



California Health Benefit Exchange

Board Members

Diana S. Dooley,
Chair
Kimberly Belshé
Paul Fearer
Susan Kennedy
Robert Ross, MD

This comment will be approved formally by the California Health Benefit Exchange Board at its meeting on September 27, 2011.

45 C.F.R. 156.520(e): Deeming of Qualified Health Plans

Under the NPRM's proposed construct, CMS automatically deems CO-OPs eligible to participate in the California Health Benefit Exchange if it determines that they meet federal and state standards. Although the proposed regulation requires CO-OPs to comply with State-specific standards for qualified health plans, California policymakers provided the California Health Benefit Exchange with the authority to selectively contract with participating plans. Requiring automatic eligibility for CO-OPs is inconsistent with selective contracting. To ensure that states' ability to selectively contract is not compromised, CO-OPs should be subject to the same competitive bidding process as other plans.

