



2021 NOTICE OF BENEFIT & PAYMENT PARAMETERS

Summary of Final Regulatory Changes

Beth Deines & Molly McClurg

July 27, 2020

Notice and Comment Rulemaking

January 31, 2020: Proposed Regulations released

March 2, 2020: Deadline for public comment submission

May 7, 2020: Final Rule released

Effective July 13, 2020 (or later in some circumstances)

Finalized Changes to Special Enrollment Periods (SEPs)

Special Enrollment Period (SEP) final changes:

- Shortening the time between plan selection during a Special Enrollment Period and when the plan takes effect, resulting in more generous effective dates.
- Updated binder payment rule that provides consumers who have an SEP with a retroactive effective date the option to pay one month's premium and only receive prospective coverage.
 - Prior rule only allowed for moving the effective date up by one month and requires payment of all retroactive premiums, minus that month.

Final Changes to SEPs, cont.

- Changes to metal tier limitations:
 - Silver-level enrollees who lose eligibility for Cost-Sharing Reductions (CSRs) may now choose a plan that is one metal level higher or lower, which is more generous than current rules.
 - Clarifications on the application of existing limitations to household members.
- Inclusion of non-calendar year losses of a Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) in the existing Special Enrollment Period for loss of Minimum Essential Coverage (MEC).

Automatic Re-enrollment: Proposal

Currently, individuals who qualify for \$0 net premium plans are automatically reenrolled in the same manner as all other enrollees.

- Under the proposed rule, these individuals would be reenrolled in the same Qualified Health Plan (QHP), but without the application of some or all of their Advanced Premium Tax Credits (APTCs) if they do not seek a full redetermination of eligibility during the Open Enrollment Period.
- This means that even if a consumer's income qualified them for a \$0 plan, they could be reenrolled in the plan and responsible for paying the full premium (or some reduced amount).

Automatic Re-enrollment: Final Rule

- Due to overwhelming opposition from commenters, these changes were not finalized as proposed.
- At this time, HHS is not finalizing any changes to the current automatic re-enrollment process.

QUESTIONS?