

Administrative Information Bulletin 05-21

Guidance Regarding a Special Enrollment Period for Individuals Enrolled in COBRA/Mini-COBRA Coverage Who Lose the Premium Subsidy Authorized by the American Rescue Plan

April 9, 2021

Pursuant to federal regulations at 45 C.F.R. § 155.100 et seq. and state authority at M.G.L. c.176Q, s.2, the Commonwealth Health Insurance Connector Authority (the “Health Connector”) is issuing this Administrative Information Bulletin (“Bulletin”) to provide guidance in connection with the closed enrollment period for enrolling in non-group Health Connector plans. This Bulletin provides (a) administrative information regarding an additional circumstance that would allow a person to enroll in a Health Connector plan during closed enrollment, which for 2021 is between July 24, 2021 and December 31, 2021, See Bulletin 04-21, and (b) clarification on the parameters of this special enrollment period. Once open enrollment closes, a person may only enroll in or make changes to their health insurance plan if they experience a triggering event. See 45 C.F.R. § 155.410. Triggering events include, but are not limited to, the following: birth or adoption of a child, marriage, loss of insurance through a job, recently moved to Massachusetts, certain changes in income, or gained an eligible immigration status. See 45 C.F.R. § 155.420; 956 CMR 12.10(5).

On March 11, 2021 the legislation known as the, “American Rescue Plan,” was signed into law by President Biden. That law fully subsidizes the COBRA/Mini-COBRA coverage premiums from April 1, 2021 through September 30, 2021 for individuals who are eligible for and have elected that coverage. See, American Rescue Plan Act of 2021, Pub. L. 117-2, H.R. 1319, 117th Cong., §§6432 & 9501. The Health Connector believes that when these subsidies cease, those individuals could be faced with the untenable choice of paying for unaffordable unsubsidized COBRA coverage or dropping that coverage without recourse to other health insurance options. Therefore, the Health Connector is designating a temporary triggering event for any individuals who elected COBRA/Mini-COBRA coverage and lose their full premium subsidy when that subsidy expires. This temporary triggering event is limited to calendar year 2021 and the opportunity to enroll in 2021 Health Connector plan offerings. A qualified individual eligible for a special enrollment period because of this triggering event will have 60 days before the triggering event, and up to November 23, 2021, to select a plan through the Health Connector. The Health Connector is designating this temporary triggering event in accordance with its authority pursuant to federal regulations at 45 C.F.R. § 155.420(d). To access this special enrollment period, individuals must be otherwise eligible for a Health Connector plan.

The Health Connector reserves the right to verify that individuals meet the requirement of being a new enrollee before granting individuals access to this special enrollment period.

This Bulletin takes effect immediately.