



***2019 High-Cost Risk Pool (HCRP) Payment Audit Report***

***for***

***Blue Cross Blue Shield of Michigan Mutual Insurance Company (BCBS of MI)***

***HIOS Issuer ID 15560***

***February 21, 2024***

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## I. EXECUTIVE SUMMARY

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The 2019 High-Cost Risk Pool (HCRP) Payment Audit Report is an assessment of Blue Cross Blue Shield of Michigan Mutual Insurance Company's (BCBS of MI) compliance with the applicable federal requirements related to Benefit Year (BY) 2019 payments made to BCBS of MI under the HCRP, part of the Department of Health and Human Services (HHS)-operated Risk Adjustment (RA) program established under section 1343 of the Patient Protection and Affordable Care Act (ACA)<sup>1</sup> and implementing regulations.<sup>2,3</sup> This report details the audit procedures<sup>4</sup> and the resulting findings and/or observations for the BY 2019 HCRP Payment Audit of BCBS of MI.

### Background

BCBS of MI, HIOS Issuer ID 15560, is a health insurance issuer that received BY 2019 HCRP payments<sup>5</sup> consistent with the BY 2019 national HCRP payment parameters.<sup>6</sup> BCBS of MI submitted enrollment (including premium), medical claims, and pharmacy claims data to its External Data Gathering Environment (EDGE) server for calculation of the BY 2019 HCRP payments. The payments are reflected in the issuer's 2019 EDGE High Cost Risk Pool Detailed Enrollee (HCRPDE) Report. This issuer's total BY 2019 HCRP payments were \$3,494,140.89.

### Audits to Determine Compliance with the Federal HCRP Payment Requirements

Under 45 C.F.R. § 153.620(c), HHS may audit issuers to assess compliance with applicable federal requirements related to the HHS-operated RA program, including the HCRP. The Centers for Medicare & Medicaid Services (CMS), on behalf of HHS, operates the RA program and conducted these audits in pursuit of the following goals:

- Safeguarding federal funds;

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<sup>1</sup> The ACA (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), which amended and revised several provisions of the ACA, was enacted on March 30, 2010. In this report, we refer to the two statutes collectively as the “Patient Protection and Affordable Care Act” or “ACA.”

<sup>2</sup> See 42 U.S.C. § 18063. Also see 45 C.F.R. Part 153, Subparts A, B, D, G, and H. Consistent with section 1321(c)(1) of the ACA, the Secretary of HHS is responsible for operating the program on behalf of any State that elected not to do so. See 42 U.S.C. § 18041(c)(1). For the 2019 benefit year, CMS, on behalf of HHS, operated the RA program in all 50 States and the District of Columbia.

<sup>3</sup> HHS added the HCRP to the HHS RA methodology beginning with the 2018 benefit year. See the HHS Notice of Benefit and Payment Parameters for 2018; Final Rule; 81 FR 94058 at 94080 – 94082 (December 22, 2016). For details on the HCRP for the 2019 benefit year, see the HHS Notice of Benefit and Payment Parameters for 2019; Final Rule; 83 FR 16930 at 16943 – 16944 (April 17, 2018).

<sup>4</sup> Audit protocols allow for dialogue between auditor and issuer to identify and correct errors in audit data submissions that differ somewhat from some independence and reporting standards set forth under Generally Accepted Government Auditing Standards (GAGAS). These procedures were defined and executed consistent with the competence, integrity, and analytical discipline required for “performance audits” as defined by GAGAS.

<sup>5</sup> HCRP payments are funded by a percent of premium charge on all RA covered plans in the applicable national market risk pool. There are two national market risk pools in the HCRP—one for the individual market (including catastrophic and non-catastrophic plans, and merged market plans), and another for the small group market. See 83 FR 16930 at 16943 – 16944.

<sup>6</sup> The final BY 2019 national HCRP payment parameters consisted of a \$1,000,000 attachment point and a 60% coinsurance rate. See 83 FR 16930 at 16944.

- Instilling confidence amongst regulated entities and stakeholders concerning quality, soundness, and robustness of data;
- Evaluating health insurance issuers' compliance with applicable federal RA program requirements; and
- Developing a successful and coordinated HCRP-based audit program that maximizes resources.

This audit is part of CMS's program to validate the BY 2019 enrollee-level enrollment (including premium) and claims data submitted to selected issuers' EDGE servers as of May 14, 2020,<sup>7,8</sup> and to analyze the issuers' controls and policies related to BY 2019 HCRP payments. Additionally, claims that were not submitted to the EDGE server or claims that were submitted to the EDGE server whose issuer paid claims values increased after the final BY 2019 EDGE data submission deadline will not be considered for additional HCRP payments.<sup>9</sup> The results of findings identified during the claims-level audit can only result in a payment from the issuer to CMS.<sup>10</sup>

CMS findings and observations from this audit for the BY 2019 HCRP payments made to BCBS of MI are documented below.

- *Finding*: Results from cases of confirmed non-compliance or discovery of evidence suggesting non-compliance with applicable federal requirements related to HCRP payments, which require a recoupment of HCRP payments.
  - Example: Claim level discrepancies identified within the issuer's claims data extract and the issuer's BY 2019 HCRPDE Report, associated with an HCRP payment enrollee, that result in a recoupment of HCRP payments.
- *Observation*: Results from the identification of areas for improvement when there is no evidence of actual non-compliance with applicable federal requirements related to HCRP payments or when there may be evidence of non-compliance with applicable federal requirements related to HCRP payments that does not require recoupment of HCRP payments.
  - Example: Claim level discrepancies identified within the issuer's claims data extract and the issuer's BY 2019 HCRPDE Report, associated with HCRP

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<sup>7</sup> 45 C.F.R. § 153.730. EDGE submission was extended until May 14, 2020, due to the COVID-19 pandemic. See [https://regtap.cms.gov/uploads/library/DDC\\_SeriesIX\\_ES\\_Announcements\\_081120\\_5CR\\_081220.pdf](https://regtap.cms.gov/uploads/library/DDC_SeriesIX_ES_Announcements_081120_5CR_081220.pdf).

