

STATE OF OREGON



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Oregon Health Authority

**MARKETPLACE QUALIFIED HEALTH PLANS (QHPs)
REQUEST FOR APPLICATION (RFA)
OREGONBUYS NUMBER S-44300-00005617/OHA-RFA-5611**

Date of Issue: February 01, 2023

Closing Date: March 3, 2023

Single Point of Contact (SPC)

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Table of Contents

SECTION 1 – PURPOSE/OVERVIEW.....	3
1.1. Introduction	3
SECTION 2 - MINIMUM QUALIFICATIONS	3
SECTION 3 - SCOPE OF WORK	5
SECTION 4 - RFA PROCESS	5
4.1 Single Point of Contact (SPC).....	5
4.2 Closing Date for Submittal of Applications	5
4.3 Questions, Answers, and Addenda.....	5
SECTION 5 - APPLICATION REQUIREMENTS	6
5.1 Application Submittal.....	6
SECTION 6 - APPLICATION EVALUATION & CONTRACTOR ENROLLMENT	6
6.3 Application Rejection.....	7
SECTION 7 - GENERAL INFORMATION.....	7
7.1. Changes/Modification and Clarifications	7
7.2. Reservation of OHA Rights.....	7
7.3. Protest of RFA.....	7
7.3 Application Modification or Withdrawal	8
7.4 Cost of Application	8
7.5 Contractual Obligation	8
7.6 Contract Documents.....	9

SECTION 1 – PURPOSE/OVERVIEW

1.1. Introduction

- 1.2. This is a Request for Application (RFA) from the Oregon Health Authority (OHA) Health Insurance Marketplace (the Marketplace) to health insurance carriers (Carriers) wishing to offer Marketplace-certified Qualified Health Plans (QHPs) and/or Stand Alone Dental Plans (SADPs) to Oregonians through the Marketplace on HealthCare.gov and/or the Marketplace’s Small Employer Program. The Marketplace requests applications from all Carriers that can meet the requirements of this RFA.
- 1.3. Unless the Director of OHA finds good cause to accept RFAs from additional Carriers, this application will be the only opportunity for a Carrier to apply to offer plans through the Marketplace until 2025 for the plan year beginning in 2026.
- 1.4. The Marketplace issues this RFA under the authority of ORS 741.002(2)(a) and (4) and OAR 945-020-0020. The procedures for this RFA are governed by the Oregon Department of Justice Model Rules in OAR Chapter 137, Division 147, except as provided in OAR 945-020-0020. The Patient Protection and Affordable Care Act (P.L. 111-148) as amended by the Health Care and Education Reconciliation Act (P.L. 111-152), ORS chapter 741, and OAR chapter 945 provide the regulatory framework for the Marketplace certification requirements.

SECTION 2 - MINIMUM QUALIFICATIONS

2.5 QHP/SADP SUBMISSION AND CERTIFICATION REQUIREMENTS: Benefit and Rate Submission Information

2.5.1 Benefit Approval

Carriers will submit plan and form filings with the DFR for each plan they wish to have certified by the Marketplace. DFR will determine the following:

- 2.5.1.1 The plan provides the essential health benefits that are required by state and federal law and approved by the federal Department of Health and Human Services;
- 2.5.1.2 The plan meets the actuarial value of the tier ascribed to it; and
- 2.5.1.3 The plan meets all other insurance regulations as required by state and federal law.

2.5.2 Rate Approval

Carriers will submit their rate filings to DFR for each plan they wish to have certified by the Marketplace. DFR will use its regular rate review process to evaluate and approve/disapprove rates and will provide over the Marketplace with the approved rates. Rates filed for each QHP and SADP must include a single age band of 0-20 for child coverage.

