

**Exhibit A**

**50 State Overview: Statutes, Type of Rate Review and Public Participation**

| State   | Rate Statutes   | Type of Rate Review <sup>1</sup>  | Public Access to Filing Data <sup>2</sup>  | Public Participation   |
|---------|---|---|--|--|
| Alabama | Code of Ala. § 27-2-17; § 27-14-8; Ala. Admin. Code r. 482 -1024.03(6); (Health Policies); § 27-21A-7 (HMOs); § 27-21-3 (Blues).<br><br><i>Does not have an effective rate review program.</i> <sup>3</sup> | Prior approval in both Individual and Small Group (HMOs and BCBS only; file and use for commercial carriers). (HMOs—30 day deemer <sup>4</sup> ). | Filings on informational basis but considered proprietary and trade secret. r.482-1-024-.04.<br><br>ACA filings available through Health Filing Access Interface (HFAI) but subject to the public access statute. (Website) <sup>5</sup> .<br><br>HMO filings are public documents, except for trade secrets or privileged or confidential commercial of financial information. § 27-21A-24. | Com’r can hold a hearing for any purpose. <sup>6</sup> §27-2-28.<br><br>Person aggrieved by act of Commissioner entitled to hearing. <sup>7</sup> <i>Id.</i> |
| Alaska  | Alaska Stat. § 21.51.405 (Health Policies); §   | Prior approval in both Individual   | DOI says see healthcare.gov for filings. (Website).  | Person aggrieved by the approval/disapproval of HMO  |

<sup>1</sup> Information obtained from the Kaiser Family Foundation but modifications made for accuracy based on current research. See Kaiser Family Foundation, State Statutory Authority to Review Health Insurance Rates, Individual Plans (2012), <http://kff.org/other/state-indicator/rate-review-individual/>. See also Kaiser Family Foundation, State Statutory Authority to Review Health Insurance Rates, Small Group Plans (2012), <http://kff.org/other/state-indicator/rate-review-small-group/>.

<sup>2</sup> Several states do not provide any statutory guidelines as to whether filings are treated as public documents or held as confidential, in whole or in part. These states are: Delaware, Georgia, Kansas, Kentucky, Maryland, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, South Carolina, Tennessee, Utah, and West Virginia.

<sup>3</sup> Designation of program as effective according to HHS.

<sup>4</sup> A deemer is the prescribed time period that the Commissioner has to approve or disapprove a plan. If the Commissioner does not act within this time period, the rate is approved.

<sup>5</sup> When information has been obtained through the Department’s website, “(Website)” follows. See appendix for URLs.

<sup>6</sup> The Commissioner can hold a hearing for any purpose within the scope of the Insurance Code. This language is substantially similar in all states where the Commissioner can hold a hearing for any purpose.

<sup>7</sup> Aggrieved person can seek a hearing for an act, threatened act, or failure of the Commissioner to act. This language is substantially similar in each state where an aggrieved person can seek a hearing.

|          |   |  |  |  |
|----------|---|--|--|--|
|          | 21.86.070 (HMOs); § 21.87.190 (Blues).  | and Small Group (45 day deemer).   | HMO filings are considered public documents, except for trade secrets, privileged, confidential commercial or financial information. § 21.86.270.  | rate can seek hearing. § 21.86.070.<br><br>Com'r can also hold a hearing for any purpose. § 21.06.180. Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i>  |
| Arizona  | A.R.S. § 20-1342.02 (Disability Policies—which include Health Policies § 20-253); § 20-826 (Blues).<br><br><i>Does not have an effective rate review program in Small Group Market.</i> | File and use in both Individual and Small Group.   | Public can access filings through the Health Filing Access Interface (HFAI), except for information considered a trade secret. (Website).  | Public can comment on increases > 10%. (Website).<br><br>Com'r can hold a hearing for any purpose. § 20-161(A).<br><br>Person affected by hearing can intervene. § 20-164.   |
| Arkansas | A.C.A. § 23-79-109; (Health Policies); 23-76-112 (HMOs); 23-75-111 (Blues).   | Prior approval in Individual (30 day deemer); Prior Approval in Small Group (60 day deemer). | Rate filings available prior to approval. (Website).<br><br>Actuarial justifications are confidential, §23-61-103, but Com'r has discretion to disclose to an aggrieved party. <i>Id.</i><br><br>HMO filings are considered public documents. § 23-76-128. | Public can comment on increases > 10%. (Website).<br><br>Com'r can hold a hearing for any purpose. § 23-61-303.<br><br>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i><br><br>Intervention permitted by a |

<sup>8</sup> The Arkansas Insurance Code provides that the insurer can seek a hearing on disapproval. Insurers can seek a hearing on disapproval in the following states: Arkansas, Delaware, D.C., Hawaii, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia. In most of these states insureds could seek to intervene in such a hearing.

