

New SEPs in the Final 2016 Payment Notice



*Center for Consumer
Information and
Insurance Oversight*

March 23, 2015

Individuals Who Gain Dependent(s) Through a Child Support Order or Other Court Order

- Effective April 28, 2015, pursuant to 45 C.F.R. § 155.420(b)(2)(v), coverage for dependents gained through a court order, including a child support order, will be effective the first day of the court order.
 - Consumers have the option of selecting a regular effective date
- CMS is working to update language on the online application so that this Special Enrollment Period (SEP) is available to consumers both online and through the Marketplace Call Center.
- Consumers who qualify for this SEP are entitled to a coverage effective date back to the date of the child support or other court order.
- The SEP Reason code on the 834 will appear as “05” Adoption.

Individuals Who Lose Dependent(s) through Divorce, Legal Separation, or Death

- Effective January 1, 2017, or earlier at the option of the Exchange, a consumer will be eligible for an SEP under 45 C.F.R. § 155.420(d)(2)(ii) if he or she loses a dependent or dependent status due to:
 - Divorce,
 - Legal separation (as defined by State law in the State in which the divorce or legal separation occurs), or
 - Death
- Under this SEP, a consumer may have a coverage effective date of the first day of the month following plan selection or a regular coverage effective date effective date.
- CMS will keep issuers notified of any future changes to the Marketplace in regard to this SEP.

Individuals Who Were in the Medicaid Coverage Gap and Experience an Increase in Household Income

- Effective April 28, 2015, pursuant to 45 C.F.R. § 155.420(d)(6)(iv), a qualified individual in a non-Medicaid expansion State is eligible for an SEP if the individual:
 - was previously ineligible for advance payments of the premium tax credit (APTC) solely because of a household income below 100 percent of the Federal Poverty Level (FPL);
 - was ineligible for Medicaid during the time described above; and
 - has experienced a change in household income that makes the qualified individual newly eligible for APTC
- An SEP is currently available to these individuals under guidance released in August 2014 (<https://marketplace.cms.gov/technical-assistance-resources/seps-for-limited-circumstances.pdf>).

Individuals Who Were in the Medicaid Coverage Gap and Experience an Increase in Household Income, contd.

- This SEP is being implemented by the Call Center and consumers will be granted a regular prospective coverage effective date.
- This SEP utilizes the SEP Reason code “EX” on the 834. CMS is looking to include language on the online eligibility application in the future for consumers to be able to qualify for this event with the SEP Reason Code “FC” (financial change) appearing on the 834.
- CMS will keep issuers notified of any future changes to the Marketplace in regard to this SEP.