<sup>8</sup> Issuers were required to submit attestations and report discrepancies for the BY 2019 EDGE submission during a window from May 20, 2020, to June 4, 2020. See 45 C.F.R. § 153.710(d). See also the *Distributed Data Collection (DDC) for Risk Adjustment (RA) Including High Cost Risk Pool (HCRP): EDGE Attestation and Discrepancy Reporting Process Overview for the 2019 Benefit Year* presentation slides, available at [https://regtap.cms.gov/reg\\_library\\_openfile.php?id=3305&type=1](https://regtap.cms.gov/reg_library_openfile.php?id=3305&type=1). The discrepancy resolution process is such that data submission errors harming other issuers must be resolved and reflected in the final benefit year calculations. See, e.g., 83 FR 16930 at 16970 – 16971. To execute the procedures described in this audit report, CMS will always review an issuer's final benefit year data submission upon which final HCRP payments were calculated for the issuer.

<sup>9</sup> As communicated in the Entrance Conference, additional HCRP payments will not be provided for claims-level underpayments identified during the BY 2019 HCRP Payment Audits.

<sup>10</sup> If the audit identifies claims-level overpayments and underpayments for the same HCRP payment enrollee, only claims-level overpayments will result in findings with financial impact. Claims-level underpayments will not be considered in the calculation of the financial impact. Also see *supra* note 9.

payment enrollees where the claim adjustment would not result in a recoupment of HCRP payments.

- Example: Premium discrepancies identified within the issuer's premium data extract and the issuer's BY 2019 EDGE server submissions.

## Results of Review

CMS identified one (1) finding and two (2) observations during BCBS of MI's BY 2019 HCRP Payment Audit. The result of the one (1) audit finding resulted in a total of \$23,921.60 paid claim differences. All of the issuer's paid claims amounts, with the audit corrections applied, were aggregated for each enrollee, and then the HCRP payment parameters were applied to recalculate the issuer's BY 2019 HCRP payments in the applicable national high-cost risk pools.<sup>11,12</sup> Based on the findings identified in this report, a total recoupment payment is due to HHS of \$14,352.97 for the BY 2019 HCRP payments, reflecting a recoupment of \$14,352.97 for the individual market national high-cost risk pool and \$0.00 for the BY 2019 HCRP payments for the small group market national high-cost risk pool. When finalized, HHS will recoup this amount as part of the next available monthly payment cycle consistent with applicable federal regulations.<sup>13</sup>

The results of the two (2) observations do not require a recoupment of the issuer's BY 2019 HCRP payments. In some instances, an observation may also affect an enrollee who received an HCRP payment but not result in an impact to the HCRP payment for that enrollee (e.g., the issuer's aggregated paid claims for the enrollee, after correcting the observation and application of the BY 2019 HCRP payment parameters, results in the same or a larger<sup>14</sup> HCRP payment for the enrollee).

Please note that issuers may be required to submit late-filed discrepancies and update EDGE server data as necessary to allow CMS to assess the impact of the finding(s) or observation(s) in this report.

Please refer to Sections II.C and II.D below for details on the finding and observations noted above.

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<sup>11</sup> The HCRP calculations under the HHS RA methodology involve two national risk pools – one for the individual market (including catastrophic and non-catastrophic plans, and merged market plans), and another for the small group market. See 83 FR 16930 – 16944.

<sup>12</sup> Please refer to [Section II C. Findings](#) to view the aggregated amount of paid claim differences associated with each audit procedure, used for calculating the "Total Financial Impact."

<sup>13</sup> See 45 C.F.R. §§ 156.1210 and 156.1215. If all or part of the recoupment amount is unable to be netted, the remaining amount will be a determination of a debt that is owed to the federal government. See 45 C.F.R. § 156.1215(c). In such circumstances, CMS will send an invoice to the issuer for the remaining amount to collect the debt.

<sup>14</sup> Additional HCRP payments will not be provided for underpayments identified during the BY 2019 HCRP Payment Audits.

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## II. HIGH-COST RISK POOL PAYMENT AUDIT

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### A. BACKGROUND, OBJECTIVES, SCOPE, and METHODOLOGY

#### 1. Background

HHS has authority to conduct audits to confirm successful implementation of, and adherence to, the applicable federal requirements related to the HHS-operated RA program, including the HCRP.<sup>15</sup> As such, CMS, on behalf of HHS, established this audit program.

Section 1343 of the ACA established the RA program to stabilize premiums in the individual and small group markets inside and outside of the Exchanges. Consistent with section 1321(c) of the ACA, HHS is responsible for operating the RA program in any state that fails to do so. CMS, on behalf of HHS, operated the RA program in all 50 states and the District of Columbia for the BY 2019.

HHS established the HCRP as part of the HHS RA methodology beginning with BY 2018.<sup>16</sup> The HCRP calculations under the HHS RA methodology involve two national risk pools – one for the individual market (including catastrophic and non-catastrophic plans, and merged market plans), and another for the small group market.<sup>17</sup> The HCRP helps ensure that RA transfers better reflect average actuarial risk, while also stabilizing premiums and reimbursing issuers for a portion of costs for exceptionally high-cost enrollees. Under the HCRP, issuers of RA covered plans receive payments for a percentage of covered claims (coinsurance rate) above the attachment point. For the BY 2019 HCRP, the attachment point was \$1,000,000 and the coinsurance rate was 60%.<sup>18</sup> The HCRP also collects a percentage of all premium charges by national market risk pool to fund HCRP payments to issuers of RA covered plans in the respective national market risk pool.

