

## **Guidance for Individual and Small Group Stand-Alone Dental Policy Form Filings Offered Inside and Outside the New York State of Health (NYSOH)**

### **Stand-Alone Dental Plans Offered Inside the NYSOH**

#### **1. Pediatric Dental Essential Health Benefit:**

- Stand-alone dental plans certified to be offered inside the NYSOH are required to cover the pediatric dental essential health benefit. (See 45 CFR 155.1065(a)(2)).
- The standard dental benefit design includes coverage of only the pediatric dental essential health benefit.
- Non-standard dental benefit designs may provide coverage for additional dental benefits for adults and/or children.

#### **2. Bundling Arrangements:**

- A “bundled” dental benefit is not permitted inside the NYSOH. The NYSOH currently does not have the IT capability to bundle specific medical qualified health plans with a specific qualified dental plan.

### **NYSOH-Certified Stand-Alone Dental Plans Offered Outside the NYSOH**

#### **1. NYSOH-Certified Stand-Alone Dental Plans Offered Outside the NYSOH:**

- Insurers are permitted to offer NYSOH-certified stand-alone dental plans outside the NYSOH. NYSOH-certified stand-alone dental plans offered outside the NYSOH are subject to the same standards as coverage offered inside the NYSOH. For example, if a waiting period is imposed on dental benefits, other than the pediatric dental essential health benefit, and a waiver of the waiting period is available when the plan is offered outside the NYSOH, then such waiver should be applicable to the plan offered inside the NYSOH.
- Insurers should indicate in the SERFF filing description whether the insurer is seeking to offer the plan as a NYSOH-certified stand-alone dental plan outside the NYSOH.

#### **2. Disclosure:**

- Dental insurers should place a prominent disclosure on the cover page of the stand-alone dental policy/contract/certificate indicating that the policy/contract/certificate is a NYSOH-certified stand-alone dental plan offered outside the NYSOH.

#### **3. Reasonable Assurance of the Pediatric Dental Essential Health Benefit:**

- For individual and small group comprehensive health insurance coverage offered outside the NYSOH, insurers, HMOs and PHSPs are required to provide coverage for the pediatric dental essential health benefit to all insureds (children as well as adults) unless the insurer, HMO or PHSP is reasonably assured that the individual or group has obtained stand-alone dental coverage through a NYSOH-certified stand-alone dental plan offered outside the NYSOH.
- Insurers, HMOs and PHSPs, that do not embed the pediatric dental essential health benefit in their individual or small group health insurance policies or contracts,

should place questions on the individual application/enrollment form for individual coverage and the employer application/enrollment form for small group coverage in order to verify whether an individual or group has obtained stand-alone dental coverage through a NYSOH-certified stand-alone dental plan offered outside the NYSOH. Insurers, HMOs and PHSPs should use the following language on their application/enrollment form:

A. Have you obtained stand-alone dental coverage that provides a pediatric dental essential health benefit through a New York State of Health-certified stand-alone dental plan offered outside the New York State of Health marketplace?

Yes  No

B. If you answered “yes”, please provide the name of the company issuing the stand-alone dental coverage. \_\_\_\_\_

If you answered “no”, We will provide you (or your group, as applicable) coverage of the pediatric dental essential health benefit.

(This question does not need to be included on the small group application/enrollment form that employees complete, since the responsibility of obtaining dental coverage is on the employer.)

#### 4. “Bundling” Arrangements:

- Insurers, HMOs or PHSPs outside of the NYSOH may provide coverage for the pediatric dental essential health benefit by embedding the benefit or by bundling the benefit.
- A “bundled” pediatric dental benefit is a NYSOH-certified stand-alone pediatric dental plan that an insurer, HMO or PHSP offers to its policyholders in conjunction with its comprehensive medical coverage in order to satisfy the pediatric dental essential health benefit.
- If the insurer, HMO or PHSP offers a bundled stand-alone pediatric dental benefit, the following conditions need to be met:
  - The bundled dental benefit is offered by a dental insurer that has been approved to offer NYSOH-certified coverage and the dental insurer also offers the dental benefit on a stand-alone basis outside the bundled arrangement at the same premium;
  - The policyholder is clearly informed when the dental benefit is being offered by a separate insurer, even if only one entity collects the premiums;
  - The policyholder is clearly informed of the medical plan design and the dental plan design and that the two plan designs have different deductibles, cost sharing and OOP maximums;
  - The policyholder is clearly informed that the policyholder can purchase the bundled dental plan or any other stand-alone dental plan that has been certified by the NYSOH but offered outside the NYSOH;
  - The pediatric dental benefit meets the 70% or 85% actuarial value and \$350 out-of-pocket limit for one covered member under the age of 19 (or \$700 if more than one family member under the age of 19 is covered); and

- The stand-alone dental plan complies with all ACA requirements pertaining to stand-alone dental plans.
- The insurer, HMO or PHSP should specifically describe the legal and business arrangement between the insurer, HMO or PHSP and the stand-alone dental insurer when submitting the forms and rates to DFS. The medical forms/rates should be submitted separately to DFS from the dental forms/rates for approval.

