



Open and Special Enrollment Policy

July 9, 2012

Should the Exchange include additional open or special enrollment periods beyond current requirements?

Goals/Objectives:

- Support opportunities for Coloradoans to gain access to health coverage while maintaining a stable risk pool for carriers
- Foster a level playing field inside and outside the Exchange as much as possible

Applicable laws related to open enrollment and special enrollment periods:

Colorado	<p>State Revised Statute Section 10-16-104.4: Creates an open enrollment period for child only coverage in January and July. This provision will end in 2014 when guaranteed issue is available to all age groups.</p> <p>State Revised Statute Section 10-16-105(7.3)(i) Creates an open enrollment period for small groups around birthday of the sole proprietor.</p>
Federal	<p>45 CFR § 155.410 outlines an initial open enrollment period for QHPs that runs from October 1, 2013 through March 31, 2014 and then from October 15 to December 7 in subsequent years</p> <p>45 CFR § 155.420 outlines special enrollment periods for:</p> <ul style="list-style-type: none"> • Losing essential coverage • Gains or becomes a dependent through marriage, birth, adoption or placement for adoption • Gains citizenship or lawfully present status • Errors caused by HHS or Exchange staff • The QHP substantially violates a material provision of the insurance contract • The member becomes eligible or ineligible for premium tax credits or cost sharing subsidies • Permanently moves to an area with new QHPs • Is a Native American • Additional exceptional circumstances as the Exchange may provide in accordance with guidelines issued by HHS <p>45 CFR § 155.725 outlines that the SHOP must allow for covered employees the same open and special enrollment periods as the Individual Exchange. The SHOP must permit a qualified employer to purchase coverage for its small group at any point during the year and allow an annual election period.</p>

Introduction: July 9, 2012 **Decision Date:** July 23, 2012

Other Considerations

Below is a table that shows how open enrollment periods apply in the current market and how they will change starting October 2013.

	Now	Starting Oct 2013 and beyond
Individuals	<ul style="list-style-type: none"> • There is no applicable open enrollment period • Consumers can change anytime but have to go through underwriting process • <i>CoverColorado</i> and <i>Get Us Covered</i> are two high risk pools available for people who meet certain conditions¹ 	<ul style="list-style-type: none"> • Open enrollment will begin October 1, 2013 and go through March 31, 2014. The next open enrollment period will be from October 15, 2014 to December 7, 2014 • Consumers will have guaranteed issue
Small Groups	<ul style="list-style-type: none"> • There is no applicable open enrollment period • Employers can change anytime and have guaranteed issue 	<ul style="list-style-type: none"> • Open enrollment for employees will begin October 1, 2013 through March 31, 2014 and then starting in 2014 from October 15 to December 7 • Employers can change plans anytime and will be allowed an annual election period • Guaranteed issue will still apply
Business Groups of 1	<ul style="list-style-type: none"> • BG1s can change plans at any time but may be underwritten • BG1s have an open enrollment period of one month around the birthday of the sole proprietor. • BG1s who purchase during the open enrollment period are limited to the Basic and Standard plans. 	<ul style="list-style-type: none"> • Will follow the same rules that apply to individuals (set open enrollment periods, guaranteed issue, can choose to buy individual coverage off the Exchange, on the Exchange or through <i>Get Us Covered</i>)

¹ Consumers can purchase coverage through *CoverColorado* at any time, but must show that they have continuous coverage for eighteen months prior to enrollment. Consumer who can't show continuous enrollment cannot receive coverage for preexisting conditions for six months. Members who have been uninsured for six months may join *Get Us Covered* (i.e. the Federal high risk pool).

Considerations

Advantages to a longer open enrollment period or additional special enrollment periods are:

- Longer open enrollment periods and additional special enrollment periods may help people maintain continuous coverage when circumstances change throughout the year

Disadvantages to a longer open period and additional special enrollment periods are:

- Long open enrollment periods may encourage individuals to delay seeking coverage until the individual develops a health condition and needs to seek out health care services

Members will have the ability to switch plans during open enrollment and this can lead to some uncertainty about a carrier's risk pool.

Recommendation

The open enrollment period for the Individual and SHOP exchanges should be the same as the open enrollment periods outlined in the final rules released by HHS.

COHBE should not include more special enrollment periods beyond what is stated in the final HHS rule. There would be no special open enrollment period for members who are terminated for failure to pay premiums.