2.5.3 Plan and Rate Data Submission Requirements

2.5.3.1 Carriers will submit plan data and rate data through the System for Electronic Rate and Form Filing (SERFF). Carriers will submit the following documents:

- 2.5.3.1.1 Plan and Benefits Template
- 2.5.3.1.2 Issuer URL Template

- 2.5.3.1.3 Prescription Drug Template (QHP only)
- 2.5.3.1.4 Network Template
- 2.5.3.1.5 Service Area Template
- 2.5.3.1.6 Essential Community Providers/Network Adequacy Template
- 2.5.3.1.7 Rate Data Template
- 2.5.3.1.8 Rating Business Rules Template
- 2.5.3.1.9 Statement of Detailed Attestation Responses for SBM Issuers
- 2.5.3.1.10 Plan ID Crosswalk Template (if applicable)
- 2.5.3.1.11 Oregon Quality Improvement Strategy Report
- 2.5.3.1.12 Transparency in Coverage Template
- 2.5.3.1.13 This list may have additional items after CMS finalizes submission requirements in 2023.

2.5.3.2 Carriers will adhere to filing deadlines set by DFR (Attachment 4).

2.5.3.3 After initial binder submission, and after any changes are made to binders, the Marketplace will transfer plan data to the Federally Facilitated Marketplace (FFM) via the Health Insurance Oversight System (HIOS). Carrier will be responsible for reviewing data in HIOS's Plan Preview function prior to its display on the FFM.

2.5.4 Network Adequacy

2.5.4.1 A Carrier offering a qualified health plan will ensure that the provider network of each qualified health plan meets federal standards that include, but are not limited to the following:

2.5.4.1.1 Includes Essential Community Providers (such as Federally Qualified Health Centers, Tribal or Indian Health Centers and Clinics, and other organizations that qualify for special pricing for prescription drug manufacturers),

2.5.4.2 Maintains a network large and diverse enough to provide all services without an unreasonable delay (and includes providers that specialize in mental health and substance abuse services),

2.5.4.3 Is consistent with the network adequacy provisions of section 2702(c) of the Public Health Services Act.

2.5.5 Accreditation

If Carrier is not currently accredited for exchange participation by the National Committee for Quality Assurance, URAC, or the Accreditation Association for Ambulatory Health Care, Inc., it will become accredited by July 15, 2024, and will provide the Marketplace a copy of its most recent accreditation survey, together with any survey-related information that the federal Department of Health and Human Services may require, such as corrective action plans and summaries of findings.

SECTION 3 - SCOPE OF WORK

3.1 EXPECTED CARRIER ACTIVITIES

The 2024 medical and dental contracts are currently expected to be substantially identical to the 2023 contracts, the templates for which are posted at <https://orhim.info/resources>. Future changes in the legal environment for the Marketplace may necessitate changes to the contract language.

SECTION 4 - RFA PROCESS

4.1 Single Point of Contact (SPC)

All communications with OHA concerning this RFA must be directed to:

Katie Button, Plan Management Analyst
Oregon Health Authority
Oregon Health Insurance Marketplace
500 Summer Street NE
Salem, Oregon 97301
Phone: 503.507.2349

E-mail: katie.button2@dhsoha.state.or.us

Any contact regarding this RFA with other State employees or officials may result in inaccurate information and delay of Application processing. Any oral communications will be considered unofficial and non-binding. The RFA may be viewed at

<https://oregonbuys.gov/bsol/>, and <https://healthcare.oregon.gov/Pages/resources.aspx> Timeline for RFA and Application Submission is:

RFA Opens: February 01, 2023

RFA Closes: March 03, 2023

4.2 Closing Date for Submittal of Applications

Carriers must submit the required documents via email to katie.button2@dhsoha.state.or.us no later than 5:00 p.m. PST on **March 3, 2023**. The subject line should be written as follows: “[Carrier Name] RFA Submission.” Each Carrier will receive an email confirming receipt of its submission. Fax, regular mail, and physical deliveries will not be accepted. Applications received after the closing date and time are late and will not be considered. Applications will be evaluated by OHA at any time after receipt.

