



Health Reform: **Beyond the Basics**

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# Special Enrollment Periods

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February 19, 2015

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# Special Enrollment Periods

## Annual Period When All Eligible Individuals Can *Enroll* in a Qualified Health Plan

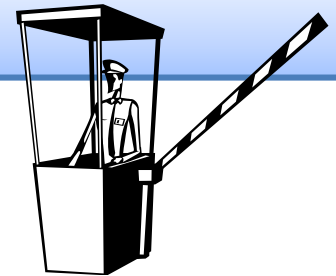
- Marketplaces will determine eligibility to enroll in a QHP, assess (or determine) eligibility for Medicaid and CHIP, and determine eligibility for premium tax credits and cost-sharing reductions *all* year.
- But a person can only enroll in a QHP during open enrollment or during a special enrollment period.
- For 2015 Coverage: Nov. 15, 2014 – Feb. 15, 2015
- For 2016 Coverage: Oct. 1, 2015 – Dec. 15, 2015\*

# Special Enrollment Periods

Outside of open enrollment, when can someone enroll in or switch Qualified Health Plans (QHPs)?

## SPECIAL ENROLLMENT PERIODS

- Can occur at any point in the year
- Triggered by specific events
- Usually give a person 60 days from the triggering event to take action



## Life Changes

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- Marriage
- Birth, adoption, placement for foster care or adoption
- Gaining eligible immigration status
- Permanent move

## Loss of Other Coverage

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- Loss of eligibility for employer coverage, Medicaid (including pregnancy-related and medically needy coverage), CHIP, COBRA
- An enrollee in an employer plan becomes newly eligible for subsidies because employer plan is no longer affordable or adequate
- Does not generally include voluntary termination of MEC

## Other Situations

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- Exceptional Circumstances
- Error/inaction/misconduct by Marketplace, HHS, agent, assister
- Other “complex cases”
- Special rule for Indians and Alaska Natives

- Person is determined ineligible for Medicaid or CHIP after Marketplace open enrollment is over.
  - Available to people who applied during open enrollment through the Marketplace or through the state Medicaid or CHIP agency.
  - 60-day SEP from the date of Medicaid or CHIP determination.
- “In Line” SEP
  - Person must:
    - Not be currently enrolled in coverage through the FFM
    - Not terminated from FFM coverage purchased during 2015 open enrollment
    - Attest that attempted enrollment but did not complete it by Feb. 15 due to a technical issue or long call center wait on Feb. 13-15
  - February 22 deadline for enrollment; coverage starts March 1

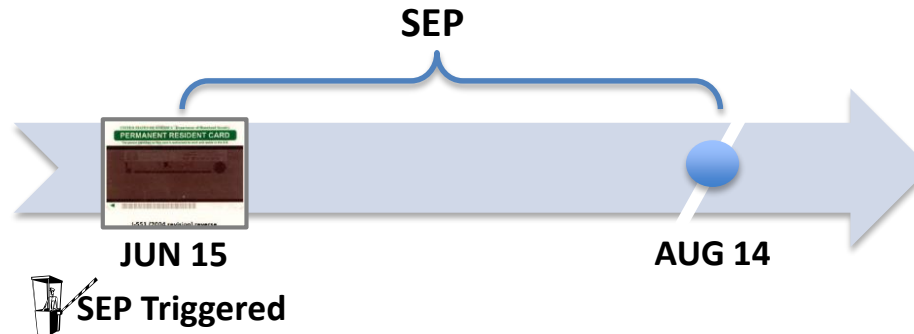
- Enrollee demonstrates the QHP he or she was enrolled in substantially violated a material provision of its contract in relation to the enrollee.
- Enrollee (or a dependent enrolled in the same QHP) is newly eligible or ineligible for an advance premium tax credit (APTC).
- Enrollee (or a dependent enrolled in the same QHP) has a change in eligibility for cost-sharing reductions (CSRs).
- New, proposed SEP for QHP enrollees:
  - Loss of dependent or dependent status due to divorce, legal separation, or death

