

## ACA Form Filing Checklist – Title 39 Major Medical Products Selected Form Review Requirements

<b>Company Name:</b>		<b>SERFF Tracking #:</b>	
<b>NAIC#:</b>			
<b>Form #'s:</b>			

<b>Select the type of Market:</b> <input type="checkbox"/> Individual <input type="checkbox"/> Small Employer Group <input type="checkbox"/> Non-employer (Association Type) Group	<b>Plan Intended for Issuance:</b> <input type="checkbox"/> Both on and off the Exchange <input type="checkbox"/> Off the Exchange Only
<b>Select the type(s) of plan(s) (as applicable):</b> <i>Note type of plan selection(s) must agree with TOI/Sub-TOI selection for filing.</i>	
<input type="checkbox"/> Traditional <input type="checkbox"/> Catastrophic <input type="checkbox"/> PPO <input type="checkbox"/> High Deductible Health Plan <input type="checkbox"/> POS	

### Instructions:

1. Applicable to Ohio Revised Code Title 39 Individual, Non-Employer Group and Small Employer Group Non-Grandfathered ACA compliant products effective January 1, 2016 or later. There are separate checklists for Health Insuring Corporations (“HICs”) and pediatric stand-alone dental plans.
2. Only one checklist must be completed for all plan variations that are included in the filing submission.
3. Identify the form and page number where the provision is located in the applicable column. If a provision is applicable but is not required to be a policy provision, please confirm compliance with the requirement in the column next to the requirement.
4. Any exceptions to compliance with the checklist requirements must be noted on the checklist and explained in a separate document referencing the specific form numbers.
5. The completed checklist and any accompanying explanation must be submitted under the SERFF Supporting Documentation Tab.

