



FFM and FF-SHOP Enrollment Manual

Federally-facilitated Marketplace (FFM) and Federally-facilitated Small Business Health Options Program (FF-SHOP) Enrollment Manual

This manual is effective as of October 1, 2016. All enrollments made on or after October 1, 2016, should be processed in accordance with the operational requirements set forth in this document. CMS intends to update this Manual regularly, and publish clarifying bulletins between updates. All previous versions of bulletins that have been incorporated into this version of the manual should be considered superseded by this manual. If you have questions related to content posted within this manual, please email:

EnrollmentGuidance@cms.hhs.gov.

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1. INTRODUCTION AND SCOPE

1.1 BACKGROUND

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this manual, the two laws are referred to collectively as the Affordable Care Act (ACA). The ACA creates new competitive private Health Insurance Exchanges, known as Marketplaces, that enable qualified individuals (QIs) to shop for, select, and enroll in high quality, affordable private health plans. The Marketplaces also allow consumers to obtain eligibility determinations or eligibility assessments for coverage under Medicaid, the Children’s Health Insurance Program (CHIP), and the Basic Health Program (BHP), where applicable. In addition, the ACA created Small Business Health Options Program (SHOP) Marketplaces that enable qualified employers to provide health plans to their employees. QIs and qualified employers have been able to obtain coverage from private health insurance companies through the Marketplaces since January 1, 2014.¹

1.2 TYPES OF MARKETPLACES

The Marketplaces established by the ACA operate in one of several different ways, including as a:

- **State-based Marketplace (SBM):** A state that elected to establish its own Marketplace operates an SBM.
- **State-based Small Business Health Options Program (SB-SHOP):** An SB-SHOP is a type of SBM through which qualified employers offer their employees coverage in qualified health plans (QHPs) offered through the small group market.
- **Federally-facilitated Marketplace (FFM):** Pursuant to Section 1321(c)(1) of the ACA, the federal government established an FFM in any state that did not elect to establish an SBM, or in a state that the Secretary of the Department of Health & Human Services (the Secretary) determined would not have an operable Marketplace for the 2014 coverage year.
- **State-based Marketplace – Federal Platform (SBM-FP):** An SBM-FP uses the federal eligibility and enrollment platform operated by the FFM for its eligibility and enrollment functions, but is directly responsible for completing other functions, including, but not limited to, plan management. An SBM-FP, like all other Marketplace types, is required

¹ For background information, see Section 1311(b)(1) of the ACA and 45 CFR §155.410(c)(i).

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to provide entry points for Medicaid/CHIP consumers (by phone, website, and paper application), as well as Medicaid consumer support (by phone, website, and the Marketplace Call Center).

- **Federally-facilitated Small Business Health Options Program (FF-SHOP):** An FF-SHOP is a type of FFM through which qualified employers offer their employees health coverage in QHPs offered through the small group market.
- **State Partnership Marketplace (SPM):** The federal government established an SPM in any state that did not elect to establish an SBM-FP, or in a state that the Secretary determined would not have an operable Marketplace for the 2014 coverage year. The federal government treats each SPM like an FFM; however, in an SPM, the state is actively engaged with the federal government in the operation of certain aspects of the Marketplace.

1.3 PURPOSE OF DOCUMENT

This manual provides operational policy and guidance on key topics related to eligibility and enrollment activities within the FFM and FF-SHOP, as well as within the SBM-FP, which use the federal platform for eligibility and enrollment platforms. For ease of reference, this document will use the terms “FFM” and “FF-SHOP” to refer to all individual market Marketplaces and SHOPs that rely on the federal eligibility and enrollment platforms.

Where necessary, CMS indicate whether the guidance described pertains to the FFM and FF-SHOP, only the FFM, or only the FF-SHOP. Additionally, we have indicated, where necessary, that the guidance pertains to both QHPs and Marketplace-certified stand-alone dental plans, which this manual refers to as qualified dental plans (QDPs).

The information provided in this document applies to organizations and entities that may be involved in or assist with enrolling a QI or SHOP enrollee into a QHP and/or QDP using the FFM or FF-SHOP eligibility and enrollment functions. These entities include:

- SBM-FPs;
- SHOP SBM-FPs;
- QHP and QDP issuers;
- Agents and brokers (A/B) who are registered with the FFM;
- Navigators, non-Navigator assistance personnel, certified application counselors (CACs), and caseworkers;
- Third-party administrators (TPAs) of QHPs, QDPs, or employer-sponsored coverage; and
- Trading partners of QHP and QDP issuers, such as health care clearinghouses.

1.4 ACRONYMS AND DEFINITIONS

Exhibit 1 and the subsection that follows describe the commonly used acronyms and terms that appear throughout this document.

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1.4.1 Acronyms

Exhibit 1 – Commonly Used Acronyms

| Acronyms | Descriptions |
|-----------------|---|
| ACA | Affordable Care Act |
| API | Application Programming Interface |
| APTCs | Advanced Premium Tax Credits |
| A/B | Agent and/or Broker |
| BAR | Batch Auto-reenrollment |
| BHP | Basic Health Program |
| BUU | Batch Utility Update |
| CAC | Certified Application Counselor |
| CCIO | Center for Consumer Information and Insurance Oversight |
| CMS | Centers for Medicare & Medicaid Services |
| CIC | Change in Circumstance |
| CSRs | Cost-sharing Reductions |
| EDI | Electronic Data Interchange |
| EDN | Eligibility Determination Notice |
| EFT | Electronic Funds Transfer |
| EHB | Essential Health Benefits |
| EIN | Employer Identification Number |
| ER&R | Enrollment Resolution and Reconciliation |
| FFM | Federally-facilitated Marketplace |
| FF-SHOP | Federally-facilitated Small Business Health Options Program |
| FPL | Federal Poverty Level |
| HHS | Department of Health & Human Services |
| HICS | Health Insurance Casework System |
| HIPAA | Health Insurance Portability and Accountability Act |
| IRS | Internal Revenue Service |
| LC | Life Change |
| MAGI | Modified Adjusted Gross Income |
| MEC | Minimum Essential Coverage |
| MLR | Medical Loss Ratio |

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| Acronyms | Descriptions |
|-----------------|---|
| MOEN | Marketplace Open Enrollment Notice |
| OEP | Open Enrollment Period |
| PMP/PP | Partial Month Premium/Premium Proration |
| PTC | Premium Tax Credit |
| QDP | Qualified Dental Plan |
| QHP | Qualified Health Plan |
| QI | Qualified Individual |
| RA | Risk Adjustment |
| RC | Risk Corridors |
| SADP | Stand Alone Dental Plan |
| SBM | State-based Marketplace |
| SBM-FP | State-based Marketplace – Federal Platform |
| SBM-SHOP | State-based Small Business Health Options Program |
| SEP | Special Enrollment Period |
| TPA | Third-party Administrator |

1.4.2 Definitions

Advanced Premium Tax Credits: Advanced premium tax credits, also known as advance payments of the premium tax credit or APTCs, can be used by eligible consumers who are enrolled in QHPs through an individual market Marketplace to lower their monthly premium costs. Eligible consumers may choose how much APTC to apply to their premiums each month, up to a maximum amount, which is then paid directly to the insurer. The APTC must be reconciled with the premium tax credit (PTC) on an individual’s federal income tax return. If the APTC amount received for the year is less than the PTC, the individual will receive the difference as a higher refund or lower tax due. If the APTC amount received for the year is more than the PTC, the excess advance payments may have to be repaid with the consumer’s tax return.

