Governor Mike Kehoe
State of Missouri

Missouri Department of
Commerce & Insurance
Angela L. Nelson, Director

June 30, 2026

Mr. Matt Aug
Cox Health Systems Insurance Company
PO Box 5750
Springfield, MO 65801

Re: Expedited Request for No-Action Letter, May 26, 2026

Dear Mr. Aug:

Cox Health Systems Insurance Company ("CHSIC") submitted an expedited request for a no-action letter to Angela Nelson on May 26, 2026. In this request for a no-action letter, CHSIC outlines a scenario in which they discontinue offering on-exchange Affordable Care Act ("ACA") individual health care coverage by 2027, but continue to offer off-exchange individual health insurance coverage. CHSIC requests the Department make a determination that this course of action would not constitute a market withdrawal, as contemplated under section 376.454.4(1). Specifically, CHSIC requests that the Missouri Department of Commerce and Insurance ("DCI") issue a no-action letter stating it will not take enforcement action against CHSIC for not complying with the corresponding regulatory notice requirements and a prospective determination that the company would not be prohibited from issuing new policies in the individual market for a period of five years.

Section 374.018

The DCI has authority under section 374.018, RSMo[1] to issue no-action letters related to the business of insurance in the state. A no-action letter is defined as "a letter that states the intention of the department not to take enforcement actions under section 374.046 with respect to the requesting insurer, based on the specific facts then presented and applicable law, as of the date a no-action letter is issued." § 374.018.1. A no-action letter is not considered a statement of general applicability that would require promulgation by rule. The insurer seeking a no-action letter from DCI has an affirmative obligation to make a full, true, and accurate disclosure of all information related to the request for the no-action letter.

[1] All statutory references, unless otherwise noted, are to the 2016 Revised Statutes of Missouri.

Regulatory Background

Section 376.454.4 is part of Missouri's Health Insurance Portability and Accountability ("Mo-HIPAA"), which closely mirrors the provisions of the federal Health Insurance Portability and Accountability Act ("HIPAA"). (Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010)). Specifically, section 376.454 requires health insurance issuers in the individual market to "renew or continue in force such coverage at the option of the individual." The statute outlines three scenarios whereby a health insurance issuer in the individual market may cease renewing or continuing in-force individual health insurance coverage. These three scenarios relate to when a health insurance issuer can nonrenew or discontinue offering a particular type of health insurance coverage, and when an issuer decides to discontinue offering all health insurance coverage in the individual market in the state. § 376.454.2, .3, and .4. The question presented by CHSIC involves the provisions of subsection 4, which state:

> 4. (1) In any case in which a health insurance issuer elects to discontinue offering all health insurance coverage in the individual market in the state, health insurance coverage may be discontinued by the issuer only if:
>
> (a) The issuer provides notice to the director and to each individual of such discontinuation at least one hundred eighty days prior to the date of the expiration of such coverage; and
>
> (b) All health insurance issued or delivered for issuance in the state in such market is discontinued and coverage under such health insurance coverage in such market is not renewed.
>
> (2) In the case of a discontinuation under subdivision (1) of this subsection, the issuer shall not provide for the issuance of any health insurance coverage in the individual market for a five-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

Discussion and Conclusion

In this scenario, CHSIC would discontinue offering on-exchange ACA individual health insurance coverage in 2027, while continuing to offer off-exchange individual health insurance coverage. In Insurance Bulletin 17-05 (Guaranteed Renewability in the Individual Market, May 24, 2017), the DCI notified insurers that it will view discontinuing certain individual health benefit plans while continuing others as a product discontinuation rather than a market exit, and will not take enforcement action against an insurer where:

> 1) The insurer renews any grandfathered and transitional plans continuously;
> 2) The insurer offers eligible individuals the opportunity to obtain coverage under grandfathered and transitional plans as required by applicable law;
> 3) The insurer complies with the 90-day notice requirement for all individuals whose coverage is discontinued, pursuant to 376.454.3(1);
> 4) The insurer, in taking any of the actions outlined in paragraphs 1-3, acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; and

5) The insurer notifies the Department in writing of its intent to discontinue coverage as outlined herein at least 90 days prior to the discontinuation of coverage.

That bulletin states that "Missouri law related to individual health insurance does not recognize different sub-classes of individual health insurance…" Although the bulletin arose in the context of grandfathered and transitional plans, its reasoning applies equally to on-exchange and off-exchange plans.

Under the scenario presented by CHSIC, in which it will continue offering off-exchange individual coverage, and is not ceasing to offer all coverage in that market, the Department does not consider this course of action to constitute a market withdrawal, as contemplated under section 376.454.4(1).

It appears the action being considered may constitute a discontinuation of a particular type of health insurance coverage, pursuant to subsection 3 of section 376.454. The DCI was not asked to opine or provide relief with regard to the provisions of subsection 3 of section 376.454. Accordingly, CHSIC should review the provisions of subsection 3 of section 376.454, as well as Bulletin 17-05, to ensure its compliance with subsection 3.

This no-action letter and enforcement relief granted herein reflect the interpretation and position of the DCI based solely upon the facts as presented by CHSIC in its letter of May 26, 2026.

The relief issued by this letter does not excuse any other persons or insurers from compliance with this or any other applicable requirements. This letter does not create or confer any rights or obligations on the Department or other insurers subject to the provisions of section 376.454. As with all no-action letters, the relief offered in this no-action letter shall remain in effect as long as there is no change in material fact or law or the discovery of a material misrepresentation or omission made by CHSIC concerning the specific conduct that is the subject of this letter.

Respectfully,

Angela L. Nelson

Angela L. Nelson
Director
Missouri Department of Commerce & Insurance

Cc: Robert Reichart, Director – Division of Insurance Market Regulation