

Special Enrollment Periods Update



June 2023

This information is intended only for the use of entities and individuals certified to serve as Navigators, certified application counselors, or non-Navigator personnel in a Federally-facilitated Marketplace. The terms “Federally-facilitated Marketplace” and “FFM,” as used in this document, include FFMs where the state performs plan management functions. Some information in this manual may also be of interest to individuals helping consumers in State-based Marketplaces and State-based Marketplaces using the Federal Platform. This material was produced and disseminated at U.S. taxpayer expense.

Agenda

- Special Enrollment Period (SEP) Changes Based on 2024 Notice of Benefit and Payment Parameters:
 - Effective Dates for Qualified Individuals Losing Other Minimum Essential Coverage
 - Special Rule for Loss of Medicaid or CHIP Coverage
 - Plan Display Error SEPs



Effective Dates for Qualified Individuals Losing Other Minimum Essential Coverage (MEC)

Under old rules:

- The earliest start date for Marketplace coverage is the first day of the month following the date of loss of MEC.
- Consumers who attest to a future mid-month loss of coverage may experience a coverage gap.



Effective Dates for Qualified Individuals Losing Other MEC (Cont.)

Example under old rules:

- Madiha reports on June 1 that she will lose MEC on July 15.
- She selects a plan on or before July 15.
- Her coverage will be effective August 1.

Madiha is unable to avoid a gap in coverage from July 16 to July 31.



Effective Dates for Qualified Individuals Losing Other MEC (Cont.)

Under new rules:

- Marketplaces will have the option to offer earlier coverage effective start dates for consumers attesting to a future loss of MEC.
- In Federally-facilitated Marketplace (FFM) and State-based Marketplace using the Federal Platform (SBM-FP) states (and State-based Marketplace (SBM) states if they choose to offer this option), if plan selection is made on or before the last day of the month preceding the triggering event, coverage is effective on the first of the month in which the triggering event occurs.



Effective Dates for Qualified Individuals Losing Other MEC (Cont.)

Example under new rules:

- Neville lives in an FFM state.
- He attests between May 16 and June 30 that he will lose MEC on July 15.
- He selects a plan on or before June 30.

Neville's coverage would be effective on July 1 - the first of the month in which the triggering event occurs. Neville will not experience a coverage gap.



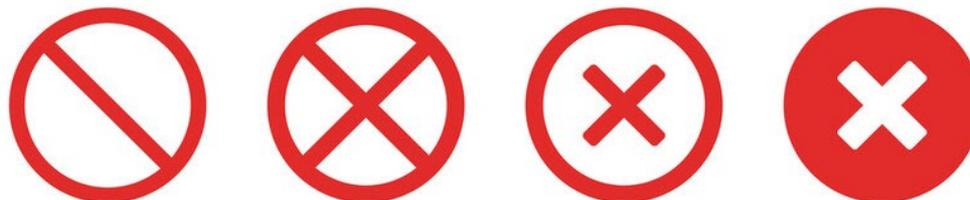
New Special Rule for Loss of Medicaid or CHIP Coverage

- Beginning January 1, 2024, at the option of the Marketplace, a qualified individual or their dependent(s) whose loss of coverage is a loss of Medicaid or CHIP coverage shall have 90 days after the triggering event to select a QHP.
- This aligns the SEP window following loss of Medicaid or CHIP with the 90-day reconsideration window, which allows former beneficiaries to provide the necessary information to their state Medicaid agency to re-establish their eligibility for Medicaid or CHIP without having to complete a new application.
- State-based Exchanges have the option to implement this change earlier than January 1, 2024, and to allow more than 90 days, if the State Medicaid agency permits or provides for a longer Medicaid or CHIP reconsideration period, for consumers to select a plan.



Plan Display Error SEPs

- Expanding the scope of errors that can trigger the plan display error SEP:
 - Under the old rules, the plan display error SEP is only allowed if the error relates to plan benefits, service area, or premium.
 - Under the new rules, the plan display error SEP is allowed if the error relates to plan benefits, service area, cost sharing, or premium.



Plan Display Error SEPs (Cont.)

- Under rules in place prior to the 2024 Payment Notice, the qualified individual, enrollee, or their dependent is required to adequately demonstrate to the Marketplace that a material error related to plan benefits, service area, cost sharing, or premium influenced the individual's decision to purchase a QHP through the Marketplace.
 - However, consumers may benefit when other interested parties, such as a state regulator, broker, or issuer, can demonstrate that a material plan error influenced the decision to purchase a QHP.
- The new rules change the subject of the regulation to focus on the affected enrollment, not the affected qualified individual or enrollee. This removes the burden solely from the consumer to demonstrate a plan display error impacted their QHP choice and enrollment.

Plan Display Error SEPs (Cont.)

- **Old language:** The qualified individual or enrollee, or his or her dependent, adequately demonstrates to the Marketplace that a material error related to plan benefits, service area, or premium influenced the qualified individual's or enrollee's decision to purchase a QHP through the Exchange.
- **New language:** The enrollment in a QHP through the Marketplace was influenced by a material error related to plan benefits, service area, *cost sharing*, or premium. A material error is one that is likely to have influenced a qualified individual's, enrollee's, or their dependent's *enrollment in a QHP*.



IMPORTANT!

Unwinding SEP Reminder

- Consumers who lose Medicaid or CHIP coverage **between March 31, 2023, and July 31, 2024**, will be eligible for a **60-day SEP** beginning the day they submit or update a Marketplace application. Consumers will receive the Unwinding SEP automatically based on their answers to application questions.
- For consumers who attest to a loss of Medicaid or CHIP coverage in the past, Marketplace coverage will start the **first of the month following plan selection**. For example, if a consumer selects a plan on August 25, coverage will start September 1.
- For consumers who attest to a future loss of Medicaid or CHIP coverage, Marketplace coverage will **start the first day of the month after their last day of Medicaid coverage**.

Medicaid/CHIP Coverage End Date	Date of Marketplace Plan Selection	Marketplace Plan Effective Date
July 31, 2023	July 25, 2023 (before Medicaid coverage ends)	August 1, 2023
July 31, 2023	August 5, 2023 (after Medicaid coverage ends)	September 1, 2023

FPL Tables for Medicaid and Marketplace

- Eligibility for APTC, CSRs, and the 150 percent Federal Poverty Level (FPL) SEP is determined using the FPL tables that are in effect at the start of Open Enrollment for the plan year for which the consumer is seeking coverage.
 - All determinations for PY2023 Marketplace coverage use the 2022 FPL tables
- Eligibility for Medicaid and CHIP is determined using the most recent FPL tables.
- As a result, at certain times of the year, a consumer's income could be under 150 percent FPL for Medicaid and CHIP purposes, but over 150 percent FPL for PTC, CSR and SEP purposes.