HHS implemented a distributed data collection (DDC) approach where issuers of RA covered plans are required to establish EDGE servers to make data accessible to support the calculation of transfers under the HHS-operated RA program.<sup>19</sup> Issuers are generally required to submit enrollee (including premium) and claims data to their EDGE servers by April 30<sup>th</sup> of the year following the applicable benefit year.<sup>20</sup> Non-orphan claims (i.e., those that are linked to enrollees in a valid individual and small group (including merged) market RA covered plan) were selected for the HCRP calculation and considered as a request for payment pursuant to 45 C.F.R. § 153.620. Each issuer's EDGE server calculated the issuer's HCRP payment for the applicable national market risk pool, while the EDGE Calculation Module (ECM), a CMS internal system, calculated the amount of each issuer's HCRP charge for the applicable national market risk pool.

CMS established audit protocols to assess health insurance issuers' compliance with the regulations governing the HHS-operated RA program, including HCRP, such as:

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<sup>15</sup> See 45 C.F.R. § 153.620(c).

<sup>16</sup> See *supra* note 3.

<sup>17</sup> 83 FR 16930 – 16944.

<sup>18</sup> See 83 FR 16930.

<sup>19</sup> See 45 C.F.R. §§ 153.610(a) and 153.700.

<sup>20</sup> See *supra* note 7.

- 45 C.F.R. § 153.610: Risk Adjustment issuer requirements;
- 45 C.F.R. § 153.620: Compliance with risk adjustment standards; and
- 45 C.F.R. § 153.700: Distributed data environment.

Please refer to [Appendix 3 - Applicable Federal Regulations](#) for further details.

## 2. Objectives

The objectives of this audit are to:

- (1) Evaluate enrollment (including premium) and claims files on the issuer's EDGE server against applicable federal requirements related to HCRP payments for compliance and completeness;
- (2) Assess validity and compliance of issuer-submitted plan reference data and associated enrollee data with applicable federal requirements related to HCRP payments;
- (3) Evaluate whether issuer supporting data and documentation confirms the information in the BY 2019 HCRPDE Report<sup>21</sup> and BY 2019 Enrollment File data at the enrollee and subscriber level;
- (4) Evaluate accuracy of the issuer's HCRP payments, as calculated by the EDGE server,<sup>22</sup> in instances where there is a deviation between the issuer's audit data and the data on the issuer's EDGE server;
- (5) Assess issuer controls, policies, and procedures surrounding HCRP data submissions to the issuer's EDGE server; and
- (6) Assess the issuer's compliance with the maintenance of records requirements in 45 C.F.R. § 153.620(b) (i.e., 10 years of file retention).

## 3. Scope and Methodology

CMS selected BCBS of MI for an audit to assess the issuer's compliance with the federal requirements related to BY 2019 HCRP payments. CMS evaluated BCBS of MI's information and activities related to the BY 2019 (January 1, 2019, through December 31, 2019) enrollee (including premium) and claim-level data submitted to the issuer's EDGE server as of May 14, 2020,<sup>23</sup> to verify the BY 2019 HCRP payments received.

CMS sent BCBS of MI an electronic letter on September 26, 2022, to notify them of this audit. CMS's audit contractor sent a follow-up letter to BCBS of MI on September 29, 2022, that identified the data and other requirements related to conducting the audit. CMS's audit contractor reviewed BCBS of MI's documentation, including issuer-provided data extracts, and used CMS's applicable audit procedures to assess compliance with applicable federal HCRP payment program regulations.

CMS's audit contractor applied CMS's audit protocols to identify findings and observations. The contractor performed audit procedures on data and information for 100% of known on-Exchange and off-Exchange enrollees in RA covered plans who received BY 2019 HCRP payments, as

<sup>21</sup> The HCRPDE report contains issuer, market, enrollee-level plan, and claim details used for the HCRP payment calculations and is made available only to issuers through EDGE servers.

<sup>22</sup> Issuer EDGE servers process enrollment and claims data according to the EDGE Server Business Rules (ESBR) to select claims to be included in RA transfer calculations, including HCRP payment and charge calculations. See 45 C.F.R. §§ 153.610, 153.620, 153.700, 153.710, and 153.720.

<sup>23</sup> See *supra* note 7.

well as a random selection of subscribers included in the BY 2019 HCRPDE Report to evaluate premiums. For CMS's audit procedures please review [Appendix 2 – Procedure Criteria & Effect](#).

*(Note: Any discrepancies identified during the premium validations will result in an observation and therefore will not have a financial impact because of this audit. Please note that issuers may be required to submit late-filed discrepancies and update EDGE Server data as necessary to allow CMS to assess the impact of the finding or observations in this report).*

## **B. RESULTS OF REVIEW**

CMS assessed BCBS of MI's compliance with applicable federal requirements related to the HCRP that is part of the HHS-operated RA program, using the following procedures: Unreconciled Claims Review, RA Covered Plan Review, Claim Coverage Period Validation, Paid Claim Amount Validation, BY 2019 Cross Year Claim Validation, Duplicate Claim Validation, Enrollee Validation, Premium Effectuation Validation, Premium Amount Validation, Issuer HCRP Policies and Procedures Review, Issuer HCRP Attestation Review, and Issuer Compliance with CMS HCRP Payment Audit Requirements. Below are the results of this review.<sup>24</sup>

### **(1) Unreconciled Claims Review**

One (1) finding resulted from the review of BCBS of MI's claims data extract to determine if the claims reported on the BY 2019 HCRPDE Report existed in the claims data extract. Please refer to Finding No. 1 included in Section II.C below for details on the finding.