# SEP Timing: Usually 60 Days from Triggering Event



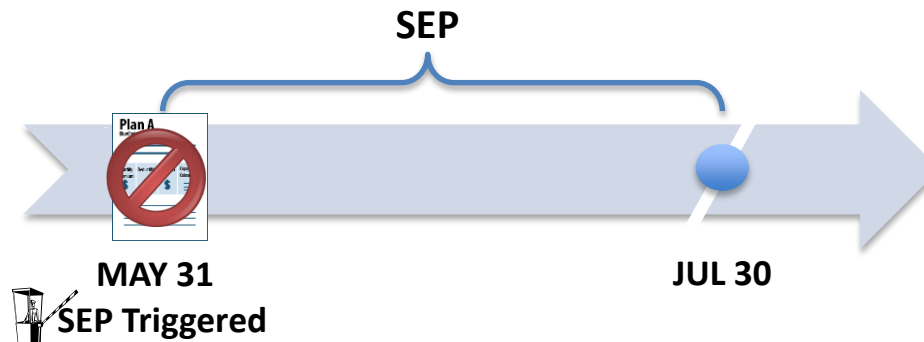
Rashid becomes a lawfully permanent resident in June. This triggers a SEP.

- He has 60 days from the date he becomes an LPR to select a QHP.



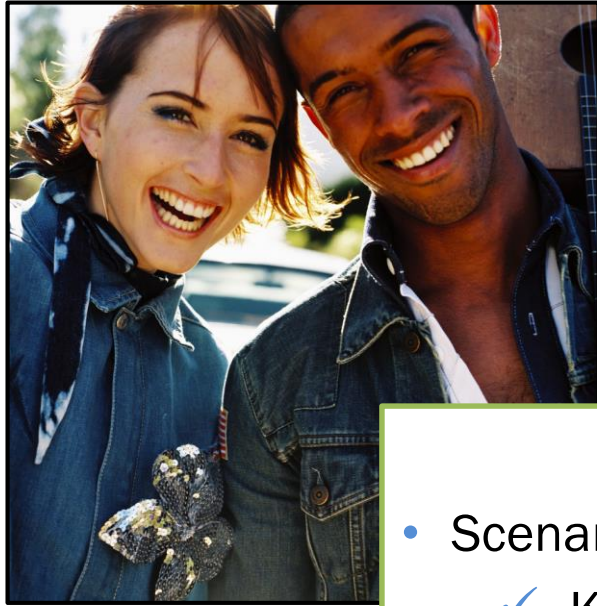
John loses his employer coverage.

- He has 60 days from the loss of the coverage to select a QHP.





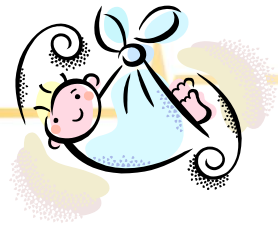
# “Life Change” Example: Marriage



- Jay and Kim get married.
- They both get a SEP.

## Their SEP Options:

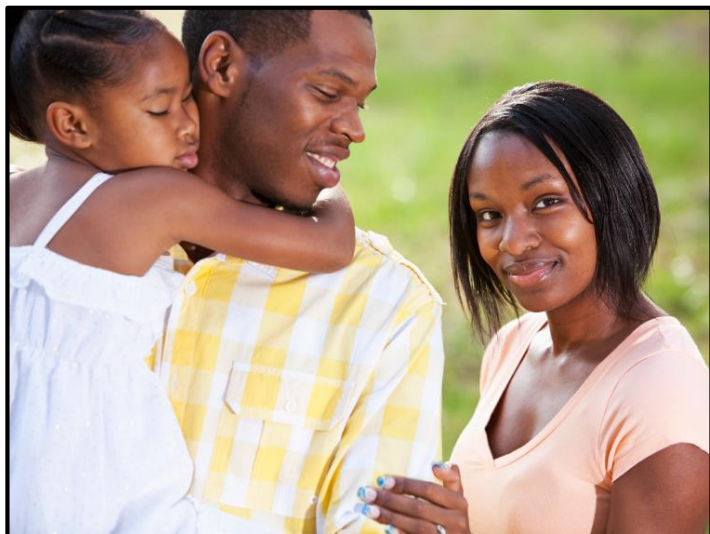
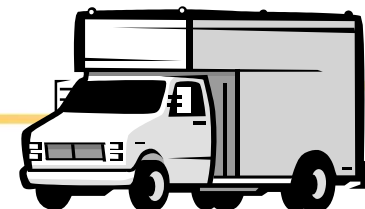
- Scenario 1: Jay has a QHP.
  - ✓ Kim could join his QHP.
  - ✓ Kim could enroll in a different QHP.
  - ✓ Jay could enroll in a different plan with Kim.
- Scenario 2: Neither Jay nor Kim has coverage.
  - ✓ They could both newly enroll in a QHP.