Agent or Broker: Agent or Broker has the meaning set forth in 45 CFR §155.20.

Applicant: Applicant has the meaning set forth in 45 CFR §155.20.

Application Filer: Application filer has the meaning set forth in 45 CFR §155.20.

Auto Reenrollment (Passive): Auto reenrollment, also known as an 834 enrollment transaction, is an enrollment transaction that continues coverage in the individual market FFM for the new plan year for an enrollee who does not actively select a plan for the new plan year during the

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Open Enrollment Period (OEP) automatically without a lapse in coverage if timely premium payment is made.

Consolidated Omnibus Budget Reconciliation Act (COBRA): COBRA is federal legislation that amended the Employee Retirement Income Security Act, the Internal Revenue Code, and the Public Health Service Act of 1986, to provide for continuation of group health coverage that otherwise might be terminated. COBRA contains provisions giving certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. This coverage, however, is available only when coverage is lost due to specific events.

Cost-sharing Reductions (CSRs): Cost-sharing reductions have the meaning set forth in 45 CFR §155.20.

Data Matching Issue/Inconsistency: When an application filer provides information to the Marketplace as a part of the application process and the information the consumer provided does not match the information received by the Marketplace from its trusted data sources, such as the Office of Personnel Management, Department of Homeland Security, or Social Security Administration, a data matching issue/inconsistency results. The consumer needs to resolve data matching issues related citizenship or immigration within 95 days, and all other data matching issues within 90 days. Otherwise, the consumer's enrollment through the Marketplace may be terminated and the consumer's APTCs and CSR may be terminated or adjusted, if applicable.

Electronic Data Interchange (EDI): EDI is an automated transfer of data in a specific format following specific data content rules between a Marketplace and a QHP or QDP issuer. EDI transactions are transferred electronically through HealthCare.gov or an SBM.

Enrollee: Enrollee has the meaning set forth in 45 CFR §155.20.

Enrollment Group (in the individual market FFM): All consumers enrolled and linked by the Marketplace-assigned policy identifier. *Note:* Other consumers may be linked by the policy Marketplace identifier, such as a custodial parent, but may not be considered part of the enrollment group.

Enrollment Reconciliation: The ongoing process used to ensure consistency of enrollment and financial data between issuers and the FFM. Since the Centers for Medicare & Medicaid Services (CMS) makes APTCs and CSR to QHP issuers on the basis of the enrollment files, all entities' enrollment data must be reconciled. In addition, the enrollment data stored in the FFM is used as the basis for annual generation of Form 1095-A tax data for consumers. Discrepancies can arise when an issuer accepts a change from an enrollee based on Health Insurance Casework System (HICS) instructions (i.e., a change that has not been reflected in the FFM, but one that the reconciliation process identifies) and enters it directly into its system. By regulation, issuers are required to reconcile enrollment information with the FFM at least monthly.

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Full-time Employee: For SHOP eligibility purposes, an employee who is employed, on average, at least 30 hours of service per week (26 U.S.C. §4980(h), 26 CFR §54.4980H-1(a)(21), and 45 CFR §155.20). For purposes of the Small Business Health Care Tax Credit, a full-time employee is an employee who is employed, on average, at least 40 hours of service per week (Internal Revenue Code Section 45R).

Health Insurance Casework System (HICS): The authorized and secure electronic system recognized and used by the FFM to input, track, and monitor consumers' and enrollees' concerns, unresolved issues, complaints, and cases that are not able to be resolved by CMS. The FFM uses HICS to appropriately assign unresolved cases and communicate effective date changes to issuers for resolution, when appropriate.

Insurance Affordability Programs: APTCs and CSR, as well as Medicaid, CHIP, and, where applicable, the Basic Health Program (BHP).

Life Change (LC): A circumstance that could affect an applicant's or enrollee's eligibility for enrollment through the Marketplace or for insurance affordability programs (e.g., birth, adoption, foster care, change in household income). LCs that are not reported to the applicable Marketplace could potentially lead to an enrollee or applicable tax filer repaying all or some of the APTCs the consumer received during the year.

Marketplace Account: The Marketplace account provides a consumer with a user name and password to create an individual application, SHOP employee application, and perform other functions related to obtaining health coverage through a Marketplace. A Marketplace Account user does not need to be the policyholder for coverage purchased from applications submitted by the Marketplace Account user.

Minimum Essential Coverage (MEC): MEC is the type of coverage a consumer must have to meet the individual shared responsibility requirement under the ACA. The MEC requirement can be fulfilled by a number of different types of coverage outlined in section 5000A(f) of the Internal Revenue Code and in 45 CFR §156.602, such as individual market policies, job-based coverage, Medicare, Medicaid, CHIP, TRICARE, and certain other types of coverage.

Modified Adjusted Gross Income (MAGI): MAGI is the figure used to determine eligibility for insurance affordability programs in the Marketplaces, and for Medicaid and CHIP. Generally, MAGI is a consumer's adjusted gross income plus certain other income, including tax-exempt Social Security, interest, or foreign income, and without certain deductions allowed for adjusted gross income (26 CFR §1.36B-1(e)(2) and 42 CFR §435.603).

Open Enrollment Period (OEP): The period each year during which a QI may enroll or change coverage in an individual market QHP through the Marketplace (45 CFR §155.20).

Partial Month Premium/Premium Proration (PMP/PP): Occurs in the Marketplace when an enrollee has periods of coverage that last less than a full month. In the FFM and FF-SHOP, the pro-rated monthly premium for partial coverage months is calculated based on the actual number



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of days that the applicable enrollee or enrollees has/have coverage. Specifically, the premium is prorated as follows: the full month premium for one month of the coverage is divided by the number of days in the month. The result of the calculation is multiplied by the number of days in which the enrollee had coverage during the partial coverage month.

Plan Year: Plan year has the meaning set forth in 45 CFR §155.20.

Qualified Health Plan (QHP): A health insurance plan that meets certain requirements and, on the basis of meeting those requirements, is certified to be sold through a Marketplace. A QHP must be certified by each Marketplace through which it is sold. QHP has the meaning set forth in 45 CFR §155.20.

QHP Issuer: QHP issuer has the meaning set forth in 45 CFR §155.20.

Qualified Individual (QI): QI has the meaning set forth in 45 CFR §155.20.

Qualified Employee: Qualified employee has the meaning set forth in 45 CFR §155.20.

Qualified Employer: Qualified employer has the meaning set forth in 45 CFR §155.20.

Reinstatement: Reinstatement is the correction of an erroneous termination or cancellation action that results in the restoration of an enrollment with no break in coverage (45 CFR §155.430(e)(3)).

