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Health Care Affordability Board  
Draft Data Submission Regulations  
Public Comment

The following table reflects written public comments that were sent to the Office of Health Care Affordability email inbox.

Date	Name	Written Comment
5/11/2026	Health Access California	See Attachment #1.
5/11/2026	California Association of Health Plans	See Attachment #2.



**HEALTH  
ACCESS  
CALIFORNIA**

**BOARD OF DIRECTORS**

- Mayra Alvarez  
The Children's Partnership
- Ramon Castellblanch  
California Alliance for Retired Americans
- Juliet Choi  
Asian and Pacific Islander American Health Forum
- Jenn Engstrom  
California Public Interest Research Group
- Jeff Frietas  
California Federation of Teachers
- Lorena Gonzalez Fletcher  
California Labor Federation
- Alia Griffing  
AFSCME California
- Kelly Hardy  
Children Now
- Michelle Johnston  
National Multiple Sclerosis Society
- Linda Nguy  
Western Center on Law and Poverty
- Maribel Nunez  
Inland Empire Partnership
- Tia Orr  
Service Employees International Union State Council
- Joan Pirkle Smith  
Americans for Democratic Action
- Joshua Stehlik  
California Immigrant Policy Center
- Kiran Savage-Sangwan  
California Pan-Ethnic Health Network
- Rhonda Smith  
California Black Health Network
- Nicole Thibeau, PharmD  
Los Angeles LGBT Center
- Joseph Tomás Mckellar  
PICO California
- Michael Young  
California Teachers Association
- Sonya Young  
California Black Women's Health Project

Amanda McAllister-Wallner  
Executive Director

Organizations listed for identification purposes

May 11, 2026

Elizabeth Landsberg, Director  
Health Care Access and Information Department

Vishaal Pegany, Deputy Director  
Office of Health Care Affordability

Health Care Access and Information Department  
2020 W. El Camino Ave, Ste. 1200 Sacramento, CA

Re: Total Health Care Expenditures (THCE) Data Submission - Extensions to submit data and penalties for late or non-submission of data.

Dear Ms. Landsberg and Mr. Pegany,

Health Access of California, the statewide health care consumer advocacy coalition, committed to quality, affordable health care for all Californians, provides comments on the proposed amendments to **California Code of Regulations, Title 22, Division 7, Chapter 11.5, Article 2, Section 97449, 97451, and 97459**, which would expand existing total health care expenditures data submission requirements to include penalties for late or non-submission of data.

Health Access appreciates that in addition to the scope and range of penalties for non-submission of data, the Office has incorporated the following into the proposed regulation:

- Established a clear process and timeline for extensions, consistent with the action of the Health Care Affordability Board
- Required regular communication between the Office and the plans during the extension process and
- Defined the terms "accurate" and "complete"

We offer no comments on these provisions of the proposed regulation. We ask that either the regulation or another procedure establish a formal process for public notification when an entity is approved for an extension, fails to submit data, or corrected data. Because public notice obligations

appropriately fall on the Office rather than the submitter, Health Access believes this transparency process may be included within the data submission guide or into the Office's procedures for public reporting.

## **Recommended Public Reporting Standards**

When developing procedures for public reporting, Health Access recommends transparency at key stages of data submission and enforcement.

Specifically, we recommend:

- Public reporting of entities that fail to submit data by the September 1<sup>st</sup> deadline
- Public reporting of entities granted extensions, including the reason for extension
- Public reporting of entities that remain noncompliant by November 1<sup>st</sup>, or enter the penalty process
- Reporting on the HCAI website to the OHCA board at each significant stage of the data submission process
- Public notification to the Department of Managed Health Care (DMHC), the Department of Insurance (CDI), the Department of Health Care Services (DHCS), and Covered California, as appropriate, before the entity progresses to formal penalties for failure to report timely or completely.

These public accountability measures would encourage timely compliance, support the Office's enforcement authority by establishing a public record on noncompliance, and allow policymakers and stakeholders to monitor OHCA's progress in collecting data. Similar public reporting approaches are used by CMS and DHCS to encourage compliance with data reporting.

Health Access appreciates the Office's continued efforts to establish clear and enforceable guidance for data submission. Reliable and timely data reporting is essential to measuring the compliance of the cost growth targets, and incorporating the public into the process will further reinforce OHCA's mission.

