

LEGAL UPDATE

Exchange Special Enrollment Provided Due to COVID-19

On Jan. 28, 2021, the Centers for Medicare & Medicaid Services (CMS) [announced a new special enrollment period](#) (SEP) due to the coronavirus (COVID-19) pandemic through Exchanges using the federal www.HealthCare.gov platform. States using their own Exchange platforms are strongly encouraged to make a similar SEP available in their states.

Overview of the COVID-19 SEP

Starting on Feb. 15, 2021, and continuing through May 15, 2021, Exchanges using the www.HealthCare.gov platform will make a SEP available to all Exchange-eligible consumers who are submitting a new application or updating an existing application.

Beginning on Feb. 15, 2021, consumers seeking to take advantage of this SEP can find out if they are eligible by visiting www.HealthCare.gov. Consumers will have 30 days after they submit their application to choose a plan.

- Consumers who are eligible and enroll under this SEP will be able to select a plan with coverage that starts **prospectively the first of the month after plan selection**.
- Current enrollees will be able to **change to any available plan in their area** without restriction to the same level of coverage as their current plan.

In order to use this SEP, current enrollees will need to use their existing application, making any necessary changes, to receive an updated eligibility result that provides the SEP before continuing on to enrollment.

Consumers do not need to provide any documentation of a qualifying event (such as loss of a job or birth of a child), which is typically required for SEP eligibility. Consumers found eligible for Medicaid or CHIP will be transferred to their state Medicaid and CHIP agencies for enrollment in those programs.

Highlights

- A new SEP will be available Feb. 15, 2021, through May 15, 2021, via www.HealthCare.gov due to the COVID-19 pandemic.
- This new SEP may be accessed through www.HealthCare.gov directly, the Exchange call center or direct enrollment channels.
- CMS plans to conduct an outreach campaign to promote the SEP and ensure that a broad and diverse range of consumers are aware of its availability.

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