HHS Publishes Health Insurance Premium Rate Review Final Rule Effective September 1st and List of States with Effective Rate Review Programs

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EBG Introduces Interactive National Rate Review Scorecard

by **Jesse M. Caplan** and **Lynn Shapiro Snyder**

On May 23, 2011, the Center for Consumer Information & Insurance Oversight (CCIIO), in the Centers for Medicare & Medicaid Services (CMS) of the United States Department of Health and Human Services (HHS) published its Final Rule implementing Section 2794 of the Public Health Service Act (PHSA). This Section requires HHS to establish a process for the review of "unreasonable" health insurance premium rate increases in the individual and small group markets. The Final Rule remains largely unchanged from the Proposed Rule, with important exceptions. The Final Rule, and the key changes, are summarized in this Client Alert.

In addition, CCIIO released its list of states with effective rate review programs. Rate increases affecting states with effective rate review programs will be reviewed by those states, while those increases in states determined not to have effective rate review programs will be reviewed by CMS. Now that this list has been published, health insurance issuers can better determine which government agencies will be responsible for reviewing their rate increases, what standards will be applied when determining whether such increases are "unreasonable," and whether the rate increases are subject to disapproval.

This Client Alert also introduces EBG's new interactive **National Health Insurance Rate Review Scorecard**. The Scorecard offers insurance carriers, lawyers, and other stakeholders an up-to-date resource on federal and state health insurance rate review programs, standards, and initiatives.

Read the full alert online

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