Reenrollment (Active): An 834 enrollment transaction that continues enrollment in coverage through the individual market Marketplace for an enrollee who actively returns to the Marketplace during the OEP to make a plan selection for the new plan year.

SHOP application filer: SHOP application filer has the meaning set forth at 45 CFR §155.700(b).

Small employer: Small employer has the meaning set forth in 45 CFR §155.20.

Special Enrollment Period (SEP): SEP has the meaning set forth in 45 CFR §155.20.

Subscriber: A subscriber is the consumer enrolling in coverage who has elected benefits for an enrollment group or the person for whom benefits have been elected by the application filer in the event that the application filer is not the person enrolling in coverage. There is always only one subscriber per enrollment group and each member of the enrollment group will be associated with the subscriber. The subscriber may also be referred to as the anchor for the group.

Tax Filer: A tax filer is a consumer who will file taxes for the coverage year on behalf of a tax household.

Web-broker: A web-broker is an individual A/B, group of A/Bs, or company that provides a non-FFM website to assist consumers in the QHP selection and enrollment process as described in 45 CFR §155.220(c)(3).



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1.5 ADDITIONAL RESOURCES

Exhibit 2 lists contact information for additional resources referenced throughout this manual.

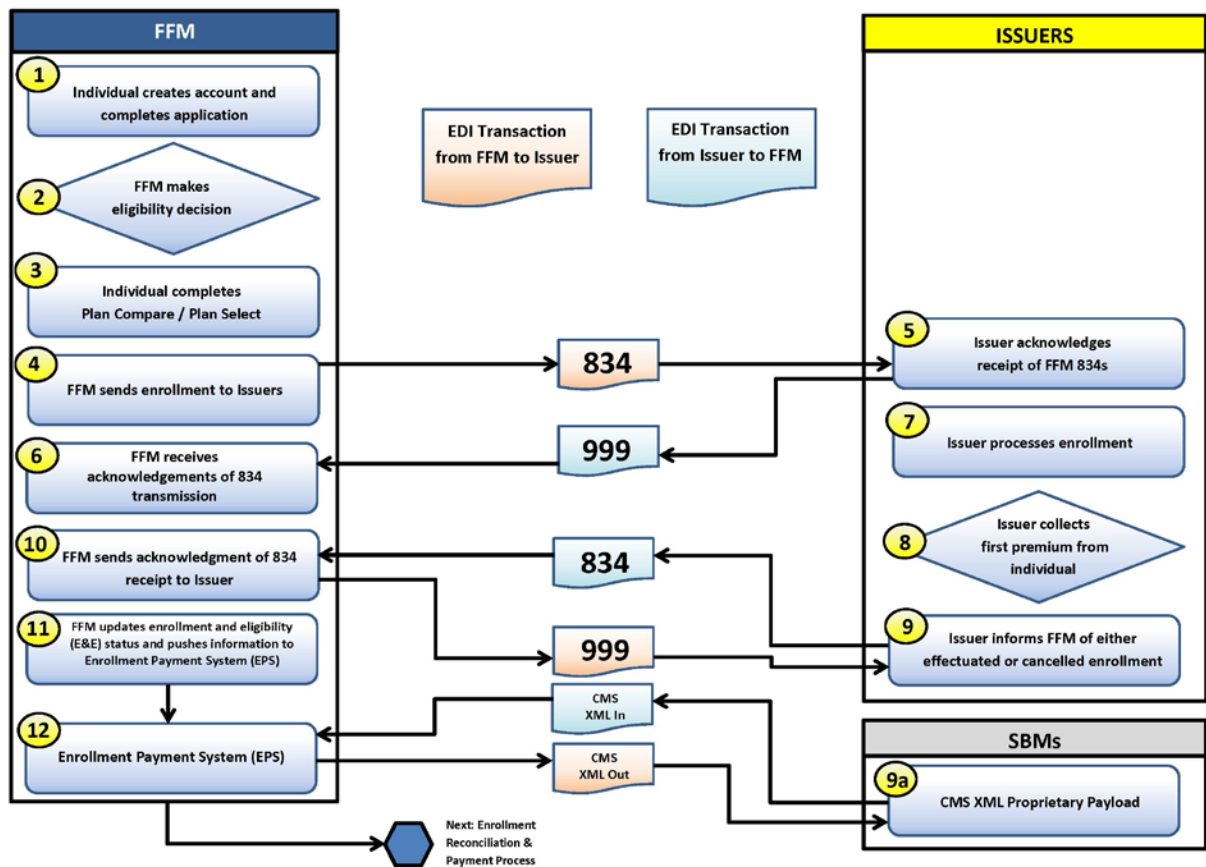
Exhibit 2 – Additional Resources

| Resource | Contact Information |
|---|--|
| CCIIO | www.cms.gov/ccio |
| Marketplace Call Center | 1-800-318-2596 1-855-889-4325 (TTY) |
| HealthCare.gov | www.healthcare.gov |
| Medicaid | www.medicaid.gov |
| Medicare | www.medicare.gov |
| REGTAP | www.regtap.info |
| FF-SHOP Call Center | 1-800-706-7893 711 (TTY) |
| zONE | https://zone.cms.gov |
| Exchange Operations Support Center (XOSC) Help Desk | CMS_FEPS@cms.hhs.gov 855-CMS-1515 |

2. ENROLLMENT IN THE INDIVIDUAL MARKET FFM (APPLICABLE TO QHPS/QDPS)

For QIs to purchase coverage in a QHP/QDP through the FFM, QIs must enroll in coverage through the FFM during an OEP or qualify for an SEP (see Section 5, Special Enrollment Periods). Exhibit 3 depicts a high-level, end-to-end system flow of the process for a consumer to enroll in a QHP/QDP through the FFM. Please refer to Exhibit 3 when reviewing the enrollment instructions in the succeeding sections.

Exhibit 3 – FF M Enrollment Process



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2.1 ELIGIBILITY

Pursuant to 45 CFR §155.405, an individual completes a single streamlined application for enrollment into coverage through the FFM. The Marketplace uses this single streamlined application to determine both the consumer's eligibility to purchase coverage through the Marketplace and, if the applicant chooses to apply for insurance affordability programs, the consumer's eligibility for APTCs, CSR, and in some states, Medicaid and CHIP.² Depending on a state's election, the FFM either makes final eligibility determinations for Medicaid and CHIP based on the applicant's MAGI, or assesses the applicant's potential eligibility for Medicaid and CHIP based on MAGI. In an assessment state, the state Medicaid/CHIP agencies make the final eligibility determinations for consumers assessed as potentially eligible by the FFM.

In all states, the FFM screens applicants for potential eligibility for Medicaid based on criteria other than MAGI, and transfers applications screened as potentially eligible on a basis other than MAGI to the state Medicaid agency for full eligibility determinations. Applicants who believe they may be eligible for Medicaid on a basis other than MAGI may also request that their applications be transferred to the state Medicaid agency for a full eligibility determination. Medicaid and CHIP applicants always have the option to apply to their state Medicaid/CHIP agency directly.