- Maya gives birth to her son, Lucas, on April 15

## Their SEP Options:

- Scenario 1: Maya has a QHP.
  - ✓ She could add Lucas to her QHP.
  - ✓ She could change QHPs.
- Scenario 2: Maya isn't enrolled in a QHP.
  - ✓ She could enroll herself and/or Lucas in a QHP.

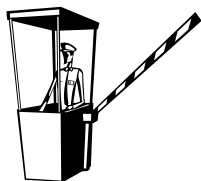


- Nadif, Fatima and Amina move to a new state

## Their SEP Options:

- ✓ All members of the family can newly enroll in coverage.
- ✓ All members of the family can change to a QHP in their new state.

- This SEP applies if they make a permanent move:



- ✓ To a new state
- ✓ To a different part of the same state (potentially the same city or a neighboring county) provided they gain access to new QHPs
- ✓ Back to the U.S. after living abroad

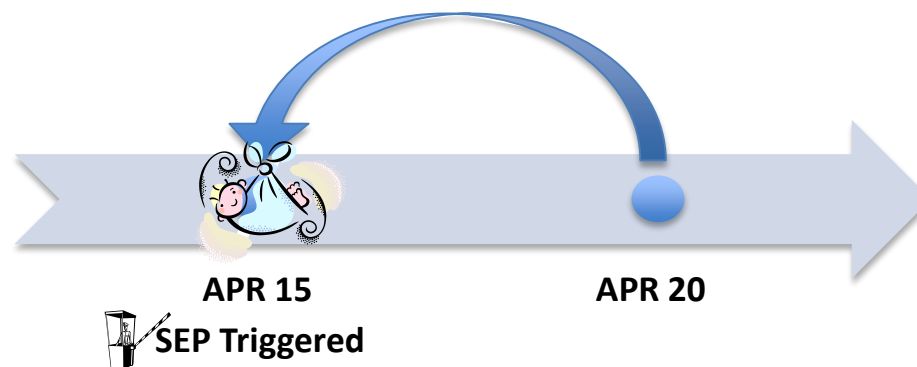
# “Life Change” SEPs: Coverage Effective Dates

SEP Triggering Event	Special or Regular Coverage Effective Date?	When Does Coverage Start?
Marriage	Special	First day of the month following plan selection
Birth, Adoption, Adoption or Foster Care Placement	Special	Date of the birth, adoption, or placement
Becoming a Citizen, National, or Lawfully Present Individual	Regular	First day of following month if plan selected between the 1 <sup>st</sup> and 15 <sup>th</sup>  First day of second following month if plan selected between the 16 <sup>th</sup> and the last day of the month
Permanent Move	Regular  (Proposed rule would allow plan selection within 60 days before the move, beginning in 2016. Coverage would be effective first of the month after plan selection if plan is selected before the move.)	First day of following month if plan selected between the 1 <sup>st</sup> and 15 <sup>th</sup>  First day of second following month if plan selected between the 16 <sup>th</sup> and the last day of the month

- Maya gives birth to Lucas on April 15.
- Maya is already enrolled in a QHP.
- Maya contacts the exchange in her state on April 20 and asks for Lucas to be added to her plan.
- Lucas's coverage is effective as of April 15.



(A Marketplace may offer the option of a later effective date.)

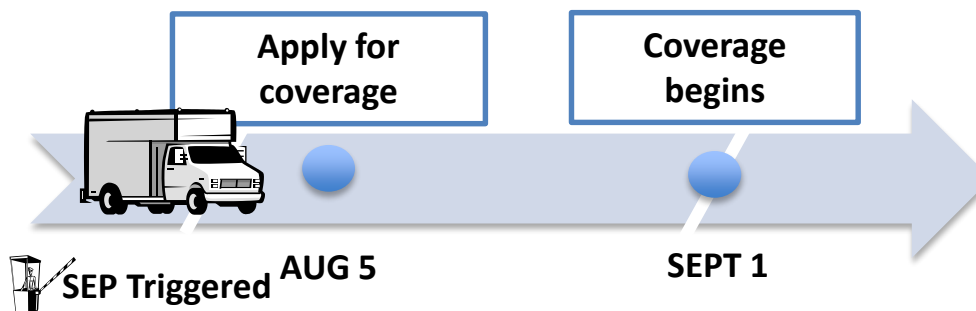




- Nadif, Fatima, and Amina move in early August from Illinois to Ohio.
- They have been uninsured.
- They apply at the exchange in Ohio and select a plan on August 5.



