

May 2016 Policy Update

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1) Incarceration and eligibility – The Center for Medicare and Medicaid Services (CMS) issued guidance to Medicaid and a FAQ regarding Marketplace interpretation of the word “incarcerated” in the eligibility standards regulation.

- Previous interpretation:
 - Residents of community corrections programs (for example, halfway houses) were interpreted as being ineligible to enroll in qualified health plans (QHPs) or receive advance premium tax credits (APTC) or cost sharing reductions (CSR).
- New guidance on interpretation:
 - Residents of community corrections programs in which the government is not required to provide residents with health care (as in Colorado) are now eligible for QHPs, APTC, and CSR. This includes those who are:
 - serving a sentence but allowed work release;
 - under house arrest or home confinement; or
 - residing in a halfway house or other similar type of residential community supervision as a result of a conviction.

Connect for Health Colorado will align with and implement this guidance. Connect for Health Colorado’s mission includes increasing access to health insurance. Extending eligibility to this population will help to increase access to health insurance for people who are transitioning back into their communities after serving their sentence and will help those individuals to make that transition successfully. We would like to thank the Colorado Center on Law and Policy for their great work and advocacy for the eligibility of this population.

2) Special Enrollment Periods (SEPs) – CMS has issued an interim final rule, effective July 11, 2016, to curb potential uses of SEPs that could de-stabilize insurance markets. The new rule is applicable to all health insurance Marketplaces, whether federally facilitated or state-based.

- Previous rule:
 - Customers are granted an SEP if they move to an area where they gain access to new QHPs, regardless of whether or not they were previously enrolled in minimum essential coverage (MEC).
- New rule:
 - The new rule only allows access to an SEP after a permanent move if the customer gains access to new QHPs and was previously enrolled in MEC.
 - Customer must have been enrolled in MEC for one or more days in the 60 days before the permanent move.

- There are three (3) exceptions to the new rule:
 - 1) Individuals who are released from incarceration maintain their ability to access an SEP without prior MEC enrollment.
 - 2) Individuals who move to the U.S. from abroad will still be able to access an SEP without being enrolled in prior MEC.
 - 3) Individuals moving from a non-Medicaid expansion state to a Medicaid expansion state who are newly eligible for APTC will still have the ability to access an SEP even if they were not previously enrolled in MEC.

We understand that it is not feasible to immediately implement the technology that must be built to accommodate this new rule regarding SEPs. However, in the interim, we will address the change through channels that are available to us.

3) Quality Rating System (QRS) requirements – CMS pushed back implementation of new QRS requirements until open enrollment for 2018 so that they could conduct an additional year of consumer-focused testing to maximize the clarity and consistency of the information that will be provided in the QRS. CMS is also conducting a pilot program in five states. Colorado is not one of the pilot program states.

- What is currently being done to provide quality rating information to consumers:
 - Connect for Health Colorado is using star ratings on our website and providing additional quality information through a link to Plan Documents, also accessible via our website.
 - Connect for Health Colorado is continuing to improve the ease of access to quality rating information and will align with the new guidance timeline.
 - Insurance carriers are continuing to follow the most current guidance.
 - Carriers and the Division of Insurance assist in the QRS process by submitting data to us regarding consumer surveys and consumer complaints.
- What more will need to be done by 2018 open enrollment:
 - Connect for Health Colorado will need to incorporate information and testing results from CMS into their website, which will be provided to us by CMS. The goal of the QRS program is to continue to make information regarding plan quality readily available to consumers so that they may easily compare and contrast the quality information related to various health insurance plans.