If a consumer is determined eligible to purchase coverage through an FFM, the QI can compare available QHPs and QDPs, then select plans, as appropriate. If the QI applied for insurance affordability programs and has been determined eligible, the consumer can select between \$0 and the maximum amount of APTCs for which the consumer is eligible. If the QI is determined eligible for CSR, the QI will be shown QHP plan variations that reflect the cost-sharing levels applicable to the consumer. Once the QI selects a QHP/QDP, the FFM provides enrollment information to the QHP/QDP issuer(s) electronically.

Consistent with the longstanding prohibitions on the sale and issuance of duplicate coverage to Medicare beneficiaries found in Section 1882(d) of the Social Security Act, it is illegal to sell or issue a QHP to a Medicare beneficiary with the knowledge that it duplicates Medicare benefits. This prohibition does not apply in the FF-SHOP. CMS regularly provides information on Medicare and Marketplace coverage, posting frequently asked questions at: <http://www.cms.gov/Medicare/Eligibility-and-Enrollment/Medicare-and-the-Marketplace/Overview1.html>.

In addition, if an enrollee becomes eligible for benefits under Medicare after the consumer has already enrolled in coverage through a Marketplace, the enrollee may maintain coverage in the

² Currently, no FFM or SBM-FP states make eligibility determinations for a BHP.

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QHP. However, the enrollee loses eligibility for APTCs and CSR when the enrollee becomes eligible for Medicare, as determined by Internal Revenue Service (IRS) regulations. QHPs are encouraged to ask an enrollee who is newly eligible for benefits under Medicare whether the enrollee wishes to maintain coverage in a QHP and to provide instructions about how such a consumer can report a change to the Marketplace to terminate coverage or stop receipt of APTCs and CSR to reduce the burden when filing annual federal income taxes.³

2.1.1 Individuals Who Are Determined Not to Be QIs Due to Data Matching Issues

Applicants enrolled in individual market QHPs through the FFM are notified if they need to submit documentation to the FFM to verify information on their applications. The Marketplace will update consumers' eligibility using the information contained in the trusted electronic data sources it use for verification if enrollees do not submit sufficient documentation to the FFM within the 90- or 95-day timeframe. Issuers are encouraged to address consumer questions they receive directly, advising consumers of the importance of timely submission of requested materials.

In some cases, consumers are unable to be determined eligible for coverage through the Marketplace based on the information they submitted or contained in trusted data sources, and are therefore be determined not to be QIs. These consumers will lose eligibility for enrollment in a QHP through the Marketplaces. Examples of such cases include when the verification sources cannot establish a consumer's lawful presence or status as a U.S. citizen.

When the FFM cannot resolve a data matching issue, resulting in a consumer being determined not to be a QI, the FFM sends the QHP issuer an 834 termination transaction notifying the issuer of the FFM termination of the consumer's Marketplace enrollment and termination of eligibility for APTCs and CSR, if applicable. This termination is effective on the last day of the month during which the FFM determine that the consumer is not a QI.

A consumer who loses eligibility for enrollment through a Marketplace due to a data matching issue will be directed to the QHP issuer to pursue coverage outside the Marketplace. The consumer will not receive any APTCs or CSR for any coverage outside the Marketplace. The consumer will generally be eligible for an SEP based on a loss of coverage or change in eligibility for APTCs and/or CSR. The issuer is expected to work with the consumer to avoid gaps in coverage and is encouraged to apply any amounts paid toward deductibles and out-of-pocket limits toward the consumer's coverage outside the Marketplace.

³ For more information on reporting LCs, see: <https://www.healthcare.gov/how-do-i-report-life-changes-to-the-marketplace/>; <https://www.healthcare.gov/what-if-i-have-a-marketplace-plan-but-will-be-eligible-for-medicare-soon/>; and <https://marketplace.cms.gov/technical-assistance-resources/report-life-event.pdf>.

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In most situations where one member of an enrollment group is determined not to be a QI, the members of the enrollment group who remain eligible for enrollment through the Marketplace would constitute an enrollment group that can be accommodated by the existing Marketplace coverage. For example, if two parents and two children are in an enrollment group and one parent loses eligibility for enrollment through the Marketplace, the remaining three family members could still constitute a valid enrollment group. If the remaining members of the enrollment group are still eligible for enrollment through the Marketplace, and for APTCs or CSR, if applicable, they may be able to continue their enrollment through the Marketplace and their APTCs or CSR .

Where the consumer who is determined not to be a QI is the subscriber of the QHP and the remaining members of the enrollment group remain enrolled in coverage with the same issuer through the Marketplace, the issuer is expected to apply any amounts previously paid toward deductibles and out-of-pocket limits toward the coverage of the remaining members of the enrollment group. Where the consumer who is determined not to be a QI is not the subscriber of the QHP, and the QHP allows for removal of that dependent as an amendment to the policy, the issuer must apply any amounts previously paid toward deductibles and out-of-pocket limits toward the continuing coverage of the remaining members of the enrollment group.

In some situations, the removal of one or more members from an enrollment group results in a remaining group of enrollees that does not constitute a valid enrollment group based on the issuer's business rules. For example, some issuers may not cover two children without an adult on a single family policy. If the removal of the consumer who was determined ineligible for enrollment through the Marketplace results in the remaining eligible members of the enrollment group being unable to continue their enrollment in their same QHP, they will receive a 60-day SEP.

2.1.2 Late Submission of Documentation for Data Matching Issues

Consumers whose Marketplace enrollment status and eligibility for APTCs and/or CSR, if applicable, are terminated because they were determined not to be QIs due to their failure to submit sufficient data matching documentation are provided with an opportunity to reenroll in individual market coverage through the FFM outside of the OEP by producing sufficient documentation to resolve the data matching issue. In accordance with 45 CFR §155.420(d)(9), the FFM provides a 60-day SEP for a consumer described above: (1) who submits the requested supporting documentation to the FFM; (2) for whom the verification sources are able to establish information based on the trusted electronic data sources or using the sufficient documentation submitted to resolve the data matching issue; and (3) who is determined eligible for enrollment in a QHP through the Marketplace.

Under the SEP, the consumer is able to select new individual market QHP coverage through the Marketplace. The consumer described above, who submits sufficient documentation to resolve the data matching issue, may request a retroactive effective date to avoid potential gaps in coverage. The retroactive effective date of Marketplace enrollment, and APTCs and CSR, if applicable, is the day after the effective date of the termination from previous coverage.

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Alternatively, under 45 CFR §155.420(b)(2)(iii), the consumer may request a prospective effective date of Marketplace enrollment for the first of the month following plan selection. The appropriate retroactive effective date of coverage will be communicated to issuers through HICS, if necessary.

If, under the SEP, the consumer selects the same coverage through the FFM under which the consumer was previously covered through the FFM, the issuer is expected to apply any amounts previously paid toward deductibles and out-of-pocket limits toward the coverage enrolled in under the SEP.

