



March 16, 2022

Commissioner Michael Conway
Colorado Division of Insurance
Consumer Services, Life and Health Section
1560 Broadway, Suite 850
Denver, Colorado 80202

Commissioner Conway:

On behalf of Colorado Hospital Association (CHA) and its 100-plus member hospitals and health systems statewide, I am writing to provide comment on the Colorado Division of Insurance (DOI)'s DRAFT Proposed Amended Regulation 4-2-42- Concerning Essential Health Benefits.

De Minimis Value Change:

CHA would appreciate additional clarification on the intent behind the proposed de minimis value change. The de minimis actuarial value (av) calculation is a critical consumer protection that provides consumers important information surrounding a plan's benefits. As proposed, CHA has concerns that this could have unintended consequences for consumer prices. Specifically, it appears that the DOI is proposing different de minimis variation values than the proposed Centers for Medicare & Medicaid Services (CMS) federal Notice of Benefit and Payment Parameters (NBPP) for 2023.

Is the DOI aware of information that CMS intends to change the federal de minimis parameters in the forthcoming final NBPP, such that the DOI is attempting to prospectively align state and federal requirements, or is the intent to do something different than the NBPP? If the latter, CHA has concerns with the implications for consumers.

Table with 3 columns: Plan Type, DOI Emergency Reg De Minimis Range, CMS Proposed De Minimis Range. Rows include Silver On Exchange Plans, Bronze, Silver Off-Exchange, Gold and Platinum Plans, and Expanded Bronze Plans.

In general, CHA requests that the Division provide clarification on the proposed changes to the de minimis range variation. Thank you for the opportunity to provide comment on this proposed regulation.

Regards,

/s/ Megan Axelrod
Megan Axelrod
CHA Manager, Regulatory Policy