

Additional Special Enrollment Period Options

SEP	Notes/Additional description	State/ FFM	Staff Recommendation
Recommended			
Exceptional circumstance due to a natural disaster	A natural disaster such as an earthquake, massive flooding, or hurricane prevented the consumer from enrolling during open enrollment or their special enrollment period.	FFM	Adopt. NOTE: FFM limits to open enrollment.
Exceptional circumstance due to medical emergency	A serious medical condition, such as an unexpected hospitalization or temporary cognitive disability prevented the consumer from enrolling during open enrollment or their special enrollment period.	FFM	Adopt. NOTE: FFM limits to open enrollment.
Exceptional circumstance due to system outages around plan selection deadlines	A DC Health Link system outage around the plan selection deadline prevented a consumer from enrolling during open enrollment or their special enrollment period.	FFM	Adopt. NOTE: FFM did not specify which period.
Exceptional circumstances due to being a victim of domestic abuse	Victims of domestic abuse have an SEP to complete an application and state that they are single in order to receive APTC.	FFM	Adopt. NOTE: The FFM places a time limit on this SEP. It expires on May 31, 2014 and is intended only to assist customers that missed Open Enrollment due to ambiguity in prior policy.
Exceptional circumstances due to loss of eligibility for hardship exemption	<p>1.If an individual receives a certificate of exemption from the Marketplace based on the eligibility standards described in 45 CFR 155.605(g)(1) for a month or months during the coverage year, and based on the circumstances of the hardship attested to, he or she is no longer eligible for a hardship exemption within a coverage year but outside of an open enrollment period described in 45 CFR 155.410, the Marketplace will determine the individual and his or her dependents, as proposed in 45 CFR 155.420(a)(2),eligible for a special enrollment period if otherwise eligible for enrollment in a QHP; and</p> <p>2. If an individual with a certificate of exemption reports a change with respect</p>	FFM	Adopt.

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	to the eligibility standards for an exemption as required under 45 CFR 155.620(b), and the Marketplace implements a change resulting from a redetermination, the certificate provided for the month in which the redetermination occurs, and for prior months, remains effective. If the Marketplace notifies the individual that he or she is no longer eligible for an exemption, the Marketplace will determine the individual and his or her dependents, as proposed in 45 CFR 155.420(a)(2), eligible for a special enrollment period if otherwise eligible for enrollment in a QHP.		
Exceptional circumstance due to enrollment in COBRA	COBRA eligibility notice did not provide sufficient information about the availability of exchange coverage as an alternative to COBRA. Enrollees have until July 1 to voluntarily drop coverage and enroll in a QHP.	FFM	Adopt.
Exceptional circumstance for those beginning or ending AmeriCorps State and National, VISTA, or NCCC service	Members of AmeriCorps State and National, VISTA, and NCCC are provided with coverage that is not MEC. If the term of service ends outside of open enrollment, consumer would not qualify for an SEP because the coverage they are losing is not MEC. This provides a special enrollment period at the time a person begins and ends service with one of the three programs.	FFM	Adopt.
Entering a domestic partnership	Applies same SEP rules to domestic partnerships or civil unions as apply to new marriages	NV, WA, CO	Adopt. Providing parity to domestic partners as the federal regulations already apply to marriage.

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Medical coverage order (mandate)	SEP for those who are court-ordered to obtain coverage	NV	Adopt. A person who is court-ordered to provide health insurance coverage for a dependent should be able to enroll the dependent outside of open enrollment if the court order is issued outside of, or less than two week before the end of, open enrollment.
Dependent loss of ESI due to employee gaining Medicare	Dependents of a person who becomes eligible for Medicare are granted an SEP.	OR	Adopt. Dependents of a person who is dropping ESI for Medicare should have the option of enrolling through an SEP as an alternative to COBRA. [NOTE: Other dependent qualifying events for COBRA are already SEPs]
Employer failure to pay COBRA premiums on time	Employer fails to pay COBRA premiums on time	WA	Adopt. Consumer/Employee may not be notified until more than 60 days has passed after their COBRA coverage has ended if the employer is not paying the employer's share of COBRA premiums.

Not Recommended

Loss of MEC due to a person incurring a claim that would meet or exceed lifetime benefit limits on all benefits		MA, WA	Do not adopt. Lifetime limits are now banned under all plans including grandfathered plans, so this should not be an issue.
Returning from active duty after Tricare coverage has ended		NV, VT	Do not adopt. Those losing coverage under Tricare should qualify for one or more existing SEPs (loss of MEC, moving to the District, etc.)

Incapacitated dependent	Can continue coverage for incapacitated dependents past age 26	VT	Do not adopt. A dependent over age 26 who becomes incapacitated would either qualify for another SEP (for example, loss of MEC if incapacitation causes job loss) or need to wait until open enrollment.
A situation in which a plan no longer offers any benefits to the class of similarly situated individuals that includes the individual	A particular class of people (for example, part-time employees) has their benefits changed.	WA	Do not adopt. If the class is losing ESI that is MEC, they would qualify for an SEP under loss of MEC.