Consumers who have their eligibility updated due to certain data matching issues (for example, annual household income) may experience an adjustment to their eligibility for insurance affordability programs, but remain QIs. The QIs will continue to be enrolled in coverage through the Marketplace with their updated eligibility determination applied. Such consumers may return to the Marketplace to report a change in information to update their eligibility. The reported changes may result in an updated eligibility determination and may qualify the consumer for an SEP to make coverage changes.

2.2 OPEN ENROLLMENT AND COVERAGE EFFECTIVE DATES

During the OEP, a QI may enroll in a QHP. The QI can make multiple elections during the OEP. However, the last election made by the end of the OEP that is effectuated will be the coverage in which the QI is enrolled through the FFM. If the QI enrolled in a QHP and paid for the first month's premium payment (i.e., binder payment), as required by 45 CFR §155.400(e), but then selected another QHP during the OEP and that enrollment is effectuated for the same coverage effective date, the issuer of the QHP in which coverage was previously effectuated will need to cancel the coverage and refund premiums. The issuer of that QHP will receive notification of the plan selection change from the Marketplace. Outstanding enrollments will also be identified during enrollment reconciliation.

Coverage effective dates are based on a QI's QHP selection date and begin as early as January 1 of the applicable plan year. QIs who qualify for an SEP during the OEP may receive a coverage effective date as indicated in Section 5, Special Enrollment Periods. Under 45 CFR §155.310(c), the FFM must accept an application and make an eligibility determination at any point in time during the year, which will enable consumers to learn whether they are eligible for an SEP for FFM coverage, or for Medicaid or CHIP, for which there are generally no restrictions on when a consumer can enroll.

Exhibit 4 illustrates coverage effective dates for the 2017 OEP.

Exhibit 4 – Coverage Effective Dates for the 2017 FFM OEP

| Plan Selection Date | Coverage Effective Date |
|--|-------------------------|
| November 1, 2016, through December 15, 2016 | January 1, 2017 |
| December 16, 2016, through December 31, 2016 | February 1, 2017 |



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| Plan Selection Date | Coverage Effective Date |
|--|-------------------------|
| January 1, 2017, through January 15, 2017 | February 1, 2017 |
| January 16, 2017, through January 31, 2017 | March 1, 2017 |

2.3 ENROLLMENT TRANSACTIONS

Federal regulation (45 CFR §155.270) requires each Marketplace to use standards, implementation specifications, operating rules, and code sets adopted by HHS under HIPAA and the ACA when conducting certain electronic transactions with a covered entity, such as a QHP issuer. Additionally, HHS oversees and monitors FFM issuers and non-Exchange entities to verify compliance with security and privacy standards, as required by 45 CFR §155.280.

The Marketplace, QHP, and QDP issuers transmit enrollment transactions in files using the Accredited Standards Committee (ASC) X12 834 Benefit Enrollment and Maintenance Version 5010 (834 enrollment transaction), adopted by the Secretary on January 23, 2009.

CMS released a Standard Companion Guide Transaction Information (Companion Guide)⁴ to explain how certain new data elements, such as APTC and CSR data in the FFM, and employer and qualified employee premium contributions in the FF-SHOP, will be included in the existing version of the 834 enrollment transaction. Issuers offering QHPs or QDPs through the FFM or FF-SHOP must use the 834 enrollment transaction in combination with the updated Companion Guide for purposes of enrollment transactions.

On rare occasions (e.g., natural disasters, serious technical problems), it may be necessary to transmit an enrollment file in a non-EDI format. For the FFM and FF-SHOP, CMS works with QHP and QDP issuers to evaluate and determine appropriate alternate paths to securely transmit enrollment data, which may include CDs, tapes, or online processes, as necessary and appropriate. These alternate methods must still follow the appropriate security measures and validation rules to protect the privacy of enrollee information, which must be restrictive as transactions are applied in an automated, near “real-time” manner to the FFM and FF-SHOP.

Enrollment transactions in the FF-SHOP consist of two independent transactions between an FF-SHOP and QHP or QDP issuers (group enrollment transactions and 834 enrollment transactions). Employer Group Enrollment is the transaction through which the FF-SHOP transmits detailed information to issuers regarding the employer offering group coverage through the FF-SHOP. Since no standard previously existed for transmitting detailed employer information to a health insurance issuer, CMS defined a method in an Employer Group Business Services definition.

⁴ Available at <http://www.cms.gov/ccii/>

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Information, including the specification for the form and manner of the information transmitted on 834 enrollment transactions, can be found in the Companion Guide.

For purposes of transmitting enrollment information to QHP and QDP issuers, the FFM and FF-SHOP transmits daily (limited to business days for FF-SHOP) electronic files to the issuers or their trading partners in the adopted 834 enrollment transaction. Errors will be reported using the ASC X12 acknowledgement transactions, including the TA1 and the 999, for syntax and content. This information is explained in more detail in the Companion Guide.

2.3.1 Initial Enrollment Transaction

In the FFM, once a QI selects a QHP, and QDP if desired, the FFM sends an 834 enrollment transaction to the issuer. The FFM accumulates transactions and sends them once each day (seven days a week, except during scheduled maintenance windows).

If a QI makes a plan selection and subsequently makes a change later in the same day before daily transactions are submitted, the plan selection and the change each generate separate 834 transactions, and issuers must process each transaction in sequence based on the timestamp and EDI file. Additionally, any inbound 834 transaction updates the FFM by passing strict automated rules.

2.4 APPLICATION AND ENROLLMENT CHANGES

In accordance with 45 CFR §155.330(b), and as specified in 45 CFR §155.305, enrollees and tax filers are required to report changes to information on their applications no later than 30 days after the changes happen. These changes can be reported to the FFM via internet or by calling the Marketplace Call Center.

Some LCs reported by the enrollee may result in changes to an enrollee’s eligibility for coverage or financial assistance through the FFM, or may qualify the enrollee for an SEP. If changes are not reported, the enrollee or tax filer may be liable to repay some or all of the APTCs received during the year.

Issuers should instruct enrollees to follow the process for reporting changes through the FFM provided in Exhibit 5.

