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Sent: Wednesday, September 23, 2015 11:03 AM

Subject: FW: Recommendation for Employee Counting

I wanted to clarify my comment from today's Advisory Committee meeting. When I refer to "good faith compliance", I am thinking of a carrier (such as Moda) that moved forward based on a SHOP-like counting method for the outside exchange market using either the email announcement below or the more detailed guidance as attached (issued 9/2). For us, we waited until the attached draft guidance was issued but we have been moving forward based on it. I see a difference between our approach, which is consistent with the SHOP counting method referenced below, versus the type of approach I think Jennifer was referring to, in which a carrier did not modify its counting method in any way or modified it in a way that is clearly not consistent with the SHOP method.