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<b>Eligibility</b>						
<b>Actively at work</b>  A group health plan may not refuse to provide benefits because an individual is not actively at work on the day that individual would otherwise become eligible for benefits.	ORC § 3901.21 (T); 29 CFR § 2590.702				√	
<b>Waiting Periods</b>  Service waiting periods imposed by an employer may not exceed 90 days.	ORC § 3924.03(E)(2); PHSA § 2708, as added by PPACA; 45 CFR §147.116				√	
<b>Small Group</b>  Eligible employee—An employee who works a normal work week of 30 hours or more	ORC § 3924.01(G)				√	
<b>Open Enrollment</b>  Employers must provide a 30-day open enrollment period each year.	ORC § 3923.571(E)				√	
<b>Special Enrollment Period - Individual /Non-Employer Group Coverage</b>  60 days from qualifying event	ORC § 3924.03; PHSA § 2702, as amended by PPACA; HIPAA § 2701(f); 45 CFR § 147.104(b)(3)&(4)		√	√		
<b>Special Enrollment Period - Group</b>  30 or 60 days depending on the qualifying event	PHSA § 2702, as amended by PPACA; 45 CFR § 147.104(b); (3)&(4); 45 CFR §155.725(j)(1),(2), (3)				√	
<b>Guaranteed Availability</b>  Issuers may restrict enrollment to open and special enrollment periods. In-network is entire state.	ORC 3924.03 PHSA §2702, as amended by PPACA, 45 CFR §148.7.104		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<p><b>Guaranteed Renewability</b></p> <p>Coverage is guaranteed renewable unless canceled for non-payment of premiums, fraud, violation of participation or contribution rules (group policies), discontinuation of plan, market exit, enrollee's movement outside of the service area, or association membership ceases (if applicable).</p> <ul style="list-style-type: none"> <li>▪ Guarantee issue coverage is provided to small employers that enroll during open enrollment regardless of any minimum participation or employer contribution requirements.</li> </ul>	<p>ORC § 3924.03(e)(3) &amp; (4); PHSA § 2702, as amended by PPACA; 45 CFR §147.104</p>		√	√	√	
<p><b>Cancellation and/or Termination Provisions</b></p> <p>Insured may terminate coverage with 14 days prior notice to QHP. The insurer may terminate coverage if:</p> <ul style="list-style-type: none"> <li>▪ The insured is no longer eligible for coverage through the exchange.</li> <li>▪ The insured obtains other minimum essential coverage.</li> <li>▪ Payment of premiums cease.</li> <li>▪ The insured's coverage is rescinded for non-prohibited reason.</li> <li>▪ QHP is terminated or decertified.</li> <li>▪ The insured changes from one plan to another through open/special enrollment.</li> </ul>	<p>45 CFR §§ 155.430 &amp; 156.270</p>		√	√	√	
<p><b>Rescission</b></p> <ul style="list-style-type: none"> <li>▪ Rescission is permitted only if the insured (or person acting on their behalf) does any of the following <ul style="list-style-type: none"> <li>○ Commits fraud</li> <li>○ Makes an intentional misrepresentation of material fact</li> </ul> </li> <li>▪ Insurers must provide at least 30 calendar days' notice before rescinding coverage.</li> <li>▪ Insureds have the right to request both internal and external appeals.</li> </ul>	<p>PHSA § 2712, as added by PPACA; 45 CFR §147.128</p>		√	√	√	
<p><b>Incarcerated Insured</b></p> <p>Insurers may because the insured is incarcerated not exclude coverage</p>	<p>ORC § 3924.53</p>		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<b>Dependent Child Eligibility—When Dependents are Covered</b>						
<p><b>Dependent Children Eligibility</b></p> <ul style="list-style-type: none"> <li>▪ Newborns of insured must be covered at no cost for the first 31 days. <ul style="list-style-type: none"> <li>○ Plans may require notification of birth to continue coverage after 31 days.</li> <li>○ Coverage must be provided for injury or sickness, including necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.</li> </ul> </li> <li>▪ Adopted children must be covered on the same basis as other dependents.</li> <li>▪ Adopted children must be covered from the date of placement.</li> <li>▪ Eligible children are defined based on their relationship with the insured. Cannot limit eligibility based on: <ul style="list-style-type: none"> <li>○ Financial dependency on primary subscriber</li> <li>○ Dependency on tax return</li> <li>○ Residency</li> <li>○ Service area</li> <li>○ Student status</li> <li>○ Employment</li> <li>○ Eligibility for other coverage</li> <li>○ Marital status</li> </ul> </li> </ul>	<p>ORC § 3923.24; ORC § 3923.26; ORC § 3924.46; ORC § 3924.51</p>		√	√	√	
<p><b>Court Ordered Children</b></p> <ul style="list-style-type: none"> <li>▪ Either parent must be permitted to enroll court ordered children without any enrollment period restrictions.</li> <li>▪ Employers must enroll court ordered children when parent does not.</li> </ul>	<p>ORC § 3924.48; ORC § 3924.49</p>		√	√	√	
<p><b>Age Restrictions</b></p> <ul style="list-style-type: none"> <li>▪ Coverage for dependent children must be available up to age 26 if dependent coverage is provided.</li> <li>▪ Terms of the policy for dependent coverage cannot vary based on the age of a child.</li> </ul>	<p>ORC § 3923.24(A); PHSA § 2714, as added by PPACA; 45 CFR § 147.120</p>		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<p><b>Disabled Dependent Children</b></p> <p>Coverage may be continued after the limiting age for disabled children who are:</p> <ul style="list-style-type: none"> <li>▪ incapable of self-sustaining employment by reason of mental retardation or physical handicap</li> <li>▪ primarily dependent on the insured for support or maintenance</li> </ul>	ORC § 3923.24		√	√	√	
<b>General Information</b>						
<p><b>Cost Sharing</b></p> <ul style="list-style-type: none"> <li>▪ The annual out of pocket limit may not exceed federal limits.</li> <li>▪ All network cost sharing for EHBs must be applied to the out of pocket limit; cost sharing includes deductibles, coinsurance, copayments or similar charges.</li> <li>▪ HDHP deductibles and out of pocket limits must comply with IRS requirements.</li> <li>▪ No cost sharing for preventive services</li> <li>▪ Insured’s coinsurance or copayments may not exceed 60% (to ensure the plan is not a closed panel)</li> <li>▪ No annual or lifetime dollar limits on EHBs</li> </ul> <p><i>Only charges for EHBs may be applied to deductibles and the out of pocket maximum for on exchange plans.</i></p>	<p>PHSA § 2707(b), as added by PPACA; 45 CFR § 156.130; 45 CFR § 147.130; I.R.C. § 223; Rev. Proc. 2014-30</p> <p>ORC 1751.02(F) 45 CFR §147.126</p>		√	√	√	
<p><b>Catastrophic Plans</b></p> <p><b>Eligibility</b></p> <p>Individuals must meet one of the following:</p> <ul style="list-style-type: none"> <li>▪ be under age 30 on the first day of the plan or policy year</li> <li>▪ have received a certificate of exemption because of hardship or lack of affordable coverage</li> </ul> <p><b>Cost Sharing</b></p> <p>No benefits are payable until the insured reaches the deductible except for</p> <ul style="list-style-type: none"> <li>▪ Preventive services payable with no cost sharing</li> <li>▪ At least 3 primary care office visits</li> </ul>	45 CFR § 156.155		√	√		