Exhibit 5 – Process for Reporting Changes

| Step | Process |
|------|--|
| 1 | The consumer logs in to his or her account and presses the “Report a Life Change” button. (This button is enabled only for consumers who have already submitted an application.) |
| 2 | The consumer lands on a page with information about the types of changes that must be reported to the Marketplace, or to both the Marketplace and the issuer. |

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| Step | Process |
|------|--|
| 3 | If the consumer reports changes that may affect eligibility, a new copy of his or her application is created, pre-populating some information and attestations from his or her earlier application. |
| 4 | The consumer completes the new application and answers questions that determine whether the applicants for whom new information is being provided are eligible for QHP or QDP enrollment through the FFM, and if so, whether the new information triggers an SEP. |
| 5 | If the consumer is eligible for an SEP, the consumer's eligibility determination notice contains SEP eligibility language. |
| 6 | If any applicants for whom new information is being provided are eligible to enroll in a QHP/QDP through a Marketplace (i.e., they are QIs), the QI proceeds to the enrollment to-do list page. |
| 6a | If the applicant for whom new information is being provided is a QI and his or her addition to coverage is based on an event that triggers an SEP, the QI has the ability to compare and select from all QHPs and QDPs available to the applicants in the service area. |
| 6b | If the new information provided does not trigger an SEP, the QI will be limited to updating his or her enrollment information for the QHP or QDP in which he or she is currently enrolled. |
| 7 | The QI eligible for an SEP selects a new plan (or the existing plan, depending on the situation) and sets the amount of APTCs the tax household will use. |
| 8 | Once the QI eligible for an SEP selects a plan, or the QI not eligible for an SEP completes his or her enrollment information, the system generates an 834 termination transaction to the issuer with whom the consumer was initially enrolled. An 834 enrollment transaction is also sent to the gaining issuer (in cases where the QI updates his or her existing enrollment, the enrollment transaction goes to the same issuer and should be treated as a modification, rather than a new enrollment). |

Exhibit 6 provides a list of reportable changes. Enrollees can also report changes during the annual eligibility redetermination. For more information on the redetermination process, see Section 2.9, Redeterminations and Renewals.

Exhibit 6 – Reportable Changes

| Change Type | Where to Report |
|--|-----------------|
| Increase or decrease in projected annual household income for 2016 or change to current month's household income | FFM |
| Add or remove applicant or non-applicant household member listed on application | FFM |
| Relocation/change of address to a new ZIP Code or county | FFM |

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| Change Type | Where to Report |
|---|-----------------|
| Gain or loss of other health coverage | FFM |
| Pregnancy that could affect eligibility for Medicaid under applicable state rules | FFM |
| Change in tax filing status (e.g., will or will not file, joint or separate filer) or change in tax dependents that will be claimed | FFM |
| Newly incarcerated or released from incarceration | FFM |
| Change in immigration status or citizenship | FFM |
| Change in status as member of federally recognized tribe | FFM |
| Became disabled or in need of long term care (or is no longer in need of long term care) | FFM |
| Change to available employer coverage | FFM |
| Correct/update the relationships between family members | FFM |

2.5 PREMIUM PAYMENT IN THE INDIVIDUAL MARKET FFM

Payment Redirect

For the initial enrollment with an issuer, once a QI confirms plan selection at HealthCare.gov, the FFM enables redirection of the QI from HealthCare.gov to the issuer's payment site if the issuer provided a payment site in its QHP application. If the QI selects plans from more than one issuer, the FFM enables multiple payment redirects, with each redirect occurring in a separate window. Payment redirect typically occur before the FFM generates the 834 enrollment transaction to the QHP issuer. Therefore, at the time of payment redirect, the QHP issuer often does not have any information on file regarding a QI's plan selection and, if eligible, the APTCs amount selected. To address this, the FFM electronically transfers basic information in the redirection to the issuer's payment portal so the QHP issuer can accept payment. Information sent in the payment redirect, includes subscriber information, plan selection, the QI's portion of premium due, and the amount of APTCs applied to the premium.⁵

QHP issuers may, but are not required to, accept payment online. Enrollees similarly are not required to make online payments. CMS considers it a best practice for plans to accept payment immediately to expedite confirmed enrollments. If a QHP issuer is not capable of accepting

⁵ For a complete description of payment redirect, see SBS EXCH EE: 209 Payment Redirect to Issuer Payment Portal Business Service Definition, posted on REGTAP.

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online payment at the time of redirect, or elects not to do so, CMS provides standard language to QIs that the issuer will bill them for premium payment.

The FFM provides the QI with an active payment redirect link until the effective date of the coverage. If a QI completes plan selection via the Marketplace Call Center, or in any case when the QI is not redirected online to the QHP issuer to make an initial premium payment (including where payment is made after the plan effective date but before the premium payment deadline established by issuer), the QI may contact the selected QHP issuer to arrange payment (typically by phone). Since QIs may contact issuers by phone for premium payment or other premium issues, CMS expects QHP issuers' customer service staff to be equipped with telephonic scripts to handle such calls.

Once a QI has paid his or her portion of the premium and the issuer has sent a confirmation file to the FFM, the issuer must send the enrollee an enrollment information package consistent with 45 CFR §156.265(e). Appendix A – Sample Welcome Letter, includes an example of the content an issuer might consider including in the cover letter as part of the enrollment package.

Premium Payment Methods

QHP issuers are required to accept paper checks, cashier's checks, money orders, electronic fund transfers (EFTs), and all general purpose prepaid debit cards⁶ as methods of payment in the FFM. Further, according to 45 CFR §156.1240(a)(2), the QHP issuer must present all payment method options equally for a QI to select the preferred payment method.

QHP issuers may accept payment of the initial premium by a method that is exclusive to the initial premium. For example, payment redirect may allow payment of the initial month's premium by credit card, even though the issuer does not accept credit cards as a method of payment for regular, monthly premiums.

Application of premium payment methods must not improperly discriminate against any QI or group of QIs. Issuers may not offer a discount on premiums to consumers who elect a specific type of premium payment method (e.g., EFT). Additionally, issuers may not apply additional fees to QIs based on their choice of valid payment method. For example, an issuer may not pass on administrative fees for processing a premium payment via credit card.

⁶ General purpose prepaid debit cards include those issued by state agencies for the purpose of paying for benefits, including health care.

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2.5.1 Premium Payment Due Date

QHP issuers in the FFM may establish deadlines for payment of the first month's premium (binder payment). For prospective coverage to be effectuated under regular coverage effective dates, as provided for in 45 CFR §§155.410(f) and 155.420(b)(1), the binder payment must consist of the first month's premium, and the deadline for making the binder payment must be no earlier than the coverage effective date, and no later than 30 calendar days from the coverage effective date. In instances where issuers are processing enrollments with prospective coverage to be effectuated under special effective dates, as provided for in 45 CFR §155.420(b)(2), the binder payment must consist of the first month's premium, and the deadline for making the binder payment must be no earlier than the coverage effective date, and no later than 30 calendar days from the date the issuer receives the enrollment transaction or the coverage effective date, whichever is later. For coverage to be effectuated under retroactive effective dates, as provided for in 45 CFR §155.420(b)(2), the binder payment must consist of the premium due for all months of retroactive coverage through the first prospective month of coverage, and the deadline for making the binder payment must be no earlier than 30 calendar days from the date the issuer receives the enrollment transaction. If the enrollee pays only the premium for one month of coverage by the deadline, only prospective coverage should be effectuated, in accordance with regular effective dates. The issuer must receive full payment (or payment within the premium payment threshold in accordance with 45 CFR §155.400(g) and Section 6.1, Premium Payment Threshold, if the issuer utilizes such a threshold) from the enrollee for any applicable initial premium by the applicable premium payment deadline. Issuers may not grant grace periods for payment of the initial month's premium or for payment of all premium due for an effectuation with a retroactive coverage effective date.