### **(2) RA Covered Plan Review**

No findings and no observations resulted from the review of BCBS of MI's claims data extract to determine if the enrollee's plan ID matched the corresponding enrollee's plan ID reported in the issuer's BY 2019 HCRPDE Report and if the claim was paid by an RA covered plan.

### **(3) Claim Coverage Period Validation**

No findings resulted from the review of BCBS of MI's claims data extract to determine whether the claim start date fell within the enrollee's coverage period.

### **(4) Paid Claim Amount Validation**

No findings and no observations resulted from the review of BCBS of MI's claims data extract to determine if the claim paid amount matched the corresponding claim paid amount in the issuer's BY 2019 HCRPDE Report.

### **(5) BY 2019 Cross Year Claim Validation**

No findings resulted from the review of BCBS of MI's claims data extract to identify cross year claims and determine if the service end date of claims fell within the applicable benefit year.

### **(6) Duplicate Claim Validation**

No findings resulted from the review of BCBS of MI's claims data extract to determine if claims were reported more than once on the EDGE server.

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<sup>24</sup> This review primarily focused on the BY 2019 HCRPDE Report titled: 15560.HCRPDE.D20200519T154753.P.xml.



### **(7) Enrollee Validation**

No findings resulted from the review of BCBS of MI's claims data extract to determine if the enrollee and related claims included in the issuer's claims data extract matches the enrollee associated with the applicable claim on the EDGE server.

### **(8) Premium Effectuation Validation**

No observations resulted from the review of BCBS of MI's initial premium documentation to determine if the first month binder payment was received and/or differences were identified for the first month of enrollment in the issuer's premium data extract.

### **(9) Premium Amount Validation**

One (1) observation resulted from the review of BCBS of MI's premium data extract to determine if the issuer's premium amount matched the corresponding premium amount in the issuer's BY 2019 EDGE Enrollment File. Please refer to Observation No. 1 included in Section II.D below for details on the observation.

### **(10) Issuer HCRP Policies and Procedures Review**

One (1) observation resulted from the review of BCBS of MI's HCRP policies and procedures to determine compliance with applicable CMS rules, regulations, and policies. Please refer to Observation No. 2 included in Section II.D below for details on the observation.

### **(11) Issuer HCRP Attestation Review**

No observations result from the review of BCBS of MI's HCRP Attestation to validate that the issuer provided a completed attestation signed by the Chief Executive Officer (CEO), Chief Financial Officer (CFO) or other authorized official who has reviewed the documentation submitted for this audit.

### **(12) Issuer Compliance with CMS HCRP Payment Audit Requirements**

No observations resulted from the review of BCBS of MI's compliance with the applicable CMS HCRP Payment Audit requirements, including an assessment of the completeness of audit documentation, for the BY 2019 HCRP Payment Audit.

## C. FINDINGS

A finding results from cases of confirmed non-compliance or suggested non-compliance with applicable federal requirements related to HCRP payments, which requires a recoupment of HCRP payments. For BY 2019, an enrollee must have had claims paid by the issuer in an amount that exceeds the attachment point of \$1,000,000 to be eligible for an HCRP payment. The paid amounts<sup>25</sup> reported in the issuer's BY 2019 HCRPDE Report, the 2019 Coinsurance rate of 60%, as well as the paid claim amount differences identified from the claim-level audit procedures, were considered for purposes of determining the financial impact of the findings in BCBS of MI's BY 2019 HCRP Payment Audit. Please refer to the Findings Summary Results table below to view the aggregated amount of paid claim differences associated with each audit procedure.

### Findings Summary Results:

| Finding No.                  | Claim Level Procedures     | Individual Market     |                               | Small Group Market    |                               | Total                 |                               |
|------------------------------|----------------------------|-----------------------|-------------------------------|-----------------------|-------------------------------|-----------------------|-------------------------------|
|                              |                            | Total Count of Claims | Total Claim Level Differences | Total Count of Claims | Total Claim Level Differences | Total Count of Claims | Total Claim Level Differences |
| Finding No. 1                | Unreconciled Claims Review | 3                     | \$23,921.60                   | 0                     | \$0.00                        | 3                     | \$23,921.60                   |
| Total Paid Claim Differences |                            |                       |                               |                       |                               | 3                     | \$23,921.60                   |

Based on the claim-level audit procedures performed, one (1) finding was identified for enrollees associated with a BY 2019 HCRP payment. These claim-level procedures resulted in a total of \$23,921.60 paid claim amount differences, and the differences were further aggregated at the enrollee and national market risk pool level for final recalculation of the issuer's BY 2019 HCRP payments, which resulted in a total financial impact of \$14,352.97. Please refer to the Findings Summary Results table above to view the aggregated amount of paid claim differences associated with each audit procedure used for calculating the "Total Financial Impact" amount shown in the table below.

<sup>25</sup> In BY 2019, the HCRP payment calculations did not include a CSR MOOP adjustment because HHS ceased making CSR payments in October 2017. See Op. Att'y Gen. (October 12, 2017), discussing *United States House of Representatives v. Burwell*, 185 F. Supp. 3d 165, 174 (D.D.C. 2016), which declared CSR payments by HHS impermissible absent an explicit congressional appropriation. Available at <https://www.hhs.gov/sites/default/files/csr-payment-memo.pdf>.