|             |   |  |  |  |
|-------------|---|--|--|--|
|             |   |  |  | person with pecuniary interest in Com'r's order. §23-61-305. <sup>8</sup>  |
| California  | Cal Ins Code § 10181.3 (Health Policies); Cal Health & Saf Code § 1385.03 (HMOs and PPOs).  | File and use.  | Rate filings and supporting information are public. § 10181.7; § 1385.07.  | Public can comment. §10181.7(d); §1385.11. DOI must post comments on its website. § 10181.11; §1385.011.<br><br>Com'r can hold a hearing for any purpose. § 12924.<br><br>Director can hold a hearing for any purpose. § 1346. |
| Colorado    | C.R.S. §10-16-107 (Health Policies).  | Prior approval in Individual and Small Group (60 day deemer); file and use if no increase.                           | Filings are public records. CCR 702-2-1 Com'r can refuse access to trade secret data, but the entire filing, including the actuarial memorandum, cannot be held confidential. 3 CCR 702- 2-11, §5 ¶ 11.<br><br>Com'r can reject the insurer's request for confidential treatment. <i>Id.</i> | Public can comment. (Website).<br><br>Person aggrieved by rate charged can seek review by insurer. § 10-16-216.5(1). Com'r can hold a public hearing if he believes insurer has not complied. § 10-16-216.5(3).                |
| Connecticut | Conn. Gen. Stat. § 38a-481; (Individual Health Policies) § 38a-183 (Blues); 38a-476c (Variable network and enrollee cost-sharing health policies); § 38a- | Prior approval in Individual (30 day deemer); Prior approval in Small Group for HMOs only; all others file actuarial | Rate filings are considered public in their entirety. (Conn Insurance Bulletin HC-81, October 7, 2010.)  | Public can comment, and comments become part of final record. (Website).<br><br>Person aggrieved by an order or decision re Blues can appeal. §38a-185.  |

|          |   |   |   |  |
|----------|---|---|---|--|
|          | 528 (Group Health Insurance-Long-term care); 38a-565 (Blue Ribbon Health Care).   | certification only.   |   | <p>Com'r can hold hearing to aid any investigation. § 38a-16.</p> <p>Com'r can allow public to present comments at hearing. <i>Id.</i> Affected person has right to intervene. <i>Id.</i></p> <p>Person aggrieved by order or decision of Com'r made without a hearing can seek hearing. § 381-19.</p> |
| Delaware | Del. 18 C. § 2504; § 3333 (Individual and Group); CDR 18-1300-1305 (Health Insurers, Blues and Managed Care Organizations). | Prior approval in Individual and Small Group (30 day deemer). | Rate filings available, but actuarial memorandums not available for each filing and some filings are substantially redacted. (Website.)         | <p>Public can comment. DOI does not provide responses. (Website).</p> <p>Person or organization aggrieved by a filing in effect can seek a hearing. § 2520(a).</p> <p>Com'r can hold a hearing for any purpose. § 323.</p> <p>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i></p>     |
| D.C.     | D.C. Code § 31-3311.04 (Health Insurance); § 31-3415 (HMOs); 31-4712; § 31-3508 (Blues).                                    | Prior approval in Individual and Small Group (30 day deemer). | <p>Health insurance rate filings and all supporting documentation are public. § 31-3311.07.</p> <p>HMO filings are public documents, except</p> | <p>Public can comment. Comments posted to the website. (Website).</p> <p>Com'r can hold a hearing if he</p>  |

|         |  |   |  |  |
|---------|--|---|--|--|
|         |  |   | for trade secrets or privileged or confidential commercial or financial information. § 31-3425.  | finds that Blues filings do not meet the requirements of the statute. § 31-508.  |
| Florida | Fla. Stat. § 627.410; §627.640 (Health Policies); § 641.31 (HMOs).   | Prior approval in Individual and Group (30 day deemer).<br><br>But for 2014 and 2015, non-grandfathered plans are exempt. S.B. 1842, in § 627.410(9). | Public can access rate filings online. (Website). Insurers label information as trade secret on submission. § 624.4213(1). If public records request made, insurer must notify DOI to prevent release. § 624.4213(2). Failure to notify constitutes waiver and records are released. <i>Id.</i><br><br>Actuarial memorandum must be included in filing. Florida filing system does not redact trade secrets, thus insurer should submit a workbook of information without trade secrets for the public domain. FLA. Admin. Code 69O-149.006. | Public can comment. (Website).<br><br>Com'r can hold a hearing for any purpose. §624.324.  |
| Georgia | O.C.G.A. § 33-21-13 (HMOs); § 33-19-14; § 33-18-20 (Blues); Ga. Comp. R. & Regs 120-2-98.03 (Commercial increases over 10%). | Prior approval in Individual and Small Group for HMOs; file and use for PPOs and all commercial increases above 10%.                                  | Preliminary justifications of proposed rate increases are published within 5 days of receipt by DOI. § 120-2-98-06.<br><br>HMO filings are treated as public documents. §33-21-22.<br><br>Rate filings are not public. (Call with DOI).  | Public can comment. § 120-2-98-06.<br><br>Com'r can hold a hearing based on any dispute re Blues. § 33-18-31.<br><br>Rates must also be filed with Consumers' Insurance Advocate, §33-57-5(a)(2), who can take depositions and obtain discovery re the filing. § 33-57-5(b). |

|          |   |   |  |   |
|----------|---|---|--|---|
|          |   |   |  | <p>Com'r can hold hearing for any purpose. § 33-2-17.</p> <p>Person aggrieved by an act of the Com'r entitled to hearing. <i>Id.</i></p>  |
| Hawaii   | H.R.S § 431:14G-105 (Health Insurance Managed Care Plans).                          | Prior approval in Individual and Small Group (60 day deemer).                           | Filings are open to public on filing, but confidential and proprietary information not available. § 431:14G-105.   | <p>Public can comment on increases &gt; 10%.</p> <p>Aggrieved enrollee can seek hearing based on filing. § 431:114G-107(c).</p> <p>Com'r can hold a hearing for any purpose. § 431:2-204.</p> |
| Idaho    | § 41-5206 (Individual Health Insurance); § 41-3420 (Blues) §41-3915 (Managed Care). | File and use in Individual and Small Group, but Prior Approval for increases above 10%. | <p>Filings subject to the Idaho Public Records Act. IDAPA 18.01.73.006. Trade secrets exempt from disclosure. § 9-340D.</p> <p>ACA filings are available but state has marked some information ineligible for viewing based on exemptions in the public access statute. (Website).</p> | <p>Com'r can hold hearing for any purpose. § 41-232.</p> <p>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i></p>  |
| Illinois | § 215 ILCS 93/25; § (Small Employer); 50 Ill. Adm. Code 5421.60 (HMOs).             | File and Use for Individual and Small Group.  | <p>Summary of information for rate increases 10% or greater available after DOI conducts its review. (Website).</p> <p>Com'r can request actuarial documentation from HMOs but deemed confidential "unless specific authorization is given by the HMO."</p>                            | Public can comment but DOI does not promise to respond or publish comments. (Website).  |

