

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Health Data and Analytics

Division of Health Benefit Exchange

(New Administrative Regulation)

900 KAR 13:010. Guaranteed Acceptance Program (GAP) reporting requirements.

RELATES TO: KRS 304.17B-001, 304.17B-021(2), 304.17B-023

STATUTORY AUTHORITY: KRS 304.17B-031(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.17B-031(1) requires the Office of Health Data and Analytics to promulgate administrative regulations necessary to carry out the provisions of KRS 304.17B-001 to 304.17B-031. KRS 304.17B-023 establishes reporting requirements for the Guaranteed Acceptance Program for a participating insurer and KRS 304.17B-021(2) establishes requirements for a supporting insurer to provide information to the office. This administrative regulation prescribes the form and the time schedule for submitting reports to the office.

Section 1. Definitions.

- (1) "Earned premium" is defined by KRS 304.17B-001(8).
- (2) "Guaranteed acceptance program" or "GAP" is defined by KRS 304.17B-001(11).
- (3) "Guaranteed acceptance program participating insurer" is defined by KRS 304.17B-001(12).
- (4) "Health benefit plan" is defined by KRS 304.17A-005(22).
- (5) "Insurer" is defined by KRS 304.17A-005(29).
- (6) "Office" is defined by KRS 304.17B-001(24).
- (7) "Stop-loss carrier" is defined by KRS 304.17B-001(27).
- (8) "Supporting insurer" is defined by KRS 304.17B-001(28).

Section 2. GAP Participating Insurer's Monthly Report. A GAP participating insurer shall submit a GAPERF-M-1 to the office within thirty (30) calendar days after the end of each calendar month.

Section 3. Supporting Insurer's and Stop-Loss Carrier's Quarterly Report. A supporting insurer and a stop-loss carrier shall submit a GAPQR-2 to the office within thirty (30) calendar days after the end of each calendar quarter.

Section 4. GAP Participating Insurer's Annual Report. A GAP participating insurer shall submit a GAPERF-A-1 to the office within forty-five (45) calendar days after the end of each calendar year.

Section 5. Certification. A GAP participating insurer shall complete and attach a GAPC-1 to the following reports at the time of the report's submission to the office:

- (1) GAPERF-M-1; and
- (2) GAPERF-A-1.

Section 6. Annual Earned Premium Verification.

- (1) After the end of a calendar year, the office may request in writing that a supporting insurer verify the total earned premiums reported by the insurer for that calendar year.
- (2) If an earned premium verification is requested pursuant to subsection (1) of this section, a supporting insurer shall submit the following documentation:
 - (a)
 1. Confirmation that the reported health benefit plan or stop-loss earned premium amounts are correct; or
 2. Corrections of reported health benefit plan or stop-loss earned premium amounts; and

(b) A GAPAFF-1.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Guaranteed Acceptance Program and Kentucky Access Affidavit", GAPAFF-1, 11/2021;
- (b) "Guaranteed Acceptance Program (GAP) and Kentucky Access Data Certification Form", GAPC-1, 11/2021;
- (c) "Annual Report for GAP Participating Insurers", GAPERF-A-1, 11/2021;
- (d) "Monthly Report for GAP Participating Insurers", GAPERF-M-1, 11/2021; and
- (e) "Supporting Insurer's and Stop-Loss Carrier's Quarterly Report", GAPQR-2, 11/2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Office of Health Data and Analytics, Division of Health Benefit Exchange, 275 East Main Street 4WE, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or may be accessed at khbe.ky.gov.

(49 Ky.R. 2348; eff. 7-20-2022.)

ANDREW C. BLEDSOE, Deputy Executive Director
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: December 22, 2021

FILED WITH LRC: January 12, 2022

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 21, 2022 at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by March 14, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until March 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Advisor, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.