## Financial Impact Summary Results:

|  | Total Individual Market Payment Amount | Total Small Group Market Payment Amount | Total HCRP Payment Amount |
|--|--|---|---------------------------|
| Total HCRP Payments per BCBS of MI's BY 2019 HCRPDE Report | \$2,639,900.98                         | \$854,239.91                            | \$3,494,140.89            |
| Total HCRP Payments as Recalculated                        | \$2,625,548.01                         | \$854,239.91                            | \$3,479,787.92            |
| <b>Total Financial Impact<sup>26</sup></b>                 | \$14,352.97                            | \$0.00                                  | \$14,352.97               |

The financial impact of the one (1) finding is subject to recoupment by HHS in the amount of \$14,352.97 reflecting a recoupment of \$14,352.97 for the individual market national high-cost risk pool and \$0.00 for the for the small group market national high-cost risk pool.

Please see [Appendix 2 – Procedure Criteria & Effect](#) for more information.

## D. OBSERVATIONS

An observation results from the identification of areas for improvement when there is no evidence of actual non-compliance with applicable federal requirements related to HCRP payments or when there may be evidence of non-compliance with applicable federal requirements related to HCRP payments that does not require recoupment of HCRP payments. CMS is making BCBS of MI's management aware of these areas by bringing the identified observations to their attention.

Based on the claim-level audit procedures performed, no observations were identified for enrollees associated with a BY 2019 HCRP payment. Based on the premium-related audit procedures performed, one (1) observation was identified for subscribers with enrollment in BY 2019. Additionally, one (1) observation was identified for the Issuer HCRP Policies and Procedures Review, and no observations were identified for the Issuer Compliance with CMS HCRP Payment Audit Requirements. Please review the Observations Summary Results table below for more information on the observations identified.

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<sup>26</sup> Financial impact derived from BY 2019 HCRP Payment Audits only includes findings where payments are subject to recoupment by HHS. These amounts will be collected as part of the next available monthly payment cycle consistent with 45 C.F.R. § 156.1210 and the netting regulation at 45 C.F.R. § 156.1215 after this report is finalized. If all or part of the recoupment amount is unable to be netted, the remaining amount is a determination of a debt that is owed to the federal government. 45 C.F.R. § 156.1215(c).

**Observations Summary Results:**

| Observation No.        | Claim Level Procedures                     | Individual Market          | Small Group Market         | Total                      |
|------------------------|--|----------------------------|----------------------------|----------------------------|
|                        |  | Total Count of Claims      | Total Count of Claims      | Total Count of Claims      |
| No Observations Noted. |  |                            |                            |                            |
| Observation No.        | Premium Procedure                          | Total Count of Subscribers | Total Count of Subscribers | Total Count of Subscribers |
| Observation No. 1      | Premium Amount Validation                  | 1                          | 2                          | 3                          |
| Observation No.        | Policies and Procedures                    |                            |                            |                            |
| Observation No. 2      | Issuer HCRP Policies and Procedures Review |                            |                            |                            |
| Observation No.        | Issuer Compliance with Audit Requirements  |                            |                            |                            |
| No Observations Noted. |  |                            |                            |                            |

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### III. ISSUER MANAGEMENT RESPONSES

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BCBS of MI's completed attached [Appendix 1 - Issuer Management Response](#), is due within **thirty (30) calendar days from the date of this draft audit report**. If CMS does not receive BCBS of MI's management response within this timeframe, we will assume your management's agreement and issue the final audit report.

#### **Agreement**

If BCBS of MI's management agrees with the reported finding(s), observation(s), and recoupment amount (if applicable) the issuer should initial "Agree", sign, and submit the attached Appendix 1.

#### **Disagreement**

If BCBS of MI's management disagrees with the reported finding(s), observation(s), and recoupment amount (if applicable) and requests a review of additional documentation that may impact the results of the audit, the issuer should initial "Disagree", sign, and submit the attached Appendix 1. You must provide a written explanation with any such additional documentation within thirty (30) calendar days of the date of this draft audit report along with a completed Appendix 1. If this option is selected, CMS will consider this draft only a preliminary report. CMS will review the written explanation and supporting documentation submitted as part of your response to this report to determine if the report can be amended in a mutually acceptable manner. CMS maintains discretion to determine whether amendments to the report are appropriate. Your response(s) to this report will be included in the final published audit report.

Regardless of whether the issuer agrees or disagrees with the reported finding(s) and observation(s), BCBS of MI's management should review and return the draft audit report, including completed Appendix 1, within thirty (30) calendar days from the date of this draft audit report. Review of this draft report is the final opportunity to provide information to correct any inaccuracies before it is finalized. CMS will provide BCBS of MI a copy of the final audit report and publish the final report on the Center for Consumer Information and Insurance Oversight (CCIIO) website, including the recoupment amount(s) (if applicable) along with an updated Appendix 1, after receipt of BCBS of MI's management's response. CMS will finalize and process the recoupment amount(s) (if applicable) consistent with 45 C.F.R. § 156.1210 and the netting regulation at 45 C.F.R. § 156.1215 in the next available monthly payment cycle. If all or part of the recoupment amount(s) is unable to be netted, the remaining amount is a determination of a debt that is owed to the federal government. See 45 C.F.R. § 156.1215(c). In such circumstances, CMS will send an invoice to the issuer for the remaining amount to collect the debt.

## Appendix 1 – Issuer Management Response

Issuer ID: 15560

Issuer Name: Blue Cross Blue Shield of Michigan Mutual Insurance Company

The undersigned Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other individual with authority to legally and financially bind this issuer has reviewed the information included in the Audit Report of the issuer's compliance with applicable federal requirements related to HCRP payments made through the HHS-RA program for BY 2019. This audit resulted in a total recoupment amount of \$14,352.97, reflecting a recoupment of \$14,352.97 for the individual market national high-cost risk pool and \$0.00 for the small group market national high-cost risk pool.

### ***Agreement/Disagreement***

(INITIAL) PM Agrees with the audit recoupment amount above (if applicable) for this issuer's BY 2019 HCRP Payment Audit, confirming the audit finding and observations, as such this report will be considered a final audit report and will be published. If this option is selected, you must return this response within thirty (30) calendar days of the date of this draft audit report. Your response(s) to this report will be included in the final published audit report.