|         |   |   |  |  |
|---------|---|---|--|--|
|         |   |   | <p>50 Ill. Adm. Code 5421.60.</p> <p>Small employer rating information considered proprietary and trade secret and cannot be released by the Com'r. § 215 ICS 93/30(c).</p>  |  |
| Indiana | Ind. Code Ann. § 27-8-4-7 (Health Policies); § 27-13-20-1 (HMOs).         | Prior approval in Individual and Small Group (30 day deemer). | <p>DOI says see healthcare.gov for filings. (Website).</p> <p>Rates available when filed and are public records, except for trade secrets, privileged and confidential information. § 27-13-30-1.</p>  | Public can comment. (Website).   |
| Iowa    | Iowa Code § 514.A.13; (Health Policies); § 513B.4 (Small Group Employee). | Prior approval in Individual and Small Group (30 day deemer). | <p>DOI says see healthcare.gov for rate filings. (Website).</p> <p>Rate filings and supporting information are public records. §505.17(2). But Com'r must consider request by insurer to keep certain documents confidential. §505.17(2)(a). Rate filings and information submitted at hearings considered public records, unless already treated as confidential by a government entity. IAC 191--36.20(7).</p> <p>Small group rating and renewal underwriting practices are considered proprietary and trade secret. § 513B.7.</p> | <p>Public can comment. (Website).</p> <p>Consumer Advocate can ask Com'r to hold a rate hearing. §505.8(b)(5).</p> <p>When an insurer requests a rate exceeding national health expenditure growth, Com'r must hold hearing. § 505.19 (2). Consumer Advocate must solicit public comments on the proposed increase and post all comments on the DOI's website and present them at hearing. § 505.19 (3).</p> <p>Com'r can hold a hearing for</p> |

|          |  |  |   |   |
|----------|--|--|---|---|
|          |  |  |   | any purpose. § 505.8(11).   |
| Kansas   | K.S.A. § 40-2215 (Health Policies); § 40-3203 (HMOs).  | Prior approval in Individual and Small Group (30 day deemer).    | DOI says see healthcare.gov for rate filings. (Website).<br><br>Filings available when requested but insurer can redact proprietary information. (Call with DOI). | Public can comment on increases > 10%. (Website).<br><br>Com'r can hold a hearing for any purpose. § 40-281.<br><br>Person whose rights are substantially affected can intervene in hearings. §77-521.  |
| Kentucky | KRS § 304.17-380; 806 KAR 14:007, 804 KAR 17:150 (Health Insurance Contracts); § 304.17A-095 (Health Benefit Plans). | Prior approval in Individual and Small Group for rate increases. | Short summaries of filings available on DOI Website. (Website).   | Public can comment. (Website).<br><br>Com'r can hold a hearing within 30 days after receiving a proposed rate increase. § 304.17-383(1).<br><br>AG can request hearing re a health plan's approval/disapproval. § 304.17A-095(8)(a).<br><br>Com'r can hold a hearing for any purpose, § 304.2-310.<br><br>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i><br><br>Person whose rights may be adversely affected can |

|           |  |  |   |  |
|-----------|--|--|---|--|
|           |  |  |   | intervene in hearing. §13B.060.  |
| Louisiana | La. R.S. § 22:972, LAC 37:XIII (Health Insurance Plans –File and Use); § 22:1092; § 22:1096 (Small Employer Health Benefit Plans).<br><br><i>Does not have an effective rate review program.</i> | File and use in Individual and Small Group.  | Filings subject to LA Public Records Act, which exempts proprietary and trade secret information. § 22:42(J).   | Person aggrieved by Com’r’s approval or disapproval of rate can seek hearing. § 22:972(A).<br><br>Person aggrieved by act of Com’r entitled to hearing. § 22:2191(2).  |
| Maine     | 24-A M.R.S. § 2736; (Individual Health Policies); § 4207 (HMOs); § 2839 (Group or Blanket Health Insurance); § 2808-B; (Small Group Filings); 24 M.R.S. §2321 (Blues).                           | Prior approval in Individual unless increase <10% and insurer guarantees 80% MLR and has a credible volume of business. Prior Approval in Small Group unless insurer guarantees an MLR and has a credible block of business. | Individual filings and all supporting information public records, except protected health information required to be kept confidential and provider contract terms. § 2736(2).<br><br>Filings become part of the official record of any hearing held pursuant to § 2736-A.<br><br>Blues and HMO filings and supporting information are public records in accordance with the Maine Public Records statute, which permits some exemptions. 24 M.R.S. §2321(2); 24-A M.R.S. § 4223.<br><br>Small Group filings can protect confidential information. CMR 02-021-940(5)(6)(b). | Both Com’r and AG can call hearings on rate filings. §2736-A. Com’r must notify public about opportunity to comment and intervene. 5 M.R.S. § 9052.<br><br>Person whose rights are substantially and directly affected can intervene. 5 M.R.S. § 9054. |