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<p><b>Coordination of Benefits</b></p> <ul style="list-style-type: none"> <li>▪ Include COB notice on the first page of the policy/certificate in all caps in 12 point type.</li> <li>▪ Mirror the language in the Appendix of the rule.</li> </ul>	OAC Rule 3901-8-01		√	√	√	
<p><b>Policyholder's Right to Cancel Policy</b></p> <p>The policyholder's right to cancel the policy within 10 days of receipt must be printed prominently on the first page.</p>	ORC § 3923.31		√			
<p><b>Language and Format Requirements</b></p> <ul style="list-style-type: none"> <li>▪ Text must have a minimum Flesch score of 40; certification must be attached</li> <li>▪ Text must be printed in at least 10 point type</li> <li>▪ Table of contents or index must be included</li> <li>▪ The effective date of the insurance policy must be included</li> <li>▪ Each policy form must have a unique form number in the lower left hand corner of the first page</li> </ul>	ORC §3902.04; ORC § 3923.03		√	√	√	
<b>Accessing Care</b>						
<p><b>Access to Providers</b></p> <ul style="list-style-type: none"> <li>▪ Insurers may not discriminate against providers acting within the scope of their own licensure or certification</li> <li>▪ When a PCP is required: <ul style="list-style-type: none"> <li>○ Pediatricians may be designated as the PCP for children</li> <li>○ Women must have direct access to network ob/gyn; no referrals required</li> </ul> </li> </ul>	PHSA Section 2706 as added by PPACA; PHSA 2719(A), as added by PPACA; 45 CFR 147.138(a)(2) and (a)(3)		√	√	√	
<p><b>Prior Authorization</b></p> <p>To ensure that insureds know their financial responsibility, all penalties must have a flat dollar limit.</p>	ORC § 3923.03(A)		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<b>Benefits (also complete EHB Locator)</b>						
<p><b>Preventive Benefits</b></p> <ul style="list-style-type: none"> <li>▪ Required preventive benefits provided in network must be provided at no cost sharing</li> <li>▪ Policy/certificate includes a summary of required preventive benefits and appropriate link to website: <a href="http://www.uspreventiveservicestaskforce.org/recommendations.htm">http://www.uspreventiveservicestaskforce.org/recommendations.htm</a></li> <li>▪ 60 day prior notification if a benefit is removed</li> </ul>	<p>PHSA §2713, as added by PPACA; 45 CFR §147.130; CCIIO ACA Implementation FAQs - Set 18</p>		√	√	√	
<p><b>Emergency Services</b></p> <p>Insurers must provide coverage for emergency services for an emergency medical condition in compliance with state and federal laws. Contract provision must include:</p> <ul style="list-style-type: none"> <li>▪ Statutory definitions of emergency medical condition, emergency services and stabilize</li> <li>▪ Scope of Coverage</li> <li>▪ Appropriate use of emergency services, including the use of the 911 system</li> <li>▪ Any cost sharing requirements</li> </ul> <p>To comply with requirements:</p> <ul style="list-style-type: none"> <li>▪ Prior authorization may not be required</li> <li>▪ Services must be covered out of network</li> <li>▪ Out of network services must be paid at network cost sharing levels. Approved amount must be the greatest of               <ul style="list-style-type: none"> <li>○ The median in-network rate</li> <li>○ The usual customary and reasonable rate (or similar rate determined using the plans or issuer's general formula for determining payments for out-of-network services)</li> <li>○ The Medicare rate</li> </ul> </li> </ul>	<p>ORC § 3923.65; PHSA §2719A, as added by PPACA; 45 CFR §147.138(b)</p>		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<p><b>Mental Health and Substance Abuse</b></p> <ul style="list-style-type: none"> <li>▪ Coverage must be provided for treatment of mental health, alcoholism, and substance use disorders</li> <li>▪ Insurers must comply with the federal Mental Health Parity and Addiction Equity Act. <ul style="list-style-type: none"> <li>○ Mental health and substance use disorder benefits must be provided in parity with medical/surgical benefits within the same classification or sub classification.</li> <li>○ Intermediate levels of care such as residential treatment, partial hospitalization and intensive outpatient services must be covered.</li> <li>○ The filing must contain a statement of compliance with federal mental health parity and addiction equity requirements.</li> </ul> </li> </ul>	<p>ORC § 3923.28; ORC § 3923.281; ORC § 3923.29; PHSA § 2726; 45 CFR § 146.136 (e)(4) brings in individual and small group through EHB requirement</p>		√	√	√	
<p><b>Maternity</b></p> <ul style="list-style-type: none"> <li>▪ Insurers must provide inpatient care including routine nursery care for at least 48 hours for a normal delivery and 96 hours for a cesarean delivery. Must provide 72 hours of follow-up care for discharges prior to 48/96 hours.</li> <li>▪ Prior-authorization is not permitted on inpatient stays that do not exceed the 48/72 hours.</li> </ul> <p><b>Surrogacy</b> - Insurers may not exclude coverage for prenatal or maternity services for an insured.</p> <p><b>Note:</b> The ACA religious exemption does not permit the exclusion of the maternity benefits for therapeutic abortions as indicated in the benchmark.</p> <p><i>On Exchange coverage cannot be provided for non-therapeutic abortions.</i></p>	<p>ORC § 3923.63</p>		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