When issuers add retroactive coverage to an already effectuated enrollment, the enrollee must pay all outstanding retroactive premium by the later of: 1) the time period mandated by state rules, or 2) the issuer's stated due date. In the absence of more generous state regulations, CMS encourages issuers to allow at least one full billing cycle for enrollees to make such a payment of retroactive premium.

For the purpose of enrollment in a QHP, issuers can consider payment received when an EFT is completed, a credit or debit card transaction is processed, or a paper check or money order is in the issuer's possession (i.e., received and logged in the issuer's mailroom).

Under 45 CFR §156.1250, issuers offering individual market QHPs, including QDPs, and their downstream entities, must accept premium and cost-sharing payments on behalf of plan enrollees from the following third-party entities (in the case of a downstream entity, to the extent the entity routinely collects premiums or cost sharing):

- (a) A Ryan White HIV/AIDS Program under title XXVI of the Public Health Service Act;
 - (b) An Indian tribe, tribal organization, or urban Indian organization; and
-

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(c) A local, state, or federal government program, including a grantee directed by a government program to make payments on its behalf.

If an enrollee or third party entity notifies the QHP issuer of coordinated premium payment with one of the third party entities described in 45 CFR §156.1250, issuers should allow for timely premium payment to prevent termination of enrollments for non-payment. If a third party entity provides notification, the issuer should continue to allow for timely premium payment to prevent termination of enrollments for non-payment.

Requests from a State Authority to Temporarily Alter Premium Payment Deadlines

If issuers comply with a state regulatory authority's request, in reaction to a natural disaster or other emergency disruption within a state, to extend premium payment deadlines and delay cancellations for non-payment of premium, CMS may exercise enforcement discretion with regard to regulatory requirements such as the deadline for payment to effectuate coverage and the deadline for payment of premiums under grace periods, including for consumers receiving APTCs.

2.6 CONFIRMATION OF THE 834 TRANSACTION IN INDIVIDUAL MARKET FFM

In the FFM, once an issuer receives either full payment or payment within its established premium payment threshold in accordance with Section 6.1, Premium Payment Threshold, for any applicable initial premium due from the enrollee, and the issuer has received the initial 834 enrollment transaction, the issuer will send the FFM a full 834 effectuation/confirmation transaction (confirmation transaction). The confirmation transaction provides the FFM verification that the issuer has effectuated enrollment.

Issuers should not wait to confirm enrollment of a consumer until after the APTCs are paid. For purposes of generating the confirmation transaction, full payment occurs when the issuer receives full payment (or payment within the premium payment threshold if the issuer utilizes such) of the portion of the premium for which the QI is responsible.

When a QI pays his or her portion of the first month's premium before the coverage effective date, CMS expects QHP and QDP issuers to send the confirmation transaction to the FFM by the fifth calendar day of the effective month of coverage. The first month's premium payment is made after the effective date of coverage, and coverage is prospective from the plan selection date, but effectuated retroactively from the date that payment is made. CMS expects QHP and QDP issuers to send the confirmation transaction to the FFM without undue delay.

Examples

Example 2A: A QI selects a QHP on November 20, 2016, and is therefore assigned a coverage effective date of January 1, 2017. The monthly premium is \$200 and the issuer does not make use of a premium payment threshold. The QI is eligible for a maximum APTC of \$75 per month. The QI selects the maximum APTC and, therefore, is responsible for a monthly premium

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payment of \$125. The issuer has established a premium payment deadline of the coverage effective date. The QI is, therefore, required to make payment of initial month's premium of \$125 to the QHP issuer no later than January 1, 2017. The QHP issuer receives payment of \$125 from the QI on December 31, 2017. The QHP issuer then sends the FFM the 834 confirmation transaction on January 2, 2016. The QHP issuer has met the FFM's expectation for timely transmission of the confirmation transaction.

Example 2B: Same circumstances as Example 2A, except the QI mails a payment of \$100 on December 16, 2016, and the issuer uses the premium payment threshold method. The issuer receives the payment on December 18, 2016. The enrollee makes an additional payment towards the initial month's premium of \$25 on December 21, 2016, and the issuer receives the payment on December 28, 2016. The QHP issuer then sends the FFM the 834 confirmation transaction on December 30, 2016. The QHP issuer has met the FFM's expectation for timely transmission of the confirmation transaction.

2.7 CANCELLATIONS IN THE INDIVIDUAL MARKET FFM

Pursuant to 45 CFR §155.430(e)(2), a cancellation transaction is a specific type of termination that ends a QI's enrollment on the date coverage became effective resulting in coverage never having been effective. Cancellations can be initiated by the issuer or the applicant. Cancellation transactions initiated by the QI are voluntary and must be submitted through the Marketplace. A QI may choose to cancel coverage prior to the coverage effective date for any reason (and in certain states, during a free look period). For instance, the consumer may no longer want or need health insurance coverage through the FFM because he or she gained other coverage. Or, the QI may have changed his or her mind within an enrollment period about the QHP or QDP he or she selected, and therefore, wishes to select a different available QHP or QDP.

A QI must complete submission of his or her cancellation request to the FFM by 11:59 PM ET on the date prior to the coverage effective date. A QI who enrolled through the FFM cannot request a cancellation after his or her coverage effective date unless the enrollee is in a free look period (see Section 2.8, Free Look Provisions). The QI may elect to cancel enrollment in a QHP or QDP and select a different available QHP or QDP, as many times as he or she chooses within an enrollment period, as long as the QI completes submission of the cancellation request prior to the coverage effective date.

QHP and QDP issuers in the FFM may initiate a cancellation transaction due to non-payment of the initial month's premium by the QI. CMS expects QHP and QDP issuers to transmit cancellation transactions to the FFM without undue delay.

Examples

Example 2C: A QI selects a QHP on December 12, 2016, and, therefore, is assigned a coverage effective date of January 1, 2017. The full monthly premium for the selected plan is \$300 and the issuer does not make use of a premium payment threshold. The enrollee is qualified for a maximum APTC of \$125 per month. The enrollee elects to receive the full APTC amount of

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\$125. Therefore, the 834 enrollment transaction indicates the full monthly premium of \$300, which includes the monthly APTC amount of \$125 and the \$175 enrollee-responsible portion of the monthly premium. The issuer established a premium payment deadline of 30 days from the coverage effective date. The enrollee mails the \$175 payment on January 30, 2016. The issuer does not receive the payment until February 3, 2016. The issuer should send the FFM an 834 cancellation transaction without undue delay, and refund the consumer \$175 since the payment was not received prior to the effective coverage date. Any APTCs paid on the behalf of the consumer must be returned to the FFM.

Example 2D: Circumstances are the same as Example 2C except the enrollee mails a payment of \$100, but does so on December 16, 2016, and the issuer has established a premium payment deadline of the effective date of coverage. The issuer receives the payment on December 18, 2016. The enrollee makes no further payment towards the initial month's premium. Although payment was received by the issuer prior to the coverage effective date, because the enrollee did not make payment in full, the issuer cannot effectuate enrollment by sending the confirmation file. No coverage is effectuated on January 1, 2016, and the issuer should send the FFM the 834 cancellation transaction without undue delay, and refund the consumer \$100. Any APTCs paid on the behalf of the consumer must be returned to the FFM.