|               |  |   |  |   |
|---------------|--|---|--|---|
| Maryland      | COMAR 31.10.32.03 (Blues); COMAR 31.12.02.08 (HMOs); COMAR 31.10.01.03 (Health Policies).  | Prior approval in Individual and Small Group (60 day deemer). | Summaries and rate tables available for filings. (Website).<br><br>Entire filings, including the actuarial memoranda, can be obtained through FOIA request. (Call with DOI).                                     | Public can comment. (Website).<br><br>Com'r can hold a hearing for any purpose. § 2-210.<br><br>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i>  |
| Massachusetts | ALM GL ch. 175 §108(8)(a) (Health Policies); ALM GL ch. 176A, § 6 (Blues); ALM GL ch. 176M, § 5; 211 CMR 41.00 (Nongroup Health Insurance); ALM GL ch. 176J, 211 CMR 66 (Small Group Insurance); ALM GL ch. 176G, § 16 (HMOs). | Prior approval in Individual and Small Group (60 day deemer). | DOI says see healthcare.gov for increases > 10%. (Website).<br><br>Insurers can redact proprietary information from filings. (Call with DOI).<br>Small Group rate filings are confidential. 211 CMR 66.09(2)(b). | Public can comment on increases > 10%. (Website).<br><br>Com'r can hold hearing "when an initial guaranteed issue plan exceeds the avg. composite rate by more than two standard deviations or when an existing guaranteed issue plan exceeds the composite rate by two standard deviations and the proposed composite rate also exceeds 110% of the carrier's current composite rate." ALM GL ch. 176M, § 5(e).<br><br>Person substantially affected by a proposed increase can seek to intervene in the hearing. 211 CMR 41.14. |
| Michigan      | MCLS § 550.1607; (Blues); MCLS § 500.3519 (HMOs).  | Prior approval in Individual and Small Group (30              | Filings and all supporting information available when filed, except confidential information exempted from Public Records  | Public can comment on Blues filings. (Website).   |

|             |  |  |  |   |
|-------------|--|--|--|---|
|             |  | day deemer).   | Act. MCLS § 550.1610(7).<br><br>But Com'r has discretion to make records nonpublic, and he did so for all products filed between March 2013 and September 2013. (Website).<br><br>Entire filings, including actuarial memoranda can be obtained through FOIA request. (Call with DOI). | Public can request hearing on HMO filings but must show rates violate law. (Website).<br><br>Person aggrieved by a Blues proposed rate increase can seek a hearing. MCLS § 550.1613 (1). Persons with standing can obtain filings to same extent as Com'r. <i>Id.</i> |
| Minnesota   | Minn. Stat. 62A.02 (Health Plans except for Individual); § 62A.65 (Individual); § 62C.15 (Blues); § 62D.12 (HMOs).               | Prior approval in Individual and Small Group (60 day deemer).            | Proposed rates nonpublic until effective. § 60A.08 (15). Public can access filings via SERFF. (Website).   | Public can comment. (Website).  |
| Mississippi | Miss. Code Ann. § 83-9-3 (Health Insurance Policies); Miss. Code Ann. § 83-41-331 (HMOs, PPOs and Prepaid Health Benefit Plans). | Prior approval for Individual and Small Group.                           | Rate summaries available to public. (Website).<br><br>Reports, records, and other information in the possession of the DOI re supervision of insurers are confidential. § 83-1-157(1). But Com'r has discretion to make records public. § 83-1-157(4).                                 | Public can comment. (Website).  |
| Missouri    | § 354.152 R.S. Mo (Blues).<br><br><i>Does not have an effective rate review program.</i>   | File and Use for Individual and Small Group. Actuarial Certificate only. | DOI says see healthcare.gov for rate filings. (Website).   | Person aggrieved by an order of the Com'r entitled to a hearing. §374.055(1).   |

|          |  |  |   |   |
|----------|--|--|---|---|
| Montana  | MCA § 33-22-156; § 33-22-157 (Individual and Small Group).   | File and use for Individual and Group (but rate cannot be implemented if found unfairly discriminatory). | On request of the Insurer, Com'r can exempt trade secret information in the rate filing from public disclosure. § 33-22-158.<br><br>Rate Filings treated as confidential until reviewed. (Lindeen Memo, pg. 2). <sup>9</sup><br><br>Memo from Com'r states that "blanket assertions of confidentiality are not effective." <i>Id.</i> | Com'r can hold hearings for any purpose. § 33-1-701(1).<br><br>Aggrieved person can seek hearing. § 33-1-701(2).  |
| Nebraska | R.R.S. Neb. § 44-710 (Health Policies); § 44-32,149 (HMOs).  | Prior approval in Individual and Small Group (30 day deemer for HMOs only).                              | SERFF tracking number provided for pending rate requests. (Website). Approved filings, including the actuarial memorandum and attachments are viewable online. (Website).   | Public can comment. DOI compiles comments and sends them to the insurer. (Website).<br><br>Com'r can hold hearings "to procure information helpful in the lawful administration" of the insurance laws. §44-2301.<br><br>Person whose rights substantially affected can intervene. § 84-912.02. |
| Nevada   | Nev. Rev. Stat. Ann. § 686B.070 (Health Policies except for large employer group plans); § 695B.230 (Blues). | Prior approval for Individual and Small Group (60 day deemer for commercial insurers; 30 days            | Rate filings and supporting information must be made public upon filing. § 686B.080(1). One page summaries available online. (Website).<br><br>All rates kept non-public unless otherwise   | Public can comment and DOI considers comments. (Website). Public can choose to have comments published. (Website).  |