Sincerely,



Katrina Walters-White  
Regulatory Advocate

**OHCA Draft Data Submission Enforcement Regulations – CAHP Comments (dated 05/11/26)**

Page	Section	Topic	Comment or Recommended Edit
	General	General comments	<p>Reiterating our prior comments to the OHCA Board, health plans have demonstrated strong compliance with OHCA’s data reporting requirements, even in the absence of financial penalties. Plans have approached this process in good faith, working closely with OHCA staff and partners to navigate evolving data specifications, new files, and technical requirements as the program has developed.</p> <p>Against this backdrop, the proposed escalation of penalties—combined with earlier enforcement timelines—raises questions about proportionality, process fairness, and readiness. Plans remain concerned that penalties could be imposed for issues stemming from evolving guidance, late-breaking clarifications, or requirements that were not fully defined at the time of submission.</p> <p>We respectfully urge OHCA to prioritize technical assistance and corrective action pathways before imposing significant monetary penalties, particularly where submission challenges are driven by process changes or unclear expectations. We thank the Office for proposing clearer definitions of what constitutes a “complete” and “timely” submission. Please see additional feedback embedded, but we continue to stress that clear compliance timelines and procedures will be critical.</p>
	General	All proposed amendments	<p>We appreciate OHCA’s work to provide firmer description of the process for completing submissions in lieu of spending targets taking effect in 2026. However, as plans have previously stated, we strongly recommend that OHCA finalize all updates to the Data Submission Guide and related regulations prior to January of a given submission year. Plans require time to make updates to our systems and compliance procedures. Plans now only have less than</p>

**OHCA Draft Data Submission Enforcement Regulations – CAHP Comments (dated 05/11/26)**

			four months to adopt and comply with these regulation changes this year.
Sections 97449 and 97451	General sections		<p>OHCA has procedures for requesting variances, extensions, and requirements for “complete” and “accurate” submissions, but there are no procedures for when OHCA must make determinations and notices of when a file is deemed to be submitted without the need for further changes.</p> <p>Given how stringent OHCA’s proposed penalty and enforcement structure is as proposed, we believe OHCA should be required to render determinations and responses within five (5) business days of the submission or re-submission of a file with a detailed explanation of why or why not a submission is in compliant under HSC and CCR.</p>
Sections 97449 and 97451	General comments		If payers encounter a system issue, what is the process to let OHCA know that the payers need to send a corrected file? How is an entity supposed to alert OHCA to such issues?
Section 97449(h)(3)	If the Office approves an extension request, the required submitter shall provide updates to the Office every five business days regarding progress towards submission of the data files. Each update shall include, at a minimum, the proportion of data files that are ready for submission, and any issues impacting timely submission.		We realize the necessity of requiring progress reports, but we request a standard of ten (10) business days in line with product management standards unless the extension granted is ten (10) business days or less.
Section 97449(h)(6)	The Office has sole discretion to grant or deny requests for extensions of time. The Office may consider circumstances that prevent timely submission of complete and accurate data files, including but not limited to, a natural disaster, a catastrophic event, a declared state of emergency, unforeseen disruptions to		We do not take issue with OHCA’s sole discretion, but we strongly recommend that (h)(6) specify that OHCA “must consider” these circumstances in granting or denying requests for extensions of time.

**OHCA Draft Data Submission Enforcement Regulations – CAHP Comments (dated 05/11/26)**

		personnel, unforeseen disruptions to business operations, unforeseen disruptions to information technology systems, or another extraordinary event.	
	Section 97449(h)	New subdivision	<p>We strongly recommend OHCA add language that specifies the content that it must include in its responses to requests for extensions, given that OHCA is establishing a structure for holding submitters legally responsible for their submissions. We recommend adding the following:</p> <p>“(h)(7) In approving, denying or requesting more information related to a submitter request for extension, the Office shall provide a written response, and within that response, clearly address and justify the rationale for its decision.”</p>
	Section 97449(k)(2)	If the Office determines that a previously accepted file contains initially unidentified errors, the submitter shall be notified by the Office. The submitter shall respond to the Department with additional information regarding the initially unidentified errors within three business days of notification by the Office.	<p>Section 97449(k)(2) requires submitters to respond within three business days to address errors identified by the Office. While plans understand the importance of timely correction, this timeframe may be challenging in practice, particularly given the operational intensity of the THCE submission process and the limited number of staff typically responsible for these filings.</p> <p>We respectfully encourage OHCA to consider extending this response window to five business days, which would provide additional flexibility to ensure accurate and complete responses, particularly in situations where key personnel may be temporarily unavailable following the submission period.</p>