



# Provider Newsflash



A fax bulletin for the Molina Healthcare of Washington Provider Network

## **Molina Healthcare of Washington, Inc. (“Molina”) Marketplace Notice of Regulatory Updates (Marketplace)**

As of July 1, 2022, for our Marketplace product, a change in federal regulation requires that we update our agreements to incorporate Effective certain regulatory language related to downstream and delegated entities who are performing obligations on behalf of Molina. These requirements can be found at 45 CFR 156.340(b) and are also copied below.

- b) Delegation agreement specifications. If any of the QHP issuer's activities or obligations, in accordance with paragraph (a) of this section, are delegated to other parties, the QHP issuer's agreement with any delegated or downstream entity must –
  - (1) Specify the delegated activities and reporting responsibilities;
  - (2) Provide for revocation of the delegated activities and reporting standards or specify other remedies in instances where HHS or the QHP issuer determines that such parties have not performed satisfactorily;
  - (3) Specify that the delegated or downstream entity must comply with all applicable laws and regulations relating to the standards specified under paragraph (a) of this section;
  - (4) Specify that the delegated or downstream entity must permit access by the Secretary and the OIG or their designees in connection with their right to evaluate through an audit, inspection, or other means, to the delegated or downstream entity's books, contracts, computers, or other electronic systems, including medical records and documentation, relating to the QHP issuer's obligations in accordance with Federal standards under paragraph (a) of this section until 10 years from the final date of the agreement period;
  - (5) All agreements between issuers offering QHPs through an Exchange and delegated or downstream entities the issuers engage to support the issuer's activities on an Exchange must include language stating that the relevant Exchange authority may demand and receive the delegated or downstream entity's books, contracts, computers, or other electronic systems, including medical records and documentation, relating to the QHP issuer's obligations in accordance with Federal standards under paragraph (a) of this section until 10 years from the final date of the agreement period.

To the extent that your agreement does not already contain each of these terms, Molina will soon be sending provider contract notice amendments to update the Marketplace regulatory attachment effective July 1, 2022, which may also include some additional regulatory requirements. In the interim, Molina is sending this communication to make you aware of these requirements as soon as possible.

Provider concerns or inquiries regarding this communication should be directed to the Health Plan's Provider Contracting Representative.

**Thank you for serving Molina members**