<sup>9</sup> Memorandum from Monica Lindeen on Rate and Provider Network Data Required for 2014 Health Insurance Rates and Form Filings for the Individual and Small Employer Group Market to Health Insurers (June 12, 2013).

|               |   |  |  |   |
|---------------|---|--|--|---|
|               |   | for nonprofit BCBS plans).   | agreed by the insurer. § 686B.080(2).  | Com’r can hold a hearing to determine if insurer “has engaged in unsuitable conduct.” § 679B.310(1).<br>Person aggrieved by an act of Com’r entitled to hearing. § 679B.310(2)(b).<br><br>Person whose pecuniary interests are directly and immediately affected by Com’r’s order entitled to intervene. § 679B.330(4). |
| New Hampshire | RSA § 415:1 (Health Policies); § 420-A:8 (Blues).   | Prior approval for Individual and Small Group.                                   | DOI says see healthcare.gov for rate filings. (Website).   | Com’r can hold a hearing for any purpose. § 400-A:17(I).<br><br>Person aggrieved by act of Com’r entitled to hearing. § 400-A:17(II)(b).<br><br>Com’r must permit a party whose interests are affected by a hearing to intervene. § 400-A:19 (III).   |
| New Jersey    | N.J. Stat. § 17B:26-1 § 17B:27A-9; N.J.A.C. 11:4-18.4 (Individual Plans); § 17:48E-27 (Blues); § 17B:27A-25 (Small employer). | File and Use<br><br>HMO rates not required to be filed. N.J. Stat. § 17B:27A-16. | Summary of rate filings available online. (Website).<br><br>Small employer rate filings are public records, except for the actuarial memorandum. N.J.A.C. 11:21-9.7 (a). | Public can comment. (Website).<br><br>Board must hold hearings when establishing health benefit plans and can hold hearings on making of rate   |

|            |  |   |  |   |
|------------|--|---|--|---|
|            |  |   | Insurer must identify information the confidential actuarial information, if not identified, it can be disclosed. N.J.A.C. 11:21-9.7 (b).  | filings. §17B:27A-51.   |
| New Mexico | N.M. Stat. Ann. § 59A-18-13.2 (Health Policies); § 59A-46-16 (HMOs); § 59A-47-26 (Blues); N.M. Stat. Ann. § 59A-23C-5 (Small Group Plans). | Prior approval in Individual and Small Group.                 | Com'r must make filings available on DOI website within 12 days of receipt. § 59A-18-13.2(D). Under the statute, Insurer's most recent financial statement and actuarial memo must be available to the public on the insurer's website. § 59A-18-13.2(F). In fact, however, only rate filing summaries and annual statements are accessible. (Website).<br><br>On request of the insurer, Com'r can exempt proprietary information from disclosure. § 59A-18-13.2(G).<br><br>HMO filings are public documents, except trade secret or confidential information. § 59A-46-26. | Public can comment. § 59A-18-13.2(H). Com'r must consider and post all comments. § 59A-18-13.3(A).<br><br>After the comment period, Com'r can approve. But public can seek a rate hearing after decision, and can present data at hearing. (Website).<br><br>Person aggrieved by the rate filing decision can appeal the decision. § 59A-18-13.5 (A).<br><br>Com'r can hold a hearing for any purpose. § 59A-47-26.<br><br>Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i> |
| New York   | NY CLS Ins. § 3231(Health Policies); § 4308 (Blues and HMOs).  | Prior approval in Individual and Small Group (60 day deemer). | Public can review entire filing on the website. No confidential/trade secret information redacted. (Website).  | Public can comment. § 3231(e)(1)(A); § 4308(c)(2).<br><br>Person who has a direct and substantial interest in a proceeding can seek to intervene. §301, Form 11.  |

|                |  |   |   |   |
|----------------|--|---|---|---|
| North Carolina | N.C. Gen. Stat. § 58-51-95 (Health Policies); § 58-65-40 (Blues); §58-67-50 (HMOs).  | Prior approval in Individual and Small Group.                 | ACA related filings are accessible through SERFF. (Website).  | A person can file a motion to intervene in admin proceedings. §150B-23(d).  |
| North Dakota   | N.D. Cent. Code § 26.1-17-26 (Blues); § 26.1-18.1-15 (HMOs); 26.1-26.2-04 (Small Employer); 26.1-36-37.2 (Health Policies—loss ratios).      | Prior approval in Individual and Small Group (60 day deemer). | DOI says see healthcare.gov. (Website).<br><br>Filings public after approval and typically redacted for proprietary information. (Call with DOI).   | Public can comment on increases >10%. (Website).<br><br>Person aggrieved by a filing in effect can seek a hearing. § 26.1-17-27(3).<br><br>Person can seek to intervene in admin proceeding. §28-32-28. |
| Ohio           | O.R.C. § 3923.021 (Health Policies).   | Prior approval in Individual and Small Group (30 day deemer). | Public can search filings through HFAI. (Website). Filings are subject to the public records statute. (Website).  | Public can comment. (Website).  |
| Oklahoma       | 36 Okl. St. § 2606 (Blues); § 4402 (Individual Health Policies); §6916 (HMOs).<br><br><i>Does not have an effective rate review program.</i> | Prior approval in Individual and Small Group.                 | ACA filings are public through the Oklahoma Interface page maintained by NAIC, but are subject to the Oklahoma Open Records Act, which exempts proprietary information. (Website); § 24A.19.<br><br>HMO premium rates are confidential and “not subject to public disclosure.” § 6916(A). | Public can comment on increases > 10%. (Website).<br><br>Com’r has jurisdiction over complaints against insurers and must hear all matters. § 307.  |
| Oregon         | ORS § 743.018 (Health Insurance Policies, except Group Life and Health Insurance).   | Prior approval in Individual and Small Group.                 | Filings and rate requests are available online for small employer plans, portability plans, and individual health plans. (Website).   | Public can comment. §743.019(1).<br><br>DOI holds hearings for rate   |