Requirement Description	Authority	Page # or Confirmation	Individual	Non-Emp. Group	Small Group	ODI Use Only
<p><b>Mammography</b></p> <ul style="list-style-type: none"> <li>▪ Ohio requires a baseline screening mammogram for women between ages 35 and 40 that is not included in the Federal preventive care mandate.</li> <li>▪ The mammography provision must clearly indicate that payment for the baseline mammogram and out of network mammograms is limited to 130% of the Medicare Reimbursement amount. This is the total payment including any cost sharing. Providers may bill only for approved deductibles and copayments. Balance billing is not permitted.</li> </ul>	ORC § 3923.52		√	√	√	
<p><b>Child Health Supervision</b></p> <p>Coverage must include child health supervision benefits. Benefits included in the Federal preventive care mandate must be provided with no cost sharing; the remaining benefits may require cost sharing.</p>	ORC § 3923.55		√	√	√	
<p><b>Women’s Health and Cancer Rights Act</b></p> <p>Insurers covering mastectomies must also cover reconstructive surgery.</p> <p>Any annual deductibles and coinsurance provisions must be consistent with those for other medical/surgical benefits under the coverage.</p> <p><i>Specific Benchmark mandate: Coverage must be provided for a minimum of 4 post-mastectomy surgical bras per benefit period as covered under the EHB benchmark plan.</i></p>	PHSA §2727; ERISA § 713		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