### **Or**

(INITIAL) \_\_\_\_\_ Disagrees and requests a review of additional information that may impact the reported finding, observations, and recoupment amount (if applicable) for the issuer's BY 2019 HCRP Payment Audit. If a review is requested, CMS will consider this draft only a preliminary audit report. If this option is selected, you must provide a written explanation with any additional supporting documentation that may impact the results of the audit when you return this response within thirty (30) calendar days of the date of this draft audit report. CMS will review the written explanation and any supporting documentation submitted as part of your response to this report to determine if the report can be amended in a mutually acceptable manner. CMS maintains discretion to determine whether amendments to the report are appropriate. Your response(s) to this report will be included in the final published audit report.

Signed: Paul Mozak

(Signature of authorized person acting on behalf of the issuer)

Printed Name: Paul Mozak

(Print name of signature)

Title: EVP Chief Financial Officer

(Title of authorized person acting on behalf of the issuer)

Telephone Number: (313) 225-7939

(Direct Telephone Number)

Date: 3/6/2024

## Appendix 2 – Procedure Criteria and Effect

| Procedure                        | Criteria  | Effect  |
|----------------------------------|---|---|
| Unreconciled Claims Review       | <p>HCRP eligible claims submitted to the EDGE server only include claims the issuer can substantiate in its claims system.</p> <p>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the HCRP Reference Guide (Version 1.0 September 1, 2018).<sup>27</sup></p>                                       | <p>The inclusion of unreconciled claims in the BY 2019 HCRPDE Report results in a finding and a change to the issuer's BY 2019 HCRP payments.</p>   |
| RA Covered Plan Review           | <p>HCRP eligible claims submitted to the EDGE server only include claims incurred and paid by an applicable RA covered plan.</p> <p>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the HCRP Reference Guide (Version 1.0 September 1, 2018).<sup>28</sup></p>                                     | <p>The inclusion of claims that were not paid by an RA covered plan results in a finding and a change to the issuer's BY 2019 HCRP payments.</p> <p>The inclusion of claims reported as paid by a different RA covered plan with the same issuer results in an observation and no change to the issuer's BY 2019 HCRP payments.</p> |
| Claim Coverage Period Validation | <p>HCRP eligible claims submitted to the EDGE server only include claims incurred during the active enrollment period for the enrollee within the applicable BY.</p> <p>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the HCRP Reference Guide (Version 1.0 September 1, 2018).<sup>29</sup></p> | <p>The inclusion of claims that were not incurred within the enrollee's coverage period results in a finding and a change to the issuer's BY 2019 HCRP payments.</p>  |
| Paid Claim Amount Validation     | <p>HCRP eligible claims submitted to the EDGE server only include the amounts paid by the issuer.</p> <p>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the HCRP</p>  | <p>The inclusion of claims with overstated paid claim amounts results in a finding and a change to the issuer's BY 2019 HCRP payments.</p> <p>The inclusion of claims with understated paid claim amounts</p>   |

<sup>27</sup> [https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/HCRP\\_IssuerReferenceGuide\\_100418\\_v1\\_5CR\\_102618.pdf](https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/HCRP_IssuerReferenceGuide_100418_v1_5CR_102618.pdf).

<sup>28</sup> See supra note 27.

<sup>29</sup> See supra note 27.

| <b>Procedure</b>                    | <b>Criteria</b>  | <b>Effect</b>  |
|-------------------------------------|--|--|
|                                     | Reference Guide (Version 1.0 September 1, 2018). <sup>30</sup>   | results in an observation and no change to the issuer's BY 2019 HCRP payments.   |
| BY 2019 Cross Year Claim Validation | HCRP eligible claims submitted to the EDGE server only include claims that have a service end date within the applicable BY.<br><br>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the 2018 HCRP Reference Guide (Version 1.0 September 1, 2018) <sup>31</sup>                                 | The inclusion of claims that were reported in the incorrect BY results in a finding and a change to the issuer's BY 2019 HCRP payments.  |
| Duplicate Claim Validation          | HCRP eligible claims submitted to the EDGE server only include claims the issuer can substantiate in its claims system and should only be reported one time.<br><br>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the 2018 HCRP Reference Guide (Version 1.0 September 1, 2018) <sup>32</sup> | The inclusion of duplicate claims results in a finding and a change to the issuer's BY 2019 HCRP payments.   |
| Enrollee Validation                 | HCRP eligible claims submitted to the EDGE server should only include claims associated with the appropriate eligible enrollee ID.<br><br>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the 2018 HCRP Reference Guide (Version 1.0 September 1, 2018). <sup>33</sup>                          | The inclusion of claims associated with an enrollee that does not match the enrollee reported to the BY 2019 HCRPDE Report results in a finding and a change to the issuer's BY 2019 HCRP payments.                |
| Premium Effectuation Validation     | Eligible subscriber premiums submitted to the EDGE server only include premiums associated with the applicable BY.<br><br>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the 2018  | The inclusion of subscribers with first month binder payments that were not effectuated and/or contained premium amount differences results in an observation and no change to the issuer's BY 2019 HCRP payments. |

<sup>30</sup> See supra note 27.

<sup>31</sup> See supra note 27.

<sup>32</sup> See supra note 27.