|              |   |   |  |   |
|--------------|---|---|--|---|
|              |   |   | Com'r can identify information exempt from disclosure because it constitutes a trade secret. §743.018. But rate filings appear to be available in their entirety.  | requests of individual and small employer plans. Public can testify. (Website).<br><br>Com'r can hold a hearing for any purpose. §731.232.<br><br>Person aggrieved by Com'r act entitled to hearing. § 731.240.             |
| Pennsylvania | 40 P.S. § 3801.303; (Individual, Small Group); § 3801.503 (Insurers and HMOs).  | Prior approval in Individual and Small Group. (45 day deemer); file and use if rate increase below 10%. | Rate filings subject to review under ACA are posted on the website. § 3801.311(a). DOI has discretion to publish a notice for all other filings on the website. § 3801.311(b).<br><br>All approved filings are available online and in the Pennsylvania Bulletin, except that privileged or confidential information is redacted. (Website). Filings also posted on the Pennsylvania Bulletin website; review of filing showed actuarial memo in entirety. | Public can comment on increases > 10%. (Website).<br><br>DOI has discretion to establish a public comment period for filings. §3801.311(c); §3801.511.  |
| Rhode Island | R.I. Gen. Laws § 27-18-8; 27-18-54 (Health Policies); § 27-20-6.2 (Blues); 27-19-5 (Blues—stop loss or catastrophe); §27-41-29.2 (HMOs) § 42-62-13; (Catastrophic Health Insurance Act--for Insurers or HMOs to employers, state or | Prior approval in Individual and Small Group (60 day deemer).   | Public can access filings via HFAI and healthcare.gov.<br><br>HMO filings are public documents, but public records act applies. § 27-41-23. Trade secrets and commercial or financial information can be exempted. §38-2-2(4)(II)(B).<br><br>Catastrophic filings are public. § 42-62-13.  | Public can comment. (Website).<br><br>Com'r must hold hearing on Blues' proposed rates in the individual market. § 27-20-6.<br><br>Com'r can hold a public hearing on Blues and Catastrophic rates. § 27-19-5.; § 42-62-13. |

|                |   |  |   |  |
|----------------|---|--|---|--|
|                | political subdivision).   |  |   |  |
| South Carolina | S.C. Code Ann. § 38-71-310 (Health Policies); 38-33-80 (HMOs).  | File and use in Individual and Small Group.  | DOI says see healthcare.gov for rate filings. (Website).<br><br>Public can retrieve filings that have been approved. (Website).                                   | October 2011 DOI Memo states that the DOI will create a means for public to comment. <sup>10</sup> In fact, however, the state has provided no such means. |
| South Dakota   | S.D. § 58-17-4.1; (Individual Health Insurance Policies); § 58-18B-3.1 (Small Employer); § 58-38-10 (Blues); § 58-41-44 (HMOs). | Prior approval in Individual and Small Group (30 day deemer).<br><br>2013 S.D. ALS 256 repealed Com'r prior approval authority for HMOs. | DOI says see healthcare.gov for rate filings. (Website).<br><br>Approved plans are available in their entirety. (Website); (Call with DOI).                       | Public can comment. (Website).<br><br>Com'r can hold a hearing for any purpose. § 58-4-9.  |
| Tennessee      | Tenn. Code Ann. § 56-26-102 (Individual and Small Employer); § 56-1-212 (Blues—Ch. 26 applicable); § 56-32-107 (HMOs).          | Prior approval in Individual and Small Group.  | Exchange filings available in their entirety. (Website). All filings available in their entirety and prior to approval. (Call with DOI).                          | Public can comment. (Website).<br><br>Person can intervene in hearing when his rights are affected. TN UAPA 4-5-310.                                       |
| Texas          | Tex. Ins. Code § 1507.008 (Health Insurance); § 1508.203 (Healthy   | File and use. Actuarial certificate only.  | One page summaries of proposed rate increases of 10% or more available. Consumers can make an open records request for the actual filing, there is a trade secret | Person aggrieved by act of Com'r or DOI entitled to a hearing. § 36.103.   |

<sup>10</sup> Memorandum from David Black on New Rate Filing Procedures to Comply with 45 C.F.R. Part 154 as amended by CMS on September 6, 2011 (October 18, 2011).

