



MEMORANDUM

To: Health insurers selling ACA-compliant plans
From: Jon Godfread, Insurance Commissioner
Date: March 28, 2025
Subject: 2026 Product Filing Requirements

The North Dakota Insurance Department (Department) requests that all 2025 Affordable Care Act (ACA) rate and form filings related to any dental, vision, individual health, and small group health plans be submitted by **May 16, 2025**.

All filings are required to be submitted via the System for Electronic Rate and Form Filing (SERFF). When completing SERFF filings, specify under the General Information tab if the submission is for an FFM FFM-specific product, a new product, or revisions to a current product. If the SERFF submission is a revision to a current product, reference any SERFF tracking number associated with that product. The Department asks that the following information be provided in each filing.

General Guidelines

Submit SERFF filings at the product level. The different components within the plans, such as metallic values, co-pays, and co-insurance, can be in the same filing but must be indicated in a bracket.

If the same product has different metallic levels, ensure the actuarial documents clearly identify the various levels and actuarial calculations. The Department also reminds carriers to update their plans to comply with any changes from CMS for plans being issued for plan year 2026.

Rate Filing Requirements

This year, the Department will again require that only silver plans, sold both on and off the exchange, have their rates loaded to reflect the federal government's non-payment of the cost-sharing reductions. It is further required to create corresponding silver plans that are only offered off the exchange so that the consumers purchasing plans off the exchange are unaffected by the lack of cost sharing reduction funding. Please provide corresponding support for the CSR load.

Below are the Department's requirements for the specific rate filings:

- Use the required federal templates, such as the Uniform Rate Review Template (URRT) and the Actuarial Memorandum.
- For the last 3 years, provide the experience data for all ACA plans for both North Dakota and nationwide, including number of policies (individual certificates), members, member

months, earned premium, paid claims, incurred gross claims, and net claims (net of expected reinsurance, risk adjustment, etc.).

- Provide calculations for all ACA fees.
- Provide an explanation and support for all changes from the prior year's index rates to the current index rates.
- Indicate any new benefits or modified benefits with support for the corresponding rate impact.
- Smoker surcharges on rates may only be included on individuals aged 21 and older.
- Provide all exhibits, including premiums tables, in an Excel format.
- For individual products, please provide **(BOTH actual and expected)** the total premium for both on- and off-exchange plans (separate) for the previous year. Also, provide the total member months and total membership (enrollment) for those plans, both on and off the exchange.
- For Plan year 2026, there is uncertainty around the continuation of the advanced subsidies associated with the American Rescue Act. To account for this, in lieu of submitting two separate rate filings, provide a separate document of how rates would increase if the advance subsidies were not extended. If carriers believe this will vary by plan, it should be adjusted in such a way that the same load will be applied to all plans equally.
 - Please provide corresponding support for the adjustment, along with a detailed demonstration of how it was calculated.

Form Filing Requirements

- If submitting revisions to a previously filed product, a red-line version of the plan documents is **required** and must indicate **all** changes.
- Completed MHPAEA checklists and any changes to benefits or categories specifically identified.
- Submit a copy of the federal Network Adequacy sheet completed for plan year 2026 and changes from plan year 2026
- Copy of the formulary list used on plans for 2026

Finally, while certain forms and rates referenced in this communication are subject to review and approval by the Department prior to use, the Department reminds companies that all forms and rates used in North Dakota remain subject to, and must comply in all respects with, North Dakota's insurance laws and regulations. The Department retains its ability to take enforcement action and seek any available remedy for non-compliant forms or rates.

We encourage you to contact us as needed for clarification of this communication. Please contact Life and Health/Medicare Division Director Chrystal Bartuska at cabartuska@nd.gov or (701) 328-2441.