

October 1, 2012

The North Dakota Insurance Department submitted an Essential Health Benefit (EHB) benchmark plan recommendation to U.S. Secretary of Health and Human Services (HHS) Sebelius on Friday, September 28, 2012. The plan submitted was the Sanford Health Plan. The submission also included supplemental benefits for pediatric dental and vision services as currently offered by the North Dakota Children's Health Insurance Program (CHIP).

On March 1, 2012 the Insurance Department sent a letter to HHS requesting additional time to make the EHB recommendation and to allow the North Dakota legislature to make the final recommendation. Secretary Sebelius denied the request.

Further, despite numerous requests from North Dakota and other states for a final EHB rule from HHS prior to the recommendation deadline, HHS failed to promulgate a final rule as of today. As such, North Dakota's recommendation was sent to HHS prior to HHS promulgating any final rules on EHB.

The recommended plan is a comprehensive health insurance plan that meets the requirements of the United States Center for Consumer Information and Insurance Oversight Bulletin of December 16, 2011 including, but not limited to:

- Providing benefits in each of the ten categories prescribed;
- Reflecting typical employer health benefit plans; and
- Reflecting balance among the categories.

North Dakota recommended this plan after an independent analysis of the benchmark choices was completed and public comments were received on the analysis. The interim Legislative Health Care Reform Review Committee discussed the EHB choice several times, also taking public comment and ultimately indicating their preference for a Sanford Health Plan recommendation.

HHS will now review all state selections and then declare those selections and any default plans for states not making a selection in a future proposed regulation. There will be an opportunity for the public to comment on those regulations and then HHS will make modifications as they choose and make the final decision on the EHB benchmark for each state.

The Insurance Department has not been informed of any specific dates that these actions might occur nor how any modifications to benchmark choices might be made. The Insurance Department will continue to use this stakeholder list as a means to communicate EHB updates and the Secretary's final decision.