## **Dependent Coverage**

### **1. NYSOH Standard Stand-Alone Dental Plans:**

- The standard dental benefit design that provides coverage for the pediatric dental essential health benefit should cover members until at least the end of the month in which the member turns age 19 years of age. Individual and group stand-alone dental plans should cover children of domestic partners in the base policy/contract/certificate.

### **2. NYSOH Non-Standard Stand-Alone Dental Plans:**

- Non-standard individual and group stand-alone dental plans that provide coverage for adult dental services in addition to the pediatric dental essential health benefit should cover children through age 25 (to mirror medical plans under federal law) or age 29 (to mirror some medical plans under New York law). Individual stand-alone dental plans should provide coverage of domestic partners and their children in the base policy/contract. Group stand-alone dental plans may either provide coverage of domestic partners and their children in the base policy/contract/certificate or in the domestic partner rider.

### **3. NYSOH-Certified Coverage Offered Outside the NYSOH:**

- An individual or group stand-alone dental policy that only provides coverage for the pediatric dental essential health benefit should cover members until at least the end of the month in which the member turns 19 years of age.
- An individual stand-alone dental policy that provides coverage for adult dental services in addition to the pediatric dental essential health benefit should cover dependent children until at least the end of the month in which the child turns 19 years of age and cover full-time students through age 23. The policy may cover all children through age 25 (to mirror medical plans under federal law) or age 29 (to mirror some medical plans under New York law).
- A group stand-alone dental policy that provides coverage for adult dental services in addition to the pediatric dental essential health benefit should cover dependent children until at least the end of the month in which the child turns 19 years of age. The policy may cover all children through age 25 (to mirror medical plans under federal law) or age 29 (to mirror some medical plans under New York law).
- An individual stand-alone dental policy should provide coverage of domestic partners or children of domestic partners in the base contract or policy. A group stand-alone dental policy may either provide coverage of domestic partners or children of domestic partners in the base policy/contract/certificate or in the domestic partner rider.

## **Model Language**

### **1. NYSOH Coverage:**

- Model language should be used for all individual and small group stand-alone dental plans offered inside the NYSOH.

### **2. NYSOH-Certified Coverage Offered Outside the NYSOH:**

- Model language should be used for all individual and small group NYSOH-certified stand-alone dental plans offered outside the NYSOH.

### **3. Individual and Small Group Dental Coverage that is not NYSOH certified:**

- Model language should be used in its entirety for individual stand-alone dental coverage that is not NYSOH certified. Small group stand-alone dental coverage that is not NYSOH certified should use the provisions identified in the dental checklist and use of the remaining sections is strongly recommended.

## **Network Adequacy**

1. The NYSOH reviews provider networks used with plans offered inside the NYSOH and the Department of Financial Services (DFS) reviews provider networks used with plans offered outside the NYSOH.
2. See the “Network Adequacy Standards and Guidance” and “Network Adequacy Submission Instructions” for information on network adequacy requirements and instructions on submitting networks for DFS review.

## **SERFF Submission Instructions**

1. Stand-alone dental insurers offering coverage inside the NYSOH or NYSOH-certified coverage outside the NYSOH should use the following Filing Types:
  - Exchange Forms & Rates
  - Off-Exchange NG Forms & Rates
2. Stand-alone dental plans are not subject to the rate adjustment process found in Sections 3231(e) and 4308(c) of the Insurance Law and are not required to follow the notice or comment period requirements. Insurers should not use any filing types that reference this process.
3. Stand-alone dental insurers also need to select the appropriate Type of Insurance (TOI) and Sub-TOI.

## **Rating Requirements & Related Rules**

### **1. Actuarial Value:**

- Stand-alone dental insurers are required to comply with the final federal rule that maintained the 70% and 85% actuarial value requirements. See 45 CFR 156.150(b).

**2. Out-of-Pocket Limit:**

- For 2018, the out-of-pocket limit for the pediatric dental essential health benefit is \$350 for one member under age 19 and \$700 for more than one member under age 19.

**3. Plan Year for Stand-Alone Dental Coverage:**

- Individual stand-alone dental coverage offered inside the NYSOH should use a 12-month calendar year ending on December 31<sup>st</sup> as a plan year.
- Group stand-alone dental coverage offered inside the NYSOH should use a 12-month period beginning with the employer's effective date of coverage as a plan year. (See 45 CFR 155.725.)
- Group and individual stand-alone dental coverage offered outside the NYSOH may use either a 12-month period beginning with the employer's effective date of coverage or a calendar year ending on December 31<sup>st</sup> as a plan year.

**4. Rating Regions:**

- Stand-alone dental insurers should use the standardized rating regions for NYSOH and NYSOH-certified coverage. However, dental insurers are only required to offer coverage in their service area within a standardized region.

**5. Rating Tiers:**

- Stand-alone dental plans that offer adult coverage should use a four-tier rating structure of Individual, Couple, Parent + Child(ren), and Family.

**6. Rating Factors:**

- Dental insurers are not required to use the tiered rating factors for stand-alone dental plans that are required for medical plans. An insurer may determine its tier factors based on the insurer's own population if desired.

**7. Cost-Sharing**

- Coinsurance should be expressed as the percentage that represents the insured's responsibility. Coinsurance values imposed on an insured should not exceed 50%.

See the "2018 Rate Submissions for Stand-Alone Dental Plans" PDF for additional requirements.