<b>Requirement Description</b>	<b>Authority</b>	<b>Page # or Confirmation</b>	<b>Individual</b>	<b>Non-Emp. Group</b>	<b>Small Group</b>	<b>ODI Use Only</b>
<p><b>Clinical trials</b></p> <p>Benefits for coverage of routine care for a cancer clinical trial must comply with both ORC 3923.80 and federal requirements. In general, the federal law covers all clinical trials. Ohio law is broader for cancer clinical trials than federal law in the following cases:</p> <ul style="list-style-type: none"> <li>▪ Coverage is not limited to a “qualified individual” as defined in federal law.</li> <li>▪ Participant is not required to have a referral from a participating health professional or provide medical and scientific information establishing the appropriateness of participation.</li> </ul>	<p>ORC § 3923.80 PHSA § 2709, as added by PPACA</p>		√	√	√	
<p><b>Orally Administered Cancer Medication</b></p> <p>Prescribed orally administered cancer medication must be covered on no less favorable basis than coverage for intravenously administered or injected cancer medications. Insurers may comply in one of the following ways:</p> <ul style="list-style-type: none"> <li>▪ Limit the cost sharing to no more than \$100 (safe harbor)</li> <li>▪ Include a provision affirmatively stating, "All orally administered cancer medications will be covered on the same basis and at no greater cost sharing than imposed for IV or injected cancer medication."</li> </ul> <p>For HDHPs and catastrophic plans the \$100 safe harbor may be after the deductible.</p>	<p>ORC § 3923.85</p>		√	√	√	
<p><b>Off label use of prescription drugs</b></p> <ul style="list-style-type: none"> <li>▪ May not be exclude coverage for a prescription drug because it hasn't been approved for the indication for which it was prescribed if it meets the specified criteria.</li> <li>▪ Must be addressed in the covered services section of the policy or certificate.</li> </ul>	<p>ORC § 3923.60</p>		√	√	√	
<p><b>Prescription Drug Exception Process</b></p> <ul style="list-style-type: none"> <li>▪ 72 hour/24 hour decision notification</li> <li>▪ Process for denial review by independent review organization</li> </ul>	<p>45 CFR 156.122(c); 2016 Letter to Issuers</p>		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

<b>Requirement Description</b>	<b>Authority</b>	<b>Page # or Confirmation</b>	<b>Individual</b>	<b>Non-Emp. Group</b>	<b>Small Group</b>	<b>ODI Use Only</b>
<b>Pediatric Age</b> <ul style="list-style-type: none"> <li>▪ Pediatric services, including oral and vision care</li> <li>▪ Covered until at least the end of the month the covered person turns 19 years old</li> </ul>	45 CFR 156.110(a)(10) 45 CFR 156.115(a)(6)		√	√	√	
<b>Essential Health Benefits (Ohio Benchmark Benefits) (also complete EHB Locator)</b>						
<b>Refer to the EHB Resource Document for a complete list.</b>						
<b>Dental Services for accidental injury:</b>  Benefits are limited to \$3000 per accident	Ohio Benchmark Plan		√	√	√	
<b>Habilitative Services</b> <ul style="list-style-type: none"> <li>▪ Must define as health care services and devices that help a person keep, learn, or improve skills and functioning for daily living.</li> <li>▪ Must comply with benefits identified in the governor’s letter. In addition, mental health visit limits must comply with Mental Health Parity.</li> </ul>	45 CFR 156.115(a)(5) Governor’s Letter, 12/26/12		√	√	√	
<b>Private Duty Nursing</b>  Private duty nursing provided through home health care limited to 90-110 visits per year	Ohio Benchmark Plan		√	√	√	
<b>Transplant Benefits</b> <ul style="list-style-type: none"> <li>▪ Live donor benefits</li> <li>▪ Transportation and lodging for transplants—\$10,000 per transplant</li> <li>▪ Unrelated donor searches for bone marrow/stem cell transplants for a covered transplant—\$30,000 per transplant</li> </ul>	Ohio Benchmark Plan		√	√	√	
<b>Vision Correction</b>  Includes: <ul style="list-style-type: none"> <li>▪ Intraocular lens implantation for the treatment of cataract or aphakia</li> <li>▪ Contact lenses or glasses following lens implantation</li> <li>▪ The first pair of contact lenses or eyeglasses which replace the function of the human lens for conditions caused by cataract surgery or injury; a donor lens is not the first lens</li> </ul>	Ohio Benchmark Plan		√	√	√	

