February 19, 2019

Seema Verma, Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Ave., SW  
Washington, DC 20201  
Sent via www.regulations.gov

RE: CMS–9926-P, Notice of Benefit and Payment Parameters for 2020

Dear Administrator Verma,

The National Association of Dental Plans (NADP) appreciates the opportunity to provide comments on the proposed Notice of Benefit and Payment Parameters for 2020 (NBPP) as published in the Federal Register on January 24, 2019. NADP appreciates the variety of issues addressed in the NBPP and is commenting on those areas that specifically impact our dental plan members.

NADP’s comments reflect our thoughts on the Notice’s implications to dental benefits offered as Stand-Alone Dental Plans (SADP) or within Qualified Health Plans (QHP). These comments parallel the order of the Notice, not the order of importance to the dental benefits industry.

Automatic re-enrollment process: The Federally-Facilitated Marketplaces (FFMs) and State-Based Marketplaces (SBMs) using healthcare.gov maintain an automatic re-enrollment process to continue enrollment in Qualified Health and Dental Plans for enrollees who do not return to the Marketplace during Open Enrollment or otherwise take action to reselect or change their coverages. The NBPP seeks comment on the automatic re-enrollment process and additional measures that would reduce eligibility errors or misspending.

- **Recommendation:** NADP opposes limiting or otherwise eliminating the automatic re-enrollment process, which has helped 1.8 million people on FFMs maintain their coverage.

While CMS does not provide data on the percentage of dental plan re-enrollment via this pathway, we imagine some portion of those consumers also maintain and benefit from continued dental enrollment. Passive re-enrollment processes are common in employer markets, allowing employees to continue coverage and benefits they enjoy. The Marketplace automatic re-enrollment process provides similar convenience for consumers and continuity of benefits through careful cross-walk and plan mapping procedures. Automatic re-enrollment also reduces issuer administrative expenses, which
is of particular importance to dental carriers and plans with a much lower premium (less than 1/12 of medical policies).

**Direct Enrollment:** The NBPP clarifies roles and requirements related to direct enrollment including standards for training, compliance and oversight.

- **Recommendation:** As several of the proposals seek to enable higher participation in direct enrollment, NADP recommends CMS include data on enrollments and plan selections via this pathway in future Open Enrollment Reports.

**User Fee Rates:** The NBPP proposes to charge issuers a user fee of 3.0 percent of premiums on FFMs for 2020, which is lower than the 3.5 percent FFM user fee rate that was established for benefit years 2014 through 2019. For SBMs using healthcare.gov, CMS will charge a 2.5 percent user fee, compared to 3.0 percent for these Marketplaces in PY 2019 and 2.0 percent in prior years.

- **Recommendation:** NADP supports the decrease in user fees, which will keep premium costs affordable for consumers while recognizing efficiencies gained over time and the balance of implementation and oversight activities between federal and state governments.

**Premium Adjustment Percentage:** The NBPP would revise the methodology to determine the required contribution percentage, which is used to calculate an individual's premium tax credit. The percentage is also used to determine whether an individual is eligible for affordable employer-sponsored minimum essential coverage and thus eligible or ineligible for tax credits on the Marketplaces.

Specifically, the proposed rule would modify the measure of premium growth, which is one piece of the calculation, to include both employer coverage and individual market coverage. The NBPP includes estimates that these changes would decrease federal spending on the tax credits by $900 million in 2020 and 2021, and $1 billion in 2022 and 2023. The NBPP also estimates a decline in Exchange enrollment of approximately 100,000 individuals in PY 2020.

- **Recommendation:** NADP opposes the proposed changes to the calculation of tax credits. While the distribution of advanced premium tax credit to SADPs after the QHP purchase is rare, access to dental benefits on the Marketplaces is predicated on access to health coverage and the availability of tax credits, which are greatly reduced under this proposal.

Additionally, the introduction of individual market data would include premium fluctuations from early years of Affordable Care Act implementation when individual market coverage changed dramatically and would reduce the accuracy of the calculation. This is contrary to the stated policy justification for this change.

**Additional concerns:** Currently on healthcare.gov, medical and dental enrollment functions are linked. This is a technical flaw that has caused harm to families with coverage through the Marketplaces and limited choice for perspective enrollees.

On the individual Marketplace, consumers shopping for coverage only have access to a dental plan if they first purchase a QHP. This limits plan choice, prevents the possibility of direct enrollment through dental carriers and prevents some populations, such as Medicare enrollees, from accessing dental coverage. Once enrolled, when individuals and families make any change to their medical coverage, this technical
flaw causes an automatic termination of any standalone dental coverage regardless of the consumer’s interest in maintaining the SADP.

- **Recommendation:** NADP strongly encourages CMS to decouple medical and dental enrollment within the individual Marketplace and allow consumers a suite of options when it comes to their benefits. Separating QHPs from SADPs will allow consumers, upon reenrollment or when changes are made to medical coverage, to keep their SADP and change their QHP or vice versa—ending the automatic terminations that have disrupted coverage and care for many families on healthcare.gov.

NADP appreciates the opportunity to provide our comments to the Draft Notice of Benefit and Payment Parameters for Plan Year 2020 as it relates to dental plans and is thankful for the continued support from CMS staff. We look forward to future discussions. For any follow up, please contact NADP’s Director of Government Relations, Eme Augustini at eaugustini@nadp.org or (972)458-6998 x111.

Sincerely,

Evelyn F. Ireland, CAE
Executive Director
National Association of Dental Plans (NADP)

**NADP Description**
NADP is the largest non-profit trade association focused exclusively on the dental benefits industry. NADP’s members provide dental HMO, dental PPO, dental Indemnity and discount dental products to more than 195 million Americans with dental benefits. Our members include the entire spectrum of dental carriers: companies that provide both medical and dental coverage, companies that provide only dental coverage, major national carriers, regional, and single state companies, as well as companies organized as non-profit plans.