Plan Category Limitations: Enrollees Who Attested To Special Enrollment Period Qualifying Event Prior to 2/1 Go-Live

Consumer Information & Insurance Oversight (CCIIO)

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https://www.regtap.info/FFENR.php

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Background:

- The 2017 Marketplace Stabilization rule established plan category limitations (PCL) to address concerns that existing Exchange enrollees were utilizing Special Enrollment Periods (SEPs) to change plan categories based on health needs that emerge during the benefit year, and that it was having an adverse impact on the risk pool. PCL limits the ability of Exchange enrollees who qualify for the most common SEPs to change plan categories, and in some cases, change plans at all.
- The Federally-facilitated Exchange (FFE) implemented systems to apply PCL rules to existing enrollees on 2/1/19. See the following link for more information on PCL:

➢ https://www.regtap.info/reg_librarye.php?i=2722

Policy & Operational Clarification:

- FFE enrollees who attested to a SEP-qualifying event prior to the FFE PCL implementation start date of 2/1/19 and were still in their SEP window on 2/1/19, are exempt from PCL (i.e. are eligible to select from a plan in any category as they were prior to 2/1/19).
- Due to FFE technical issues, some SEP enrollments for this population may reflect an EX SEP code on the 834 transaction sent to the issuer. In these cases, the 834 will reflect an effective date that aligns with the SEP-qualifying event the FFE enrollee attested to prior to 2/1/19.

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