4.3 Questions, Answers, and Addenda

4.3.1 All communications with the Marketplace concerning this RFA must be directed to the Marketplace Sole Point of Contact (SPC), Katie Button, via email to katie.button2@dhsoha.state.or.us. All communications related to this RFA must be in writing. The Marketplace will provide written answers to all RFA-related questions and will post RFA questions and answers relevant to all carriers on OregonHealthCare.gov.

4.3.2 Written responses to Carrier questions regarding this RFA are official. Verbal communications are unofficial and non-binding.

4.3.3 Any communications, written or oral, that precede the official posting of this RFA are not official and binding unless reflected in this RFA or an addendum hereto.

SECTION 5 - APPLICATION REQUIREMENTS

5.1 Application Submittal

Carriers must submit the required documents via email to katie.button2@dhsosha.state.or.us no later than 5:00 p.m. PST on **March 3, 2023**. The subject line should be written as follows: “[Carrier Name] RFA Submission.” Each Carrier will receive an email confirming receipt of its submission. Fax, regular mail, and physical deliveries will not be accepted.

5.1.1 Carriers currently offering QHPs through the Marketplace and dental carriers must make and submit the Attestations in Attachment 1 and submit the Applicant Cover Sheet in Attachment 3.

5.1.2 Carriers not currently offering QHPs through the Marketplace must make and submit the Attestations in Attachment 1, complete and submit the Questionnaire in Attachment 2, and complete and submit the Applicant Cover Sheet in Attachment 3.

LIST OF ATTACHMENTS

Attachment 1- Attestation Form

Attachment 2 - Questionnaire Form

Attachment 3 - Applicant Cover Sheet

Attachment 4 - Division of Financial Regulation Plan Submission Timeline

SECTION 6 - APPLICATION EVALUATION & CONTRACTOR ENROLLMENT

Applications must be complete at the time of submission. OHA will designate an Evaluation Panel that will meet as necessary after the closing date of this RFA, to conduct a comprehensive and impartial evaluation of the Applications received to determine whether each Applicant meets all qualifications. Applicants whom OHA determines, at its sole discretion, to be qualified to perform Work pursuant to this RFA will have their applications accepted.

6.1 Applications may be evaluated by OHA any time after receipt. During the evaluation process, OHA reserves the right to obtain clarification from Applicants regarding their Application materials. Application Evaluation

6.1.1 Pass/Fail Approval of Carriers

After a Carrier submits an application, the Marketplace will evaluate its application and confirm with the Division of Financial Regulation (DFR) within Oregon Department of Consumer and Business Services (DCBS) that the Carrier meets state requirements for licensure and solvency and is in good standing. The Marketplace will then approve or disapprove the application.

6.1.2 The items listed below will be scored on a pass/fail basis.

6.1.2.1 Does the Carrier meet the federal minimum certification requirements?

6.1.2.2 Does the application comply with all application requirements?

6.1.3 The Marketplace will award Contracts to all Carriers for which the Marketplace has approved applications.

6.1.4 A Carrier must have a Contract with the Marketplace to offer certified QHPs and/or SADPs

through the Marketplace on HealthCare.gov.

6.2 Final Selection and Award

Award will be made to each responsive and responsible Applicant that meets all the requirements of this RFA. All Carriers that submit an application in response to this RFA understand and agree that the Marketplace is not obligated to enter into a Contract with any Carrier and has no financial obligation to any Carrier.

6.3 Application Rejection

OHA may reject an Application if the Applicant fails to substantially comply with all prescribed solicitation procedures and requirements.

SECTION 7 - GENERAL INFORMATION

7.1. Changes/Modification and Clarifications

When appropriate, the Marketplace will issue revisions, substitutions, or clarifications as addenda to this RFA. Changes and modifications to the RFA shall be recognized *only* if in the form of written addenda issued by the Marketplace and posted on OregonHealthCare.gov.