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

<b>Requirement Description</b>	<b>Authority</b>	<b>Page # or Confirmation</b>	<b>Individual</b>	<b>Non-Emp. Group</b>	<b>Small Group</b>	<b>ODI Use Only</b>
<b>Continuation</b>						
<b>State Continuation</b> Rights of certain employees to continue coverage for 12 months	ORC § 3923.38				√	
<b>Continuation of Coverage during Military Service</b> Rights of reservists to extend coverage upon being called to active duty	ORC § 3923.381				√	
<b>COBRA</b> Federally requirements for coverage continuation, for groups with 20 or more employees					√	
<b>Individual—Option For conversion:</b> There must be a provision to allow conversion to the spouse upon death of the subscriber, divorce, dissolution or annulment or to children upon reaching the limiting age.	ORC § 3923.32		√			
<b>Standard Provisions</b>						
<b>Entire Contract</b>	ORC § 3923.04(A)		√			
<b>Time Limit on Certain Defenses</b>	ORC § 3923.04(B)		√			
<b>Grace Period</b>	ORC § 3923.04(C)		√			
<b>Reinstatement</b>	ORC § 3923.04(D)		√			
<b>Notice of Claim</b>	ORC § 3923.04(E) ORC § 3923.20		√	√	√	
<b>Claim Forms</b>	ORC § 3923.04(F)		√	√	√	
<b>Proofs of Loss</b>	ORC § 3923.04(G) ORC § 3923.20		√	√	√	
<b>Time of Payment of Claims</b> Except for periodic payments, claims must be paid immediately or within 30 days of receipt of proof of loss.	ORC § 3923.04(H) ORC § 3923.20		√	√	√	
<b>Payment of Claims</b>	ORC § 3923.04(I)		√			
<b>Physical examination and autopsy</b>	ORC § 3923.04(J)		√			

**ACA Form Filing Checklist – Title 39 Major Medical Products  
Selected Form Review Requirements**

<b>Requirement Description</b>	<b>Authority</b>	<b>Page # or Confirmation</b>	<b>Individual</b>	<b>Non-Emp. Group</b>	<b>Small Group</b>	<b>ODI Use Only</b>
<b>Legal Actions</b>  Legal actions are permitted 60 days after written proof of loss has been submitted and 3 years after written proof of loss is required to be submitted.	ORC § 3923.04(K) ORC § 3923.20		√	√	√	
<b>Cancellation by the Insured</b>	ORC § 3923.04(M)		√			
<b>Mandated Group Provisions</b>	ORC § 3923.12(C)			√	√	
<b>Claims Procedures and Appeal Process</b>						
<b>Claims procedures, including applicable time frames</b>	45 CFR §147.136; 29 CFR §2560.503-1		√	√	√	
<b>Internal appeals of adverse benefit determinations - processes, rights and required notices</b>  <i>Only one level of internal review is permitted for individual coverage. Two levels of internal review are permitted for employer group coverage.</i>	PHSA § 2719, as added and amended by PPACA		√	√	√	
<b>External Review</b>	ORC Chapter 3922; PHSA § 2719, as added and amended by PPACA		√	√	√	