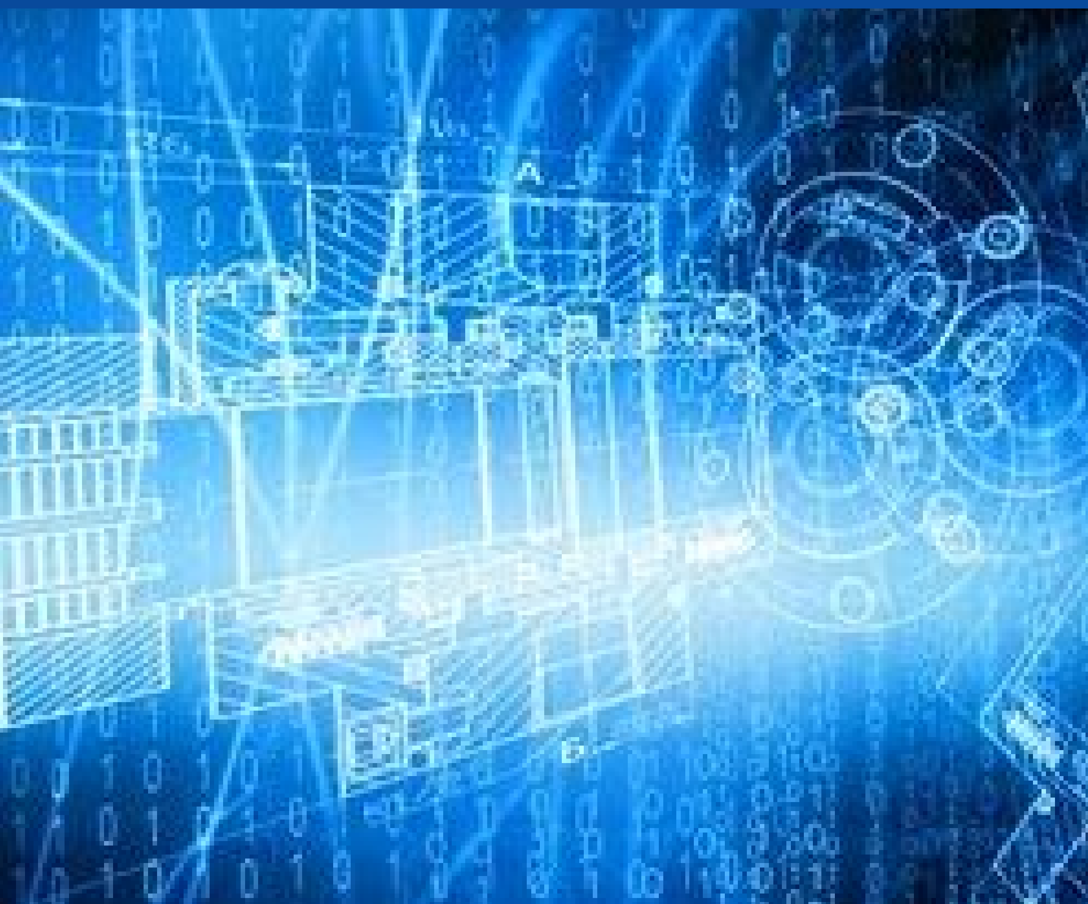
CMS
CENTERS FOR MEDICARE & MEDICAID SERVICES
OFFICE OF TECHNOLOGY SOLUTIONS

Questions and Answers (Q & A)
Special Enrollment Periods (SEPs) On-Exchange/Off-Exchange



Consumer Information & Insurance Oversight (CCIIO)

July 23, 2018

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

Question 1

<u>Question 1</u>: If a consumer is enrolled in an Off-Exchange plan and experiences a change in income such that he or she becomes eligible for Advance Premium Tax Credit or Cost-Sharing Reduction (APTC/CSR), does such change now make him or her eligible for a Special Enrollment Period (SEP)…Or would this SEP only be available to consumers currently enrolled in an On-Exchange Plan?

<u>Answer</u>: The SEP at 45 CFR 155.420(d)(6)(i)-(ii) is available to current Exchange enrollees or their dependents who are determined newly eligible or newly ineligible for APTC, or have a change in eligibility for CSRs. An individual who is enrolled in an off- Exchange individual market plan and is determined newly eligible for APTC would not qualify for a SEP to enroll in a QHP through the Exchange under 45 CFR 155.420(d)(6)(i)-(ii).

Question 1 (continued)

Answer to Question 1 (continued)

Under 45 CFR 147.104(b)(2)(B), an off-Exchange issuer is not required to provide an enrollment period for triggering events described by 45 CFR 155.420(d)(6), except with respect to ineligibility for APTC/CSR. Therefore, Off-Exchange issuers must provide an enrollment period for an individual and his or her dependents who are newly **ineligible** for APTC/CSR. Off-Exchange issuers do not need to provide an enrollment period for an individual or his or her dependents that are newly **eligible** for APTC/CSR or who experience a change in eligibility level for CSR.

Additionally, the SEP at 45 CFR 155.420(d)(6)(iii) and 45 CFR 155.420(d)(6)(iv) are available to qualified individuals who become newly eligible for APTC/CSRs due to changes in their employer sponsored plan or individuals previously in the coverage gap (i.e. individuals with income below 100% Federal Poverty Level (FPL) who are ineligible for Medicaid due to living a non-Medicaid expansion state), who become newly eligible for APTC as a result of a change in household income or move, respectively.