7.2. Reservation of OHA Rights

The Marketplace reserves all rights regarding this RFA, including, without limitation, the right to:

Amend or cancel this RFA without liability if it is in the best interest of the Marketplace or the people of Oregon to do so;

7.2.1 Reject all applications received by reason of this RFA upon finding that it is in the best interest of the Marketplace or the people of Oregon to do so;

7.2.2 Waive any minor informality;

7.2.3 Seek and obtain clarification of an application from an applicant;

7.2.4 Amend or extend the term of any Contract that is issued as a result of this RFA; or

7.2.5 Reject any application upon finding that to accept the application may impair the integrity of the procurement process or that rejecting the application is in the best interest of the Marketplace or the people of Oregon.

7.3. Protest of RFA

Subject to OAR 137-047-0730, any prospective Carrier may submit a written protest of the procurement process or this RFA no later than February 23, 2023. A Carrier must submit any written protest to the procurement process or this RFA to the SPC at katie.m.button@oregon.gov and shall contain the following:

7.3.1. Sufficient information to identify the solicitation that is the subject of the protest;

7.3.2 The grounds that demonstrate how the procurement process is contrary to law or how the solicitation document is unnecessarily restrictive, is legally flawed, or improperly specifies a brand name;

7.3.3. Evidence or supporting documentation that supports the grounds on which the protest is based;

7.3.4 The relief sought; and

7.3.5. A statement of the desired changes to the procurement process or the RFA that the will

remedy the conditions upon which the Carrier based its protest.

7.3.6 Release of Information

After the application deadline and prior to a decision to grant an award or a decision to not grant an award, no person, including an applicant, is entitled to any information related to the consideration of an application or an applicant's award status. Notwithstanding, the Marketplace may share any information contained in an application with the Division of Financial Regulation (DFR), CMS, or persons involved in the review and evaluation of the application at the request of the Marketplace.

7.3.7. Protest of Application Selection

The SPC will notify every Carrier of its application selection status. A Carrier has seven calendar days after the date of the notice of application selection status to submit a written protest to the Marketplace. A protest under this paragraph must meet the requirements of ORS 279B.410 to be considered. The Marketplace will not consider any protests that are received after this deadline.

7.3 Application Modification or Withdrawal

7.4.1 Modifications: A Carrier may modify its application in writing prior to the date that applications are due. A Carrier must submit any modification to its application to the SPC to katie.button2@dhsoha.state.or.us.

7.4.2 Withdrawals: A Carrier may withdraw its application by written notice, signed by an authorized representative of the Carrier, sent to the SPC to katie.button2@dhsoha.state.or.us.

7.4.3 Notification of Application Evaluation Decision

7.4.4 Applicants will be notified in writing of the evaluation decision regarding their application.

7.4.5 After the application has been evaluated and the Carrier notified of the outcome, the Marketplace's RFA file is subject to public disclosure in accordance with OAR 137-047-0630, and the Oregon Public Records Law (ORS 192.311–192.478).

7.4.6 All Applications are considered public information once they have been opened. However, copies of Applications will not be released until the evaluation process has been completely closed. Any person may request copies of public information, in writing to the Single Point of Contact listed in Section 4.1 of this RFA. A fee per page copied will be assessed and payment must be made before copies will be released. If any part of an application is considered a trade secret, the Applicant must clearly designate that portion as confidential to obtain protection, if any, from disclosure. See Oregon Revised Statutes 192.501(2) and 646.461 to 646.475.

7.4 Cost of Application

All costs incurred in preparing and submitting an Application in response to this RFA will be the responsibility of the Applicant and will not be reimbursed by OHA.

7.5 Contractual Obligation

Applicants submitting an Application in response to this RFA understand and agree that OHA is not obligated thereby to enter into an Agreement with any Applicant and, further, has absolutely no financial obligation to any Applicant or Contractor.

7.6 Contract Documents

The 2024 medical and dental contracts are currently expected be substantially identical to the 2023 contracts, the templates for which are posted at <https://orhim.info/resources>. Future changes in the legal environment for the Marketplace may necessitate changes to the contract language.