<sup>33</sup> See supra note 27.



| Procedure  | Criteria  | Effect   |
|--|---|--|
|  | HCRP Reference Guide (Version 1.0 September 1, 2018). <sup>34</sup>   |  |
| Premium Amount Validation                                  | <p>Eligible subscriber premiums submitted to the EDGE server only include premiums associated with the applicable BY.</p> <p>See 45 C.F.R. §§ 153.610, 153.620, 153.700, and 153.710. See the 2018 HCRP Reference Guide (Version 1.0 September 1, 2018).<sup>35</sup></p>   | The inclusion of subscribers with premium amount differences results in an observation and no change to the issuer's BY 2019 HCRP payments.  |
| Issuer HCRP Policies and Procedures Review                 | <p>Issuers should implement policies and procedures that adequately address and document their implementation and compliance with the federal requirements related to HCRP payments and EDGE server data submission processes. Issuers must maintain documents and records for each benefit year for at least 10 years and must make those documents and records available to substantiate the request for HCRP payments.</p> <p>See 45 C.F.R. § 153.620.</p> | The absence of adequate documentation regarding the issuer's HCRP policies and procedures results in an observation and no change to the issuer's BY 2019 HCRP payments.   |
| Issuer Compliance with CMS HCRP Payment Audit Requirements | <p>Issuers should adhere to audit specifications, documentation requests, and timelines outlined by CMS at the onset of the HCRP Payment Audit.</p> <p>See 45 CFR 153.610(d).</p>   | The failure to comply with applicable CMS audit requirements, including the failure to provide complete audit documentation, results in an observation and will not result in a change to the issuer's BY 2019 HCRP payments if this deficiency does not impact the issuer's ability to adequately substantiate its payment amounts. |

<sup>34</sup> See supra note 27.

<sup>35</sup> See supra note 27.

### Appendix 3 – Applicable Federal Regulations

The following table identifies select regulatory requirements related to the HCRP Payment Audits.

| Regulation   | Guidance  |
|--|---|
| 45 C.F.R § 153.20 – Definitions                            | <p><b><i>Risk adjustment covered plan</i></b> means, for the purpose of the risk adjustment program, any health insurance coverage offered in the individual or small group market with the exception of grandfathered health plans, group health insurance coverage described in § 146.145(b) of this subchapter, individual health insurance coverage described in § 148.220 of this subchapter, and any plan determined not to be a risk adjustment covered plan in the applicable Federally certified risk adjustment methodology.</p>  |
| 45 C.F.R. § 153.610 - Risk adjustment issuer requirements. | <p><b>(a) <i>Data requirements.</i></b> An issuer that offers risk adjustment covered plans must submit or make accessible all required risk adjustment data for those risk adjustment covered plans in accordance with the risk adjustment data collection approach established by the State, or by HHS on behalf of the State.</p> <p><b>(b) <i>Risk adjustment data storage.</i></b> An issuer that offers risk adjustment covered plans must store all required risk adjustment data in accordance with the risk adjustment data collection approach established by the State, or by HHS on behalf of the State.</p> <p><b>(c) <i>Issuer contracts.</i></b> An issuer that offers risk adjustment covered plans may include in its contract with a provider, supplier, physician, or other practitioner, provisions that require such contractor's submission of complete and accurate risk adjustment data in the manner and timeframe established by the State, or HHS on behalf of the State. These provisions may include financial penalties for failure to submit complete, timely, or accurate data.</p> <p><b>(d) <i>Assessment of charges.</i></b> An issuer that offers risk adjustment covered plans that has a net balance of risk adjustment charges payable, including adjustments made pursuant to § 153.350(c), will be notified by the State, or by HHS on behalf of the State, of those net charges, and must remit those risk adjustment charges to the State, or to HHS on behalf of the State, as applicable.</p> <p><b>(e) <i>Charge submission deadline.</i></b> An issuer must remit net charges to the State, or HHS on behalf of the State, within 30</p> |

| Regulation  | Guidance  |
|---|---|
|   | <p>days of notification of net charges payable by the State, or HHS on behalf of the State.</p> <p><b>(f) <i>Assessment and collection of user fees for HHS risk adjustment operations.</i></b> Where HHS is operating risk adjustment on behalf of a State, an issuer of a risk adjustment covered plan (other than a student health plan or a plan not subject to 45 CFR 147.102, 147.104, 147.106, 156.80, and subpart B of part 156) must, for each benefit year -</p> <p>(1) Submit or make accessible to HHS its monthly enrollment for the risk adjustment covered plan for the benefit year through the risk adjustment data collection approach established at § 153.610(a), in a manner and timeframe specified by HHS; and</p> <p>(2) Remit to HHS an amount equal to the product of its monthly billable enrollment in the risk adjustment covered plan multiplied by the per-enrollee-per-month risk adjustment user fee specified in the annual HHS notice of benefit and payment parameters for the applicable benefit year.</p>   |
| <p>45 C.F.R. § 153.620 - Compliance with risk adjustment standards.</p> | <p><b>(a) <i>Issuer support of data validation.</i></b> An issuer that offers risk adjustment covered plans must comply with any data validation requests by the State or HHS on behalf of the State.</p> <p><b>(b) <i>Issuer records maintenance requirements.</i></b> An issuer that offers risk adjustment covered plans must also maintain documents and records, whether paper, electronic, or in other media, sufficient to enable the evaluation of the issuer's compliance with applicable risk adjustment standards, for each benefit year for at least 10 years, and must make those documents and records available upon request to HHS, the OIG, the Comptroller General, or their designees, or in a State where the State is operating risk adjustment, the State or its designee to any such entity, for purposes of verification, investigation, audit or other review.</p> <p><b>(c) <i>Audits and compliance reviews.</i></b> HHS or its designee may audit or conduct a compliance review of an issuer of a risk adjustment covered plan to assess its compliance with respect to the applicable requirements in this subpart and subpart H of this part. Compliance reviews conducted under this section will follow the standards set forth in § 156.715 of this subchapter.</p> <p>(1) Notice of audit. HHS will provide at least 30 calendar days advance notice of its intent to conduct an audit of an issuer of a risk adjustment covered plan.</p> |

