

## State Insurance Approval Analysis

### State Processes Overview/Synthesis

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#### **SOURCE 1:**

#### **50 State Overview: Statutes, Type of Rate Review and Public Participation**

<https://advocacy.consumerreports.org/wp-content/uploads/2014/04/Exhibit-A-State-List-Public-Participation.pdf>

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#### OVERVIEW:

- 31 States (including D.C.) employ “Prior Approval”
- 13 States employ “File and Use”
- 7 States employ both

#### Prior Approval

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#### Prior approval for Individual and Small Group.

1. Mississippi
2. New Hampshire
3. New Mexico
4. North Carolina
5. Oklahoma
6. Oregon
7. Tennessee
8. Kentucky (for rate increases.)

#### Prior approval in Individual and Small Group (30 day deemer).

1. Connecticut (Prior approval in Small Group for HMOs only; all others file actuarial certification only.)
2. Delaware
3. D.C.
4. Florida
5. Indiana

6. Iowa
7. Kansas
8. Michigan
9. Ohio
10. South Dakota (2013 S.D. ALS 256 repealed Com'r prior approval authority for HMOs.)
11. Vermont (+ 30 day deemer for Green Mountain Care Board)

Prior approval in both individual and Small Group (45 day deemer).

1. Alaska

Prior approval in Individual and Small Group (60 day deemer)

1. Hawaii
2. Maryland
3. Massachusetts
4. Minnesota
5. New York
6. North Dakota
7. Rhode Island
8. West Virginia

Prior approval in Individual unless increase <10% and insurer guarantees 80% MLR and has a credible volume of business. Prior Approval in Small Group unless insurer guarantees an MLR and has a credible block of business.

1. Maine

Prior approval for Individual and Small Group (60 day deemer for commercial insurers; 30 day for nonprofit BCBS plans)

1. Nevada

Prior approval in Individual (30 day deemer); Prior Approval in Small Group (60 day deemer).

1. Arkansas

File and Use

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File and use.

1. California

2. New Jersey (HMO rates not required to be filed. N.J. Stat. § 17B:27A-16.)
3. Texas (Actuarial certificate only.)
4. Wyoming (Prior approval in Individual and Group for HMOs only)

File and use in both Individual and Small Group.

1. Arizona
2. Illinois
3. Louisiana
4. Montana (but rate cannot be implemented if found unfairly discriminatory).
5. South Carolina
6. Utah
7. Virginia ((But Com'r can disapprove a form if he finds benefits unreasonable in relation to premium charged. § 38.2-316.1.).
8. Wisconsin (for increases > 10%)
9. Missouri (Actuarial Certificate only)

Both: Prior Approval, File and Use

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Prior approval in both Individual and Small Group (HMOs and BCBS only; file and use for commercial carriers). (HMOs—30 day deemer<sup>4</sup>).

1. Alabama
2. Nebraska (Prior approval in Individual and Small Group (30 day deemer for HMOs only).

Prior approval in Individual and Small Group for rate changes >4%, file and use for others.

1. Washington

File and use in Individual and Small Group, but Prior Approval for increases above 10%.

1. Idaho

Prior approval in Individual and Small Group (60 day deemer); file and use if no increase.

1. Colorado

Prior approval in Individual and Small Group for HMOs; file and use for PPOs and all commercial increases above 10%.

1. Georgia

Prior approval in both individual and Small Group (45 day deemer). (file and use if rate increase below 10%)

1. Pennsylvania