- The coverage effective date for the family is September 1.



*NOTE: If they select a plan on August 16 - 31, the coverage would begin October 1.*

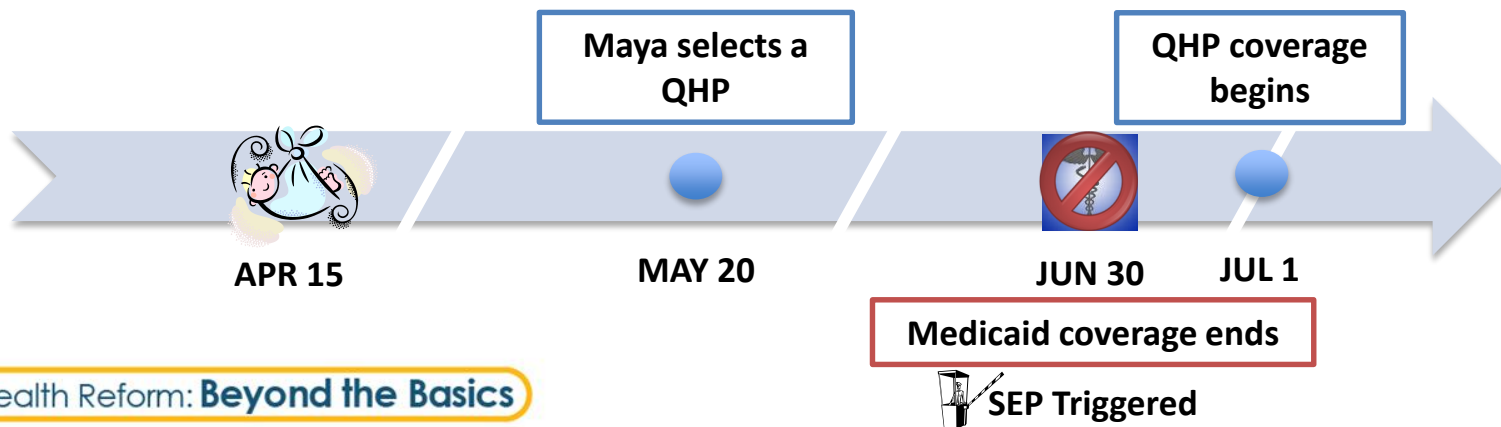
- Loss of eligibility for an employer plan (i.e., loss of a job or a reduction in work hours)
- Loss of eligibility for Medicaid or CHIP
- Loss of coverage due to divorce or legal separation
- Expiration of COBRA coverage
- Loss of coverage due to loss of dependent status
- Loss of coverage due to death of policyholder

SEP Triggering Event	Special or Regular Coverage Effective Date?	When Does Coverage Start?
Loss of Other Coverage <ul style="list-style-type: none"><li>• Minimum Essential Coverage (employer plan, Medicaid, etc.)</li><li>• Pregnancy-related Medicaid</li><li>• Medically needy Medicaid</li></ul>	Special	<p>QHP starts the first day of the month following the loss of the old coverage if QHP selected before or on the day of the loss.</p> <p>If the QHP is selected after the loss of coverage, then up to the Exchange: either the first day of the month after plan selection or per the regular coverage effective dates.</p>
Future loss of other coverage (within the next 60 days)	Special	<p>Select a plan prior to the triggering event (the loss of coverage).</p> <p>Coverage starts as described above.</p>



