

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



OVERSIGHT GROUP

Date: June 16, 2020

To: All Health Insurance Issuers

From: Christina Whitefield, Director, Division of Medical Loss Ratio, Center for Consumer Information & Insurance Oversight, Centers for Medicare & Medicaid Services

Subject: Announcement of Medical Loss Ratio Annual Reporting Procedures for the 2019 MLR Reporting Year

This memorandum outlines the process by which health insurance issuers will submit their medical loss ratio (MLR) data to fulfill reporting obligations under the MLR provisions of the Patient Protection and Affordable Care Act. The deadline for filing the 2019 MLR Annual Reporting Form is July 31, 2020; however, CMS will consider 2019 Annual MLR Reporting Forms to be filed on time as long as they are filed by August 17, 2020.

1. Statutory and Regulatory Authority for Collecting MLR Data

Effective 2011, section 2718 of the Public Health Service Act (PHS Act), 42 USC §300gg-18, establishes minimum MLR standards for health insurance issuers (issuers), and requires an issuer to provide rebates when the issuer's MLRs are lower than the applicable MLR standard. Section 2718 also requires issuers to submit to the Secretary data on issuers' use of premium dollars within major categories, including data required to calculate issuers' MLRs and rebates. The regulation implementing section 2718 of the PHS Act, 45 CFR Part 158, details the data that issuers must submit, and sets forth the MLR and rebate calculation methodology.

The MLR data will be collected by the Center for Consumer Information and Insurance Oversight (CCIIO) within the Centers for Medicare & Medicaid Services (CMS).

2. Who is Required to File Annual MLR Data Reports

MLR data for each state (and each market within that state) in which an issuer has health insurance premiums or has paid claims must be filed by the legal entity authorized to do business in those states (please note that this is not the holding company). This legal entity, rather than the individual issuers within each state, must report the MLR data for all of the entity's issuers in all of its states.

MLR Reporting

The MLR data must be reported by issuers providing health insurance coverage subject to section 2718 of the PHS Act and the MLR implementing regulations. This generally includes Life, Accident & Health Insurance companies, Property & Casualty Insurance Companies, and Fraternal Insurance companies that have group or individual Health Insurance Coverage in the **individual, small group,**

and/or large group markets. This includes issuers providing “mini-med” policies (policies with total annual benefit limits of \$250,000 or less), as well as student health plans. For the 2020 MLR reporting year, expatriate lines of business continue to be exempt from the MLR reporting and rebate requirements. For additional guidance, please see [Affordable Care Act Implementation FAQs - Set 13 - Centers for Medicare & Medicaid Services \(March 8, 2013\)](#) and [Affordable Care Act Implementation FAQs - Set 18 - Centers for Medicare & Medicaid Services \(January 9, 2014\)](#).

Your company may be required to report MLR data regardless of whether you currently file annual financial reports with the National Association of Insurance Commissioners (NAIC). Please review the MLR implementing regulations and guidance available on CCIIO’s website at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/#Medical-Loss-Ratio> to determine whether your organization is required to report its MLR data. If you are unsure, you may email MLRQuestions@CMS.hhs.gov and we will help you determine whether you are subject to reporting.

3. Format of the MLR Annual Reporting Form

The Excel template for collecting the MLR data (MLR Annual Reporting Form) will be published on CCIIO’s Health Insurance Oversight System (HIOS) website (<https://hios.cms.gov>) in June 2020. Form instructions and sample forms will also be posted on the CCIIO website (<https://www.cms.gov/cciio/Resources/Forms-Reports-and-Other-Resources/index.html#Medical-Loss-Ratio>). The forms are currently under review by the Office of Management and Budget (OMB) and have yet to receive a valid OMB control number. The forms are therefore subject to change.

A complete MLR filing includes:

- a. the MLR Annual Reporting Form:
 - i. a completed template for each state in which your company has written direct health insurance premiums or incurred claims;
 - ii. a completed template containing the Grand Total numbers for MLR data across all states;
- b. a completed, scanned and uploaded attestation form signed by both the Chief Executive Officer (CEO) and the Chief Financial Officer (CFO) of your organization (or their designated back-ups) attesting to the accuracy of the submitted data.

4. How to Submit a MLR Annual Reporting Form

The MLR Annual Reporting Form should be submitted through the HIOS MLR Module at <https://hios.cms.gov>.

Setting up a HIOS Account

To access the HIOS MLR Module, all new users will first need to register with CMS’ Enterprise Portal at <https://portal.cms.gov>. Please note that the HIOS MLR registration and issuer confirmation period for new and existing issuers begins in June 2020. Registration must be completed prior to the actual submission of MLR data, so we encourage issuers who will be using the HIOS MLR Module for the first time in 2020 to register during the month of June. We also encourage those issuers who have used the HIOS MLR module in previous years to verify in June that the information regarding their registered users and their associated states is up-to-date.

For questions regarding registering and accessing HIOS, please contact the Exchange Operation Support Center at CMS_FEPS@cms.hhs.gov or 1-855-267-1515. Once your user access requests are processed, the authorized individuals will receive user account information and instructions for accessing the MLR module in HIOS.

Your organization will need to register HIOS MLR module users:

- A primary “Upload” user and an optional back-up “Upload” user authorized to submit MLR data through HIOS; and
- Optionally, two “Attester” users and two back-up “Attester” users authorized to review and attest to the accuracy and completeness of the MLR data uploaded to HIOS. The two primary “Attester” users should be the CEO and the CFO of the legal entity required to file a MLR Annual Reporting Form. The two back-up “Attester” users should be qualified officers of the filing entity, as listed on the state annual filing documents. Please note that since attestation is now completed using a hard copy, the attesters have the option of registering in HIOS to review the uploaded MLR data, but are not required to register.

****Please be sure to check all HIOS roles for accuracy well ahead of the filing deadline and allow extra time for establishing new HIOS accounts and password resets if they are needed.**

Uploading Your Submission

MLR data should be uploaded to HIOS in a single zip file containing the following:

- a template for each state in which an issuer has written direct health insurance premiums or incurred claims;
- the Grand Total template containing numbers for all reported MLR data across all states.

Attesting to the Accuracy and Completeness of Your Submission

Once the MLR data are uploaded to HIOS, the two designated attesting officials (or the designated back-up attesters) will be able to review the upload and attest to the accuracy and completeness of the data submission.

Please note: The attestation process changed in 2016 and attesters are no longer required to electronically attest through HIOS. Attesters are now required to sign a hard copy of the attestation form that is downloaded from HIOS by the company uploader. The signed form should then be uploaded into HIOS as a PDF. (Do NOT include the attestation form in the zip file.) The form must be signed by both of the designated attesters and uploaded into HIOS in order for the filing to be complete.

5. Timeline for Filing the MLR Annual Reporting Form

June 11, 2020: HIOS MLR Module registration window opens. Issuers will also be able to download templates from HIOS starting on this date.

July 1, 2020: MLR report submission window opens.

July 31, 2020: MLR data report filing deadline; however, CMS will consider 2019 Annual MLR Reporting Forms to be filed on time as long as they are filed by August 17, 2020. MLR data must be uploaded and both designated officials must attest to the accuracy of the data before the deadline.

****Please be sure to check all HIOS roles for accuracy well ahead of the filing deadline and allow extra time for establishing new HIOS accounts and password resets, if they are needed.**

If you have any questions regarding the HIOS MLR module, please contact the Exchange Operation Support Center at CMS_FEPS@cms.hhs.gov or 1-855-267-1515.

If you have any questions regarding the MLR Annual Reporting Form, please contact the MLR Division at MLRQuestions@cms.hhs.gov.