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Sent: Thursday, August 13, 2020 11:35 AM
To: OSI-docket filing
Cc: Ianakieva, Viara, OSI; Baran, Todd, OSI; Golosker, Misha
Subject: [EXT] Docket No. 20-00043-RULE-LH - Excepted Benefits UHC Comment

To Whom It May Concern:

UnitedHealthcare (UHC) appreciates the opportunity to comment on the Superintendent of Insurance’s (“Superintendent”) proposed new rule to establish regulatory requirements for certain excepted benefit plans, including pharmacy benefit plans.

As the Superintendent may be aware, UHC provides “Employer Group Waiver plans” or “EGWPs” to employer groups and unions who provide healthcare coverage, including Part D prescription drug coverage, to their Medicare-eligible retirees. UHC’s RxSupplement plan which has historically been filed and approved in New Mexico under H17G Group Health - Prescription Drug; Sub TOI: H17G.000 Health - Prescription Drug, provides additional, supplemental coverage or other health insurance (OHI), to Medicare-eligible retirees enrolled in EGWPs and is not a stand-alone medical or prescription drug plan. EGWPs that are combined with an RxSupplement plan provide retirees better coverage for Medicare Part D covered drugs than what is usually provided by Original Medicare because this supplemental plan provides additional cost sharing above what is provided by the EGWP plan for both Part D and non-Part D drugs. The Centers for Medicare & Medicaid Services (CMS) expects EGWPs/UHC to apply its requirements to the EGWP benefits including OHI, that is provided through RxSupplement plans.

Under Section G, Prohibited Plan Provisions, it appears that the Superintendent intends to prohibit plans or fixed indemnity benefits that cover only prescription drug benefits. However, the Superintendent does not address how the proposed new rule is intended to impact supplemental plans that provide additional pharmacy coverage when sold with an EGWP plan. UHC recommends that the Superintendent take into account the nature of the product and the fact that it is inextricably intertwined with the Medicare Part D benefit and clarify in the proposed new rule that its intent is not to change the existing approval of this product and/or limit the ability of carriers to offer this supplemental coverage in New Mexico. Indeed, such a result is not in the best interests of New Mexico seniors who directly benefit from the additional coverage and reduced cost that is provided by this type of supplemental plan.

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