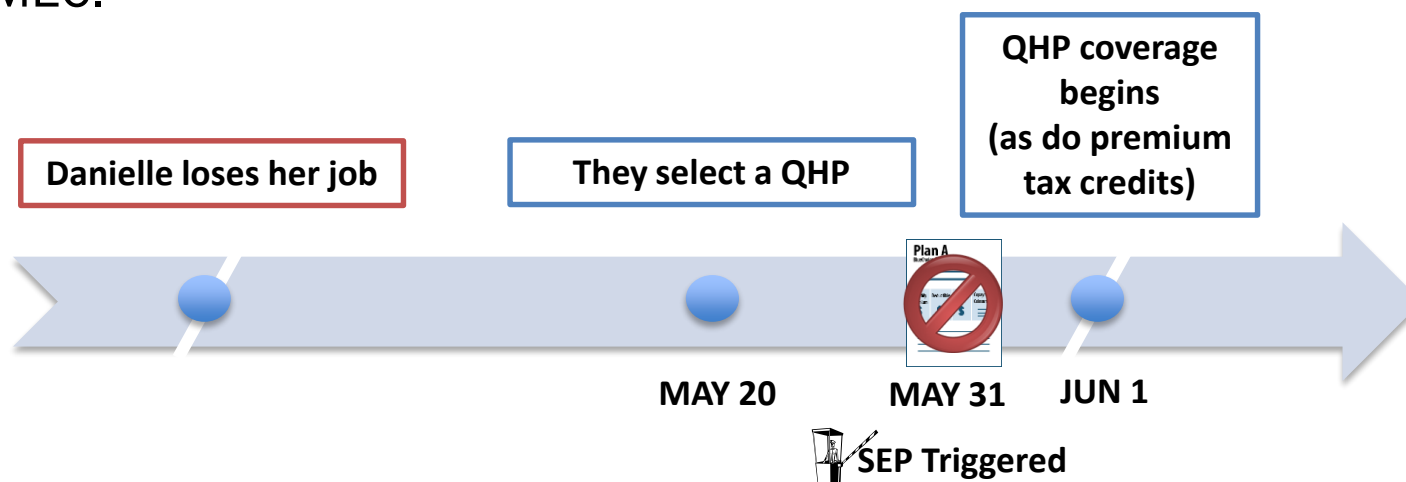
# Example: Loss of Pregnancy-Related Medicaid

- Maya gives birth to Lucas on April 15.
- Maya has pregnancy-related Medicaid coverage that will end June 30. She is eligible for an SEP because of the impending loss of coverage.
- Lucas is covered by Medicaid.
- In May, Maya contacts the Marketplace, applies for PTC/CSRs, and selects a plan.
- Her QHP coverage begins July 1.
- If Maya waits until July or August to select a plan, she may have a gap in coverage.



# Example: Loss of Employer Coverage

- Joe and Danielle are enrolled in health insurance that Danielle gets through her job.
- Danielle loses her job in May, and her health benefits are scheduled to end on May 31.
  - She is offered COBRA, but it would cost a lot.
- Joe and Danielle instead apply for coverage at the Marketplace in their state.
  - They qualify for subsidies and a SEP for loss of MEC.



- Exceptional circumstances in accordance with guidelines issued by HHS, including:
  - An unexpected hospitalization or temporary cognitive disability.
  - A natural disaster, such as an earthquake, massive flooding, or hurricane
- Moving out of the Medicaid coverage gap
  - Applies to people in states that did not expand Medicaid
  - A consumer had income below 100% FPL at initial application but then experiences an income increase that makes her eligible for PTC/CSR through the Marketplace
  - Announced in August 2014 guidance as a “limited circumstances” SEP.

- Error/inaction by the Marketplace or HHS
  - A person’s enrollment or non-enrollment in a QHP is result of error/misrepresentation/inaction by Marketplace employees, officers and instrumentalities.
  - Marketplace determines whether this SEP applies.
- Misconduct by a non-Marketplace enrollment assister
  - Someone was not enrolled, was enrolled in the wrong QHP, or is not receiving PTC/CSR for which he is eligible due to misconduct/failure to follow applicable standards.
  - Includes misconduct by insurance company representatives, navigators, certified application counselors, agents, or brokers.
  - Marketplace determines whether this SEP applies.

- Special rule for American Indians and Alaska Natives
  - Applies to people defined as Indian by section 4 of the Indian Health Care Improvement Act.
  - They may enroll in a QHP or change from one QHP to another one time per month.

