

## Administrative Information Bulletin 04-22

### Guidance Regarding a Special Enrollment Period for Enrollees in Healthcare Products Marketed and Sold by Benefytt Technologies, Inc. and Its Subsidiaries

August 16, 2022

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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 2022 is between January 24, 2022 and December 31, 2022, 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).

The Health Connector has recently learned from the Center for Consumer Information and Insurance Oversight of a settlement<sup>1</sup> between the Federal Trade Commission (“FTC”) and Benefytt Technologies, Inc., f/k/a Health Insurance Innovations, Inc. and its subsidiaries Health Plan Intermediaries Holdings, LLC, and HealthPocket, Inc. d/b/a AgileHealthInsurance (collectively the “Benefytt Entities”), to resolve claims that Benefytt Entities fraudulently marketed and sold healthcare products, such as short-term, limited duration medical and health plans, as if they were Qualified Health Plans under the Affordable Care Act. A condition of that FTC settlement is that Benefytt Entities must contact individuals who were enrolled in such healthcare products and give them the option to cancel their enrollment. Given that individuals electing that option would otherwise lack access to the Qualified Health Plan coverage they originally sought, the Health Connector is designating a temporary triggering event for any such individuals who are currently or who at any time in 2022 were enrolled in a healthcare product sold by Benefytt Entities. Such individuals can enroll at any time through the Health Connector during 2022, consistent with any otherwise applicable enrollment policies. 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.

In order to obtain take advantage of this special enrollment period, individuals otherwise eligible for Health Connector plans should contact Health Connector Customer Service (1-877-623-6765, TTY: 1-877- 623-7773) and state a request for a special enrollment period on the grounds that they are or

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<sup>1</sup> See, [FTC Action Against Benefytt Results in \\$100 Million in Refunds for Consumers Tricked into Sham Health Plans and Charged Exorbitant Junk Fees | Federal Trade Commission](#)

were at any point in 2022 enrolled in a plan marketed or sold by Benefytt Entities. Prior to granting the special enrollment period, the Health Connector reserves the right to verify such enrollment

This Bulletin takes effect immediately.