

**Administrative Information Bulletin 03-15:
Guidance Regarding Special Enrollment Periods
October 16, 2015**

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 “Connector”) is issuing this Administrative Information Bulletin (“Bulletin”) to provide guidance in connection with the open enrollment period, which ended on February 15, 2015 for the commercial non-group market. This Bulletin provides (a) administrative information regarding an additional circumstance that would allow a person to enroll in coverage during closed enrollment, which for 2015 is between February 15, 2015 and December 31, 2015¹ 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 the state, or gained an eligible immigration status. *See* 45 C.F.R. §155.420; 956 CMR 12.10(5).

The Connector is designating a triggering event for any eligible individual who is a victim of domestic abuse² or spousal abandonment³ and his or her dependents to qualify for a special enrollment period under 45 CFR 155.420(d)(9). They will have sixty (60) days from their request to enroll in coverage through the Connector. The Connector is designating this triggering event in accordance with its authority pursuant to federal regulations at 45 C.F.R. §155.420(d).

Victims of domestic abuse or spousal abandonment, who are married to their abuser or abandoner and are applying for coverage separately, may be determined eligible for advance payments of the premium tax credit (APTC) after attesting to an expected filing status of Married Filing Separately on their application for financial assistance. To access this special enrollment period, people must contact the Connector at 1- 877-623-6765.

People applying for coverage with help paying for insurance and are determined eligible for MassHealth, Children’s Medical Security Plan (CMSP), or Health Safety Net can enroll at any time during the year. If the person is determined eligible for one of these programs, that person will not have to wait until next year’s open enrollment period to enroll. People determined newly eligible for ConnectorCare can enroll within 60 days of their eligibility determination date if

¹ For coverage starting on January 1, 2016, the open enrollment period begins on November 1, 2015.

² Also referred to as survivors of domestic violence. Per 26 C.F.R. §1.36B-2T(b)(2)(iii), domestic abuse includes physical, psychological, sexual, or emotional abuse, including efforts to control, isolate, humiliate, and intimidate, or to undermine the victim’s ability to reason independently. All the facts and circumstances are considered in determining whether an individual is abused, including the effects of alcohol or drug abuse by the victim’s spouse. Depending on the facts and circumstances, abuse of the victim’s child or other family member living in the household may constitute abuse of the victim. For the purposes of qualifying for this special enrollment period, victims of domestic abuse include unmarried and dependent victims within a household.

³ Per 26 C.F.R. §1.36B-2T(b)(2)(iv), a taxpayer is a victim of spousal abandonment for a taxable year if, taking into account all facts and circumstances, the taxpayer is unable to locate his or her spouse after reasonable diligence.

shopping during closed enrollment. If the person is only determined eligible for tax credits or is determined not to be eligible for any help paying for the cost of their health insurance, that person must experience a triggering event to shop before the next open enrollment period. In certain circumstances, an enrollment waiver may be available through the Office of Patient Protection at the Health Policy Commission.

This Administrative Bulletin takes effect immediately.