

## Tax Penalty Special Enrollment Period

Marketplace	SEP Specifics	Time	Effective Date
FFM	Consumer must attest that they are required to pay a penalty for being uninsured and were not aware of or did not understand the implications of the penalty until after open enrollment ended when they prepared their 2014 taxes. <sup>1</sup>	March 15 – April 30	If plan selected by 15 <sup>th</sup> of the month, first of the following month. If after the 15 <sup>th</sup> , first of the next following month.
Minnesota	Consumer must be required to pay the penalty for being uninsured. Unclear if this is based on attestation or if consumers are required to provide proof. <sup>2</sup>	March 1 – April 30	
Washington	For consumers who state that they were unaware of the tax penalty. Must select plan by the April 17 deadline. <sup>3</sup>	Feb. 17 – April 17	
Connecticut	For consumers who find out they owe the penalty when they file their taxes. SEP is for 60 days after they find out they owe the penalty, but anyone with this SEP must have applied and selected a plan by May 1. <sup>4</sup>	30 days, likely in April	
New York	To be eligible for this SEP, individuals must attest that when they filed their 2014 federal tax return, that they paid a penalty for not having health insurance in 2014, and that they first became aware of or understood the implications of not having health insurance in 2014 when they filed their federal tax return. <sup>5</sup>	March 1 – April 30	
California	Consumer must attest that they were unaware of the tax penalty previously. Doesn't explicitly mention having to have been charged a penalty to qualify. <sup>6</sup>	Feb 23 – April 30	
Vermont	Vermonters who don't have health insurance and learn about the penalty when they file their 2014 taxes qualify. Must select plan within 60 days of learning about the penalty. <sup>7</sup>	Feb 16 – May 31	First of the month following plan selection.

<sup>1</sup> <http://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2015-Press-releases-items/2015-02-20.html>

<sup>2</sup> <https://www.mnsure.org/individual-family/enrollment/sep-tax-penalty.jsp>

<sup>3</sup> [http://wahbexchange.org/files/6414/2410/7065/Feb\\_\\_17\\_to\\_April\\_17\\_SEP\\_FAQs\\_FINAL.pdf](http://wahbexchange.org/files/6414/2410/7065/Feb__17_to_April_17_SEP_FAQs_FINAL.pdf)

<sup>4</sup> <http://www.courant.com/business/connecticut-insurance/hc-access-health-ct-enrollment-20150223-story.html>

<sup>5</sup> <http://info.nystateofhealth.ny.gov/news/press-release-ny-state-health-announces-special-enrollment-period-uninsured-new-yorkers-facing>

<sup>6</sup> <http://news.coveredca.com/2015/02/covered-california-offers-consumers.html>

<sup>7</sup> [http://info.healthconnect.vermont.gov/sites/hcexchange/files/For%20Immediate%20Release2\\_19.pdf](http://info.healthconnect.vermont.gov/sites/hcexchange/files/For%20Immediate%20Release2_19.pdf)

**Staff Recommendation:**

- SEP from March 15, 2015 – April 30, 2015
- Option for the executive director to extend the SEP to end on October 15, 2015 for those who request an extension to file their taxes.
- Use FFM attestation. To qualify, consumer must:
  - Attest that when they filed their 2014 federal tax return they paid the Shared Responsibility Payment for not having health coverage in 2014, and;
  - Attest that they first became aware of, or understood the implications of, the Shared Responsibility Payment after the end of open enrollment (February 15, 2015) in connection with preparing their 2014 federal tax return.
- Effective date: If plan selected on or before 15<sup>th</sup> of the month, first of the following month. If after the 15<sup>th</sup>, first of the next following month.