# “Other Situation” SEPs: Coverage Effective Dates

SEP Triggering Event	Special or Regular Coverage Effective Date?	When Does Coverage Start?
Error/inaction by Marketplace or HHS	Special	Effective date appropriate to circumstances
Exceptional circumstances	Special	Same as above
Misconduct by non-exchange entity providing enrollment assistance	Special	Same as above
Special rule for American Indians and Alaska Natives	Regular	First day of following month if plan selected between the 1 <sup>st</sup> and 15 <sup>th</sup>  First day of second following month if plan selected between the 16 <sup>th</sup> and the last day of the month

- Similar to several “complex issue” SEPs established for 2014, including:
  - System errors
  - Unresolved casework
  - Plan display errors at [healthcare.gov](http://healthcare.gov)
- List on [healthcare.gov](http://healthcare.gov) currently, but more detailed guidance is needed

- Moving out of the Medicaid “coverage gap”
  - Would apply in states that have not expanded Medicaid
  - Would apply when there is a change in household income from below the federal poverty level to at least the federal poverty level
  - Would apply when the person was not previously eligible for Medicaid
- Expiration of a non-calendar year plan
  - Would apply to enrollees in individual and group plans (and their dependents)
  - Would apply even if the person has the option to renew the non-calendar plan



## Example: No Longer in the Medicaid Coverage Gap

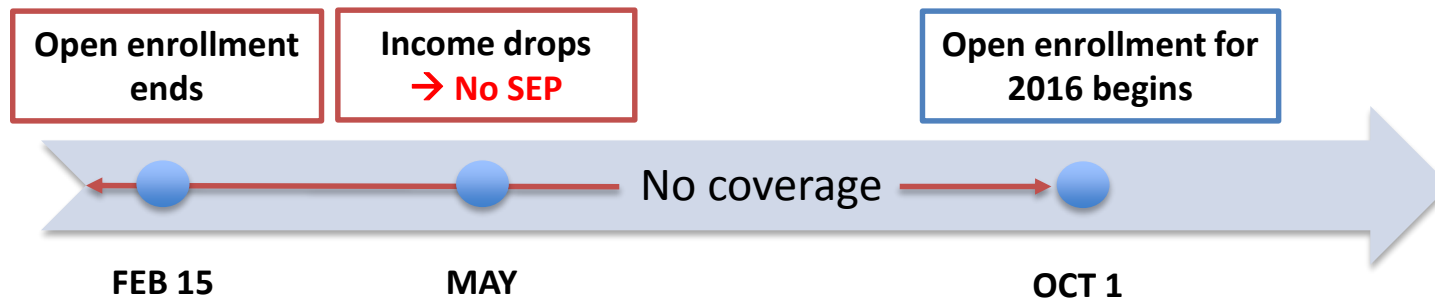
- George works as a carpenter in Missouri.
- His income is 90% of the federal poverty line.
- He is ineligible for Medicaid because his state has not expanded Medicaid.
- Recently, he took on a new job that raises his income above 100% of the poverty line, which means he now qualifies for premium tax credits.
- Under proposed rules, he would get an SEP because he is newly eligible for PTC after being in the Medicaid “coverage gap”



- Voluntarily dropping other coverage
- Loss of eligibility for coverage when the person was not enrolled in it (i.e., loses job, but was not in the employer's health plan)
- Being determined newly eligible for Marketplace subsidies (unless already enrolled in a QHP or, under the proposed rules, coming out of the Medicaid coverage gap)
- Being terminated from other coverage for not paying premiums or for fraud
- Divorce or death of a family member without a resulting loss of coverage – (proposed rule would remedy for only people enrolled in a QHP)

## Example: No SEP for Income Change

- Carla's employer offers coverage, but she does not enroll.
- Carla finds out in May (after open enrollment ends) that her work hours are being reduced and she is no longer eligible for employer coverage.
- Her income is dropping and she would be eligible for subsidies in the exchange.
- But this does not trigger a SEP.
- Carla must wait to get coverage until the next open enrollment period.



## Special Enrollment Periods

- Regulations are found at 45 CFR 155.420
- [Proposed regulations](#) modifying 45 CFR 155.420, published on November 26, 2014
- General healthcare.gov information on [Special Enrollment Periods](#)
- Healthcare.gov information on [Special Enrollment Periods for complex issues](#)
- August 2014 guidance on [“limited circumstances” SEPs](#)
- June 2013 guidance on [SEPs triggered by loss of hardship exemption](#)

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