2.8 FREE LOOK PROVISIONS IN THE INDIVIDUAL MARKET FFM (APPLICABLE TO QHPS/QDPS)

Certain states have laws that provide a QI in health insurance coverage a free look period.⁷ These provisions allow an enrollee to retroactively cancel coverage in a QHP or QDP in the FFM, within a certain period of time.

In states with laws providing for a free look period, an enrollee in an FFM may request cancellation of coverage in their QHP and QDP after their coverage effective date. Since rules can vary by state, QHP and QDP issuers may initiate free look cancellations as long as the requests from enrollees meet state-specific timeframes and any other applicable and established criteria.

Premium refund policy in the case of free look cancellations follows existing state-specific guidelines. Generally, if an enrollee's request to cancel coverage under a free look provision meets all required criteria, the QHP or QDP issuer must return any premium paid by the enrollee. Additionally, CMS will recoup any APTCs paid to the QHP or QDP issuer for that enrollee. The issuer should report the cancellation to the FFM during the monthly enrollment data

⁷ The FF-SHOP system cannot accommodate free look provisions at this time.

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reconciliation. CMS will not initiate an enrollment cancellation through an 834 or through HICS as the result of a QI seeking a cancellation under free look provisions.

If a QI cancels his or her QHP or QDP coverage pursuant to a free look period during OEP, the QI may select a new QHP or QDP. Cancellation under the free look period does not qualify for an SEP in the Marketplace.

Examples

Example 2E: In an FFM, a QI residing in a state with a free look period selects a QHP on December 5, 2016, with a coverage effective date of January 1, 2017. The enrollee takes the necessary actions to qualify for a free look cancellation within 30 days of coverage from the start of coverage under state law. On January 30, the enrollee requests cancellation under the free look law from the enrollee's QHP issuer. The QHP issuer processes the request with a cancellation date of January 1, 2017.

The QI may return to the Marketplaces to select new coverage with a prospective effective date as long as he or she is still within the OEP or is eligible for an SEP.

Example 2F: In an FFM, a QI residing in a state with a free look period selects a QHP on January 5, 2017, with a coverage effective date of February 1, 2017. The enrollee takes the necessary actions to qualify for a free look cancellation within 30 days of coverage from the start of coverage under state law. On February 28, the enrollee requests cancellation under the free look provision from the enrollee's QHP issuer. The QHP issuer processes the request with a cancellation date of February 1, 2017.

To enroll in coverage through the FFM, the QI must wait until the next OEP or must qualify for an SEP as provided in 45 CFR §155.420.

2.9 REDETERMINATIONS AND RENEWALS IN THE INDIVIDUAL MARKET FFM (ANNUAL OPEN ENROLLMENT)

Pursuant to 45 CFR §155.335, a Marketplace has the flexibility to conduct annual redeterminations using either the procedures described in 45 CFR §155.335 (b) through (m), alternative procedures specified by the Secretary for the applicable plan year, or alternative procedures approved by the Secretary based on a showing by the Marketplace that such procedures meet specified criteria. The alternative procedures utilized by the FFM for the 2016 Plan Year was published May 10, 2016, and are available at:

<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ARR-2017-Guidance-051016-508.pdf>

For Plan Year 2017, the FFM will provide a Marketplace Open Enrollment Notice (MOEN) to all consumers currently enrolled in QHPs through the FFM in advance of the OEP for 2017 coverage. This notice will contain certain basic information, including a description of the annual

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redetermination and renewal process, the requirement to report changes affecting eligibility and the channels for reporting such changes, and the last day plan selections may be made for coverage starting on January 1 of the upcoming plan year. For enrollees who authorized the FFM to request updated tax return information for use in the annual redetermination process and who are receiving APTCs or income-based CSR, this notice will have information on the APTC reconciliation process. Information specific to the enrollment, such as the future year premium, and any financial assistance (possibly initially estimated), will come from the issuer's renewal or discontinuation notice, supplementary notice, and/or January invoice.

MOENs will contain special messaging based on criteria that a QI may meet, see guidance published by CMS on May 10, 2016, available at: <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ARR-2017-Guidance-051016-508.pdf>. For QIs receiving APTCs or income-based CSR, the FFM may determine a family's income is above 500% of the federal poverty level (FPL) based on updated tax return information. If the family did not authorize the FFM to check tax return information for the purpose of annual redetermination, or the family's authorization has expired, or the family received APTCs for a prior plan year but did not file the required tax return, then the family is at risk for losing eligibility for APTCs and CSR at the end of 2016. The family will be reenrolled in coverage in a QHP for 2017 without APTCs or CSR to the extent that coverage can be renewed in accordance with 45 CFR §147.106, if the family takes no action to update its application information.

Additionally, the FFM will provide targeted messaging to consumers who are enrolled in QHPs with APTCs or CSR, who authorized the FFM to request updated tax return information for use in the annual redetermination process, and who meet one of the following criteria:

- (1) No updated tax return information was provided by IRS;
- (2) The family's income is above 350% FPL in the most recent eligibility determination; or
- (3) IRS provided family tax data that when evaluated with family size:
 - (3a) Is above 350% FPL;
 - (3b) Reflects an increase or decrease of greater than 50% of the family's income for the most recent 2016 eligibility determination;
 - (3c) Is under 100% FPL; or
 - (3d) Meets other criteria established by the FFM.

This notice will state the same information as the standard notice, along with an explanation that the FFM strongly encourages enrollees receiving APTCs or CSR to contact the FFM to obtain an updated eligibility determination from the FFM and make a plan selection by the last day of plan selection for a January 1 coverage effective date, as specified in 45 CFR §155.410(f).

For a QI who does not contact the FFM to obtain an updated eligibility determination and select a QHP by the last day on which a plan selection may be made for coverage effective January 1, 2016, in accordance with the effective dates specified at 45 CFR §155.410(f), the FFM will establish 2017 eligibility based on a hierarchy of the most recent data available. The FFM may

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use IRS data or verified, updated, consumer-provided application data associated with an enrollment, whichever is most recent, together with updated FPL tables and benchmark plan premium information to update eligibility for APTCs and CSR.

Reenrollment for the next plan year can be either “active” or “passive.” An active reenrollment is initiated by an enrollee returning to the FFM during the OEP to submit an application and select a plan for the next plan year. It is important that current FFM enrollees who are seeking to actively reenroll access their HealthCare.gov accounts to update their eligibility information and make plan selections. This provides enrollees with pre-populated applications, and helps the FFM and issuers maintain continuity in enrollments. Tips for enrollees who have trouble logging into their HealthCare.gov account are available at: <https://www.healthcare.gov/help/i-am-having-trouble-logging-in-to-my-marketplace-account/>.

Passive reenrollment, also called auto-reenrollment or Batch Auto-Reenrollment (BAR), is the process that the FFM use to reenroll current enrollees who do not return to the FFM to submit an application and select a plan by the last day of plan selection for a January 1