|         |  |  |   |  |
|---------|--|--|---|--|
|         | <p>Texas Program Health Benefit Plans—Small Employer Plans); § 1506.105 (Texas Health Insurance Pool).</p> <p><i>Does not have an effective rate review program.</i></p> |  | <p>exception to the open records act. (Website).</p>  |  |
| Utah    | <p>Utah Code Ann. § 31A-22-602 (Health Policies—Individual); 31A-7-103 (Blues—applicability of chapter); § 31A-8-103 (HMOs—applicability of chapter).</p>                | <p>File and use in Individual and Small Group.</p>   | <p>Rate requests posted on website upon submission to the DOI. (Website). Some filings have rate summaries, tracking numbers are provided. (Website).</p>   | <p>Public can comment. (Website).</p> <p>Person aggrieved by order of Com’r entitled to judicial review. § 31A-2-306.</p>  |
| Vermont | <p>8 V.S.A. § 4062; GMC Board. Rule 2.00 (Health Policies); § 4515a; §4587 (Blues). .</p>  | <p>Prior approval in Individual and Small Group (30 day deemer + 30 day deemer for Green Mountain Care Board).</p> | <p>Rate requests posted on website within 5 days of receipt by the Board. §4062(c)(2)(A). After 60 days, DOI’s analysis and opinion and the entire rate filing is posted, after redacting confidential and proprietary information. § 4062(d). Insurer must explain why information is confidential; it cannot claim a blanket explanation. GMC Board 2.305. An “amicus curiae” reviewing the rate can request access to confidential information. <i>Id.</i></p> | <p>Public can comment. 8 V.S.A. § 4062(B); § 4515a; § 4587.</p> <p>Office of the Healthcare Advocate can submit questions for use by the DOI’s actuary and can submit comments on behalf of consumers. §. 4062(3).</p> <p>Board holds a rate hearing after conducting its analysis. § 4062(e)(1). Public can testify. § 4062(e)(1)(B). Person substantially affected by rate</p> |

|               |  |  |  |  |
|---------------|--|--|--|--|
|               |  |  |  | request can intervene. GMC Board 2.105. Public can appeal Board's decision to the Vermont Supreme Court. § 4062(g).  |
| Virginia      | Va. Code Ann. § 38.2-316.1 (Individual, Small Group and Blues); § 38.2-4306 (HMOs)                     | File and Use in Individual and Small Group. (But Com'r can disapprove a form if he finds benefits unreasonable in relation to premium charged. § 38.2-316.1.). | ACA filings available via SERFF. (Website). All filings are subject to VA's public access statute. (Website). Confidential and proprietary information may be excluded from public. §2.2-3705.6. Insurer can request actuarial memorandum held non-public during review, but available after review. (Call with DOI).<br><br>Filings available prior to approval. (Call with DOI). | The public can comment on increases > 10%. (Website).<br><br>Admin. Code requires agencies to provide a method for participation in proceedings. § 2.2-4007.02.        |
| Washington    | Rev. Code Wash. § 48.44.020 (Health Policies); § 48.44.023 (Small Group); § 48.46.060 (HMOs).          | Prior approval in Individual and Small Group for rate changes >4%, file and use for others.  | Summary of rate requests available. (Website).<br><br>Filings are open to public inspection but "actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing...are withheld from public inspection in order to preserve trade secrets." § 48.02.120(3).  | Public can comment. (Website).<br><br>Com'r can hold a hearing for any purpose. § 48.04.010(1).<br><br>Person aggrieved by Com'r's act entitled to hearing. <i>Id.</i> |
| West Virginia | W. Va. Code § 33-16B-1 (Health Policies); § 33-25A-8 (HMOs); § 33-24-6 (Blues); § 33-25-8 (Health Care | Prior approval in Individual and Small Group (60 day deemer).  | Public can access filings at DOI kiosk or through the HFAI. (Website). Filings, including the actuarial memo, available after approval. (Call with DOI).   | Public can comment. (Website).<br><br>Com'r can hold hearing for any purpose. § 33-2-13.   |

|           |   |   |  |  |
|-----------|---|---|--|--|
|           | Corporations).  |   |  | Person aggrieved by act of Com'r entitled to hearing. <i>Id.</i>   |
| Wisconsin | Wis. Stat. § 625.11; §625.22 (Health Policies—except for Group Policies).; § 635.05; § 635.12 (Small Employer). | File and use in Individual and Small Group for increases > 10%.     | Filings open to the public when filed, §625.14, but Com'r can protect trade secrets. § 601.58(10)(b).        | Person aggrieved by act of Com'r entitled to hearing, but must be different in kind or degree than general public. § 227.42. |
| Wyoming   | Wyo. Stat. § 26-34-109 (HMOs).<br><br><i>Does not have an effective rate review program.</i>                    | File and Use, Prior approval in Individual and Group for HMOs only. | HMO filings are public documents except trade secrets/privileged/ commercial or financial info. § 26-34-129. | Com'r can hold a hearing for any purpose. §26-2-125.<br><br>Person aggrieved by Com'r act entitled to hearing. <i>Id.</i>    |

### Appendix –websites referenced

Alabama: <http://www.aldoi.gov/Consumers/ACARateFilings.aspx>

Alaska: <http://commerce.alaska.gov/dnn/ins/AffordableCareAct/Resources.aspx>

Arizona: <http://www.azinsurance.gov/RateReview/HFAIpage.html>[#http://www.azinsurance.gov/RateReview/HFAIpage.html](http://www.azinsurance.gov/RateReview/HFAIpage.html)

Arkansas: <http://www.insurance.arkansas.gov/hirrd/review-process.html><http://www.insurance.arkansas.gov/hirrd/review-process.html>

California: <https://interactive.web.insurance.ca.gov/apex/f?p=102:2:0::NO::>

[http://www.dmhc.ca.gov/healthplans/rep/rep\\_premiumrates.aspx](http://www.dmhc.ca.gov/healthplans/rep/rep_premiumrates.aspx)

Colorado: <http://healthinsurance.colorado.gov/pages/filingsSearch.aspx>

Connecticut:

<http://www.catalog.state.ct.us/cid/portalApps/RateFilingDefault.aspx><http://healthinsurance.colorado.gov/pages/filingsSearch.aspx>

Delaware: <http://delawareinsurance.gov/departments/rates/ratefilings.shtml><http://delawareinsurance.gov/departments/rates/ratefilings.shtml>

D.C.: <http://disb.dc.gov/page/health-insurance-rate-review-district><http://disb.dc.gov/page/health-insurance-rate-review-district>

Florida: <https://apps8.fldfs.com/IFileExternalSearch><https://apps8.fldfs.com/IFileExternalSearch>

Georgia:

<http://oci.ga.gov/Insurers/RateReviewPreliminaryJustifications.aspx><http://oci.ga.gov/Insurers/RateReviewPreliminaryJustifications.aspx>

Hawaii: [http://files.hawaii.gov/dcca/ins/consumer/Public\\_Health\\_Insurance\\_Rates.pdf](http://files.hawaii.gov/dcca/ins/consumer/Public_Health_Insurance_Rates.pdf)

Idaho: [http://www.doi.idaho.gov/company/rf\\_filingsearch.aspx](http://www.doi.idaho.gov/company/rf_filingsearch.aspx)[http://www.doi.idaho.gov/company/rf\\_filingsearch.aspx](http://www.doi.idaho.gov/company/rf_filingsearch.aspx)

Illinois: <http://insurance.illinois.gov/hiric/rate-filings.asp><http://insurance.illinois.gov/hiric/rate-filings.asp>

Indiana: <http://www.in.gov/idoi/ratewatch/>

Iowa: <http://www.iid.state.ia.us/ratereviewcomment><http://www.iid.state.ia.us/ratereviewcomment>

Kansas: <http://www.ksinsurance.org/consumers/hfai.php>

Kentucky: [http://insurance.ky.gov/static\\_info.aspx?static\\_id=127&MenuID=112&Div\\_id=7](http://insurance.ky.gov/static_info.aspx?static_id=127&MenuID=112&Div_id=7)

Louisiana: N/A

Maine: <https://www.maine.gov/pfr/insurance/PPACA/HFAI.htm><https://www.maine.gov/pfr/insurance/PPACA/HFAI.htm>

Maryland: <http://www.mdinsurance.state.md.us/sa/consumer/health-insurance-rate-review.html><http://www.mdinsurance.state.md.us/sa/consumer/health-insurance-rate-review.html>

Massachusetts: <http://www.mass.gov/ocabr/insurance/health-insurance/>

Michigan: [http://www.michigan.gov/difs/0,5269,7-303-13047\\_34537-265512--,00.html](http://www.michigan.gov/difs/0,5269,7-303-13047_34537-265512--,00.html)[http://www.michigan.gov/difs/0,5269,7-303-13047\\_34537-265512--,00.html](http://www.michigan.gov/difs/0,5269,7-303-13047_34537-265512--,00.html)

Minnesota: <https://mn.gov/commerce/insurance/topics/medical/health-insurance-rate-review/>

Mississippi: <http://www.healthrates.mid.ms.gov/>

Missouri: <https://insurance.mo.gov/consumers/health/publicSearch.php>

Montana: <http://www.csi.mt.gov/health/rates/index.asp>

Nebraska: <https://doi-ratechanges.ne.gov/DOIRateChange/faces/welcome.xhtml>

Nevada: <http://doi.nv.gov/Health-Rate-Review/Proposed-2014-Individual-Market-Rates/>

New Hampshire: <http://www.nh.gov/insurance/consumers/index.htm>

New Jersey: <http://www.state.nj.us/dobi/lifehealthactuarial/rateinfo/index.html>

New Mexico: <http://www.nmhealthratereview.com/>

New York: [http://www.dfs.ny.gov/insurance/health/prior\\_app/prior\\_app.htm](http://www.dfs.ny.gov/insurance/health/prior_app/prior_app.htm)

North Carolina: [http://www.ncdoi.com/Smart/HCR\\_MM\\_RateFilings.aspx#](http://www.ncdoi.com/Smart/HCR_MM_RateFilings.aspx#)

North Dakota: <http://www.nd.gov/ndins/healthcarereform/rates/>

Ohio: <http://www.insurance.ohio.gov/Company/Pages/RecordsRequest.aspx>

Oklahoma: [http://www.ok.gov/oid/Regulated\\_Entities/Rate\\_and\\_Form\\_Filing/HFAI\\_Search.html](http://www.ok.gov/oid/Regulated_Entities/Rate_and_Form_Filing/HFAI_Search.html)

Oregon: <http://www.oregonhealthrates.org/>

Pennsylvania: [http://www.insurance.state.pa.us/dsf/rf\\_filings.html](http://www.insurance.state.pa.us/dsf/rf_filings.html)

Rhode Island: <http://www.ohic.ri.gov/2013%20Rate%20Factor%20Review.php>

South Carolina: <http://doi.sc.gov/430/Rates-Rules-Forms-Filings>

South Dakota: <http://apps.sd.gov/cc57serffportal/basicsearch.aspx>

Tennessee: <http://www.tn.gov/insurance/consumerRes.shtml>

Texas: <https://wwwapps.tdi.state.tx.us/inter/asproot/life/aca/index.asp>

Utah: <http://healthrates.utah.gov/healthrates/public.action>

Vermont: <http://ratereview.vermont.gov/>

Virginia: <http://scc.virginia.gov/boi/SERFFInquiry/default.aspx>

Washington: <http://www.insurance.wa.gov/your-insurance/health-insurance/health-rates/>

West Virginia: <http://www.wvinsurance.gov/company/Company/RateFormFilingInformation.aspx>

Wisconsin: <http://oci.wi.gov/consumer/health-comprates.htm>

Wyoming: N/A

