



May 29, 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: www.regulations.gov

Re: CMS 10558 and CMS 10463 - Agency Information Collection Activities: Proposed  
Collection' Comment Request

Dear Mr. Slavitt,

The National Association of Dental Plans (NADP) offers the following recommendations  
to the March 30, 2015 Federal Register Proposed Collection request for comments on  
requirements to submit machine-readable provider network data, guidance finalized in  
the CMS Notice of Benefit and Payment Parameters final rule for 2016.

One purpose of machine-readable provider directories is to “provide the opportunity for  
third parties to create resources that aggregate information on different plans” on the  
Federally-facilitated Marketplaces (FFM). Consumers could also use the resources to  
more easily compare their health plan options based on which networks include their  
personal providers.

- **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.

Carriers that choose to offer “Exchange-certified” dental benefits must first file their  
policies through the respective state insurance departments and then through  
corresponding Exchanges to demonstrate the plans meet all Exchange requirements.  
This process is a requirement for carriers offering SADPs on Exchanges as well as to  
receive Exchange–certification for dental policies offered outside Exchanges, on the  
private individual and small group market. Medical carriers offering policies in the private  
market are not required to have this certification as those policies must meet separately-applied market

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reforms. Therefore, exchange-certified SADPs in the private market are competing directly with traditional dental policies, whether offered separately, embedded, or bundled with a medical carrier.

- Requiring carriers to provide machine-readable provider directory data for Exchange-certified SADPs offered outside the Exchange will allow:
  - o non Exchange certified dental plans an unfair competitive advantage as they can easily view competitors' networks without reciprocating, and
  - o require significant additional costs for Exchange-certified plans to create and submit machine-readable files, which is not required for competitors – again, placing an unfair advantage in the dental market.
- The primary 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 these private market plans. Furthermore, collecting and displaying network data for private market plans will only cause confusion to consumers as these plans are specifically not available on the Exchanges.
- Third-party stakeholders will have no reason to offer provider comparison tools of just a few exchange-certified dental plans in the private market per state.

The exemption for exchange-certified SADPs is critical for continuing a competitive and fair market for both medical and dental carriers, and needs to be clearly stated in any forthcoming guidance.

- **Recommendation:** Phase in dental networks participating on Exchanges starting in 2017.

The collection of machine-readable directory files will be initiated in 2016, and IT growing pains are expected. As issues impacting dental plans are usually the last to be addressed on Exchanges, NADP recommends both embedded and separately offered dental networks on Exchanges be phased in for 2017. Specifically, our regional dental carriers do not have the resources (nor should be expected) to correct erroneous files or URLs at unworkable turnaround times as was required during the first year of Healthcare.gov. As well, JSON is not uniformly utilized within the dental industry and will take time and significant resources to incorporate. Dental plans have very few resources in which they can supply additional IT support.

Once dental provider networks are phased in, carriers should be given flexibility regarding some required fields in JSON such as Specialists and Facilities, which may be different for dental than for medical plans or not utilized at all. As well, NADP encourages consistency amid the FFM and state-based Marketplaces to reduce network data inaccuracies.

- **Recommendation:** Delineations of data ownership and use between carriers and vendors must be clear and transparent.

NADP members are concerned with providing third-party vendors network data in which they can manipulate, reformat and present to consumers. CMS must establish clear specifications related to the oversight of vendors including specific goals, responsibilities, and limitations. In addition, CMS needs to provide clear language that carriers are not responsible for misinformation once the data has been forwarded to CMS.

#### National Association of Dental Plans

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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](mailto: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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