



To: Management
Kentucky Health Benefit Exchange

We have examined the assertion of compliance of Kentucky Health Benefit Exchange (the Exchange), a component unit of the Commonwealth of Kentucky, with the requirements in Title 45, Code of Federal Regulations Part 155 (45 CFR 155), Subparts C, D, E, K, and M for the year ended June 30, 2023. We noted the matter below for your consideration.

1. Incorrect Notice Due Dates

BerryDunn reviewed conditional eligibility notices to determine whether applicants were provided the required period of 90 days to provide supporting documentation to resolve a verification inconsistency. BerryDunn identified 1 case out of a sample of 125 for which a notice sent to the consumer contained a due date that occurred before the issuance date.

According to **45 CFR § 155.315(f)**:

(2) If unable to resolve the inconsistency through the process described in paragraph (f)(1) of this section, must—(i) Provide notice to the applicant regarding the inconsistency; and (ii) Provide the applicant with a period of 90 days from the date on which the notice described in paragraph (f)(2)(i) of this section is sent to the applicant to either present satisfactory documentary evidence via the channels available for the submission of an application, as described in § 155.405(c), except for by telephone through a call center, or otherwise resolve the inconsistency.

The consumer identified in our sample received a notice that was sent on June 1, 2023, and contained a due date on May 5, 2023. KHBE stated that the May 5, 2023, due date was on the notice in error and that the consumer had already received the appropriate amount of time to provide supporting documentation. The applicant provided support to resolve the inconsistency on May 24, 2023, and therefore no further action was required.

BerryDunn recommends that KHBE implement system changes to ensure that notices are sent with the correct due dates, to avoid confusion among consumers.

Management’s Response

This was an error related to a data fix that set the incorrect due date. This individual already had 150 days to return verification for this RFI so their eligibility not adversely affected.

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We sincerely appreciate the cooperation and courtesy provided to our personnel by management and the employees of KHBE during the engagement. We have previously discussed the comments and suggestions contained herein with management, and we will be pleased to discuss them further at your request.

This report is intended solely for the information and use of management and is not intended to be, and should not be, used by anyone other than this specified party.

Berry Dunn McNeil & Parker, LLC

Portland, Maine
June 21, 2024