| Regulation | Guidance  |
|------------|---|
|            | <p>(i) Conferences. All audits will include an entrance conference at which the scope of the audit will be presented and an exit conference at which the initial audit findings will be discussed.</p> <p>(2) Compliance with audit activities. To comply with an audit under this section, the issuer must:</p> <p>(i) Ensure that its relevant employees, agents, contractors, subcontractors, downstream entities, and delegated entities cooperate with any audit or compliance review under this section;</p> <p>(ii) Submit complete and accurate data to HHS or its designees that is necessary to complete the audit, in the format and manner specified by HHS, no later than 30 calendar days after the initial audit response deadline established by HHS at the audit entrance conference described in paragraph (c)(1)(i) of this section for the applicable benefit year;</p> <p>(iii) Respond to all audit notices, letters, and inquiries, including requests for supplemental or supporting information, as requested by HHS, no later than 15 calendar days after the date of the notice, letter, request, or inquiry; and</p> <p>(iv) In circumstances in which an issuer cannot provide the requested data or response to HHS within the timeframes under paragraphs (c)(2)(ii) or (iii) of this section, as applicable, the issuer may make a written request for an extension to HHS. The extension request must be submitted within the timeframe established under paragraphs (c)(2)(ii) or (iii) of this section, as applicable, and must detail the reason for the extension request and the good cause in support of the request. If the extension is granted, the issuer must respond within the timeframe specified in HHS's notice granting the extension of time.</p> <p>(3) Preliminary audit findings. HHS will share its preliminary audit findings with the issuer, who will then have 30 calendar days to respond to such findings in the format and manner specified by HHS.</p> <p>(i) If the issuer does not dispute or otherwise respond to the preliminary findings, the audit findings will become final.</p> <p>(ii) If the issuer responds and disputes the preliminary findings, HHS will review and consider such response and finalize the audit findings after such review.</p> <p>(4) Final audit findings. If an audit results in the inclusion of a finding in the final audit report, the issuer must comply with the actions set forth in the final audit report in the manner and</p> |

| Regulation   | Guidance   |
|--|--|
|  | <p>timeframe established by HHS, and the issuer must complete all of the following:</p> <p>(i) Within 45 calendar days of the issuance of the final audit report, provide a written corrective action plan to HHS for approval.</p> <p>(ii) Implement that plan.</p> <p>(iii) Provide to HHS written documentation of the corrective actions once taken.</p> <p>(5) Failure to comply with audit activities. If an issuer fails to comply with the audit activities set forth in this subsection in the manner and timeframes specified by HHS:</p> <p>(i) HHS will notify the issuer of the risk adjustment (including high-cost risk pool) payments that the issuer has not adequately substantiated; and</p> <p>(ii) HHS will notify the issuer that HHS may recoup any risk adjustment (including high-cost risk pool) payments identified in paragraph (c)(5)(i) of this section.</p>                             |
| <p>45 C.F.R. § 153.700(a) – Distributed data environment</p> | <p><b>(a) <i>Dedicated distributed data environments.</i></b> For each benefit year in which HHS operates the risk adjustment or reinsurance program on behalf of a State, an issuer of a risk adjustment covered plan or a reinsurance-eligible plan in the State, as applicable, must establish a dedicated data environment and provide data access to HHS, in a manner and timeframe specified by HHS, for any HHS-operated risk adjustment and reinsurance program.</p>   |
| <p>45 C.F.R. § 153.710(a)-(d) – Data requirements</p>        | <p><b>(a) <i>Enrollment, claims, and encounter data.</i></b> An issuer of a risk adjustment covered plan or a reinsurance-eligible plan in a State in which HHS is operating the risk adjustment or reinsurance program, as applicable, must provide to HHS, through the dedicated data environment, access to enrollee-level plan enrollment data, enrollee claims data, and enrollee encounter data as specified by HHS.</p> <p><b>(b) <i>Claims data</i></b> All claims data submitted by an issuer of a risk adjustment covered plan or a reinsurance-eligible plan in a State in which HHS is operating the risk adjustment or reinsurance program, as applicable, must have resulted in payment by the issuer (or payment of cost sharing by the enrollee).</p> <p><b>(c) <i>Claims data from capitated plans.</i></b> An issuer of a risk adjustment covered plan or a reinsurance-eligible plan in a State</p> |

| Regulation  | Guidance   |
|---|--|
|   | <p>in which HHS is operating the risk adjustment or reinsurance program, as applicable, that does not generate individual enrollee claims in the normal course of business must derive the costs of all applicable provider encounters using its principal internal methodology for pricing those encounters. If the issuer does not have such a methodology, or has an incomplete methodology, it must supplement the methodology in a manner that yields derived claims that are reasonable in light of the specific service and insurance market that the plan is serving.</p> <p><b>(d) <i>Final dedicated distributed data environment report.</i></b><br/> Within 15 calendar days of the date of the final dedicated distributed data environment report from HHS, the issuer must, in a format specified by HHS, either:</p> <p>(1) Confirm to HHS that the information in the final report accurately reflects the data to which the issuer has provided access to HHS through its dedicated distributed data environment in accordance with § 153.700(a) for the benefit year specified in the report; or</p> <p>(2) Describe to HHS any discrepancy it identifies in the final dedicated distributed data environment report.</p> |
| 45 C.F.R. § 153.730 – Deadline for Submission of Data | <p>A risk adjustment covered plan or a reinsurance-eligible plan in a State in which HHS is operating the risk adjustment or reinsurance program, as applicable, must submit data to be considered for risk adjustment payments and charges and reinsurance payments for the applicable benefit year by April 30 of the year following the applicable benefit year or, if such date is not a business day, the next applicable business day.</p>   |