services (DFS) notified the Health Plan Association that it will be refiling the two emergency regulations that are set to expire on December 7: Waiving cost sharing for COVID-19 testing, and waiving cost sharing for COVID-19 Immunizations.

Provider Directory Misinformation Regulation Filed with Dental, Vision Changes

The Department of Financial Services (DFS) last week filed a notice of adoption for the provider directory misinformation regulation. The most recent discussions related to revisions impacting standalone dental and vision plans. DFS staff indicated that after reviewing the Health Plan Association's (HPA) comments as well as those received from several other groups, it made changes to address several of the points:

- **Disclosure requirements** — DFS agreed with HPA's argument that the proposed regulation would impose disclosure requirements that do not apply to standalone products (e.g., mental health parity, drug formularies, obstetrics), and said staff would review existing law to identify the specific provisions where disclosure requirements are appropriate for dental and vision plans and will list them specifically.
 - **Notification to insured of provider status** — DFS agreed to increase the timeframe for notifying members of a specific provider's participation status from one (1) day to three (3) days. The increase timeframe is for dental providers only.
 - **Implementation** — Understanding that plans need adequate time to implement the requirements of the regulation, DFS indicated it plans to change the effective date to 12 months from adoption of the regulation, versus 90 days as originally proposed. This timeframe applies to dental providers only.
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Interested in reviewing a copy of a bill(s)? Access the following web sites:

Delaware State Legislation: <http://legis.delaware.gov/>.

New York Legislation: <https://nyassembly.gov/leg/>

Pennsylvania Legislation: www.legis.state.pa.us.

West Virginia Legislation: <http://www.legis.state.wv.us/>

For copies of congressional bills, access the Thomas website – <http://thomas.loc.gov/>.

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