

July 27, 2015

Andy Slavitt, Acting Administrator
Centers for Medicare & Medicaid Services
Office of Strategic operations and Regulatory Affairs, Division of Regulations Development
7500 Security Boulevard, Baltimore, MD 21244-1850
Sent via: OIRA_submission@omb.eop.gov

Re: CMS 179, 10410, **10463**, R-74, and **10558** - Agency Information Collection Activities:
Submission for OMB Review; Comment Request

Dear Mr. Slavitt,

The National Association of Dental Plans (NADP) offers the following recommendations to the June 26, 2015 Federal Register Notice on “Agency Information Collection Activities: Submission for OMB Review; Comment Request”; a request for comments on requirements to submit machine-readable provider network data which is based on guidance finalized in the CMS Notice of Benefit and Payment Parameters final rule for 2016.

Adjoining the Federal Register, CMS included a draft document outlining stakeholder comments and CMS responses. CMS concluded within this document that Exchange certified dental plans offering policies off the Exchange shall follow machine readable directory requirements. NADP requests CMS reconsider this decision as several factors were not taken into account:

- The guidance on machine readable refers to CMS’ Notice of Benefit and Payment Parameters Rule, which only references QHP issuers *in* the FFEs and then separately includes SADPs *on* an Exchange. The Rule never references SADPs offering off Exchange policies.
- Separate costs were not estimated for SADPs, and the burden on SADPs which collects premiums 1/12 of medical, needs to be a factor. Estimated costs will be in the tens of thousands of dollars for an individual dental carrier.

Requiring Exchange-certified SADPs offered outside an Exchange to provide machine-readable provider directory data for the Exchange is a senseless policy. The primary

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purpose of machine-readable directories is to compile the data for easier network comparisons ON Exchanges; the requirement is not designed for, nor does it benefit consumers in the private market purchasing from commercial plans, such as off Exchange certified SADPs.

Due to the significant additional costs for Exchange-certified plans to create and submit machine-readable files, it provides an unfair advantage to dental plans that are not going through the extra steps of becoming Exchange certified. These dental plans will also have the benefit of reviewing an Exchange certified SADP's provider network in a manner they can more easily make comparisons to their own directories and utilize this advantage unfairly, albeit legally.


SADPs working towards offering off Exchange certified plans should be applauded, not diminished or placed with a major cost disadvantage. In addition, there is NO consumer benefit, as the vendors taking the machine readable directories and making comparisons for consumers, will not make the comparisons off Exchanges in the private/commercial market – where medical carriers and dental carriers are not required to provide machine readable directories. In fact, consumers could be harmed by this policy as premiums for off Exchange dental plans may need to be increased to cover the cost impact of providing machine readable directories.

While NADP can appreciate CMS requiring on and off Exchange certification for dental to be paralleled, new requirements must be carefully reviewed for its cost impact, and the benefits to the end consumer before a blanket approach can be utilized – in this case, separate requirements is necessary and should be allowed. There will need to be exceptions when CMS policy can attribute differences to little or no benefit to the end user.

➤ **Recommendation:** Standalone dental plans offering “Exchange-certified” dental policies off the Exchange, in the private market, should be exempt from the requirement to submit machine-readable provider network data.

NADP greatly appreciates the opportunity to provide our expertise and recommendations related specifically to dental plans and the submission of machine-readable provider network data. For any follow up or questions, please contact NADP's Director of Government Relations, Kris Hathaway at khathaway@nadp.org or (928)458-6998x111.

Sincerely,



Evelyn F. Ireland, CAE
Executive Director
National Association of Dental Plans

NADP DESCRIPTION

NADP is the largest non-profit trade association focused exclusively on the dental benefits industry, i.e. dental PPOs, dental HMOs, discount dental plans and dental indemnity products. NADP's members provide dental benefits to more than 92 percent of the 191 million Americans with dental benefits. Our members include the entire spectrum of dental carriers: companies that provide both medical and dental coverage, companies that provide only dental coverage, major national carriers, regional, and single state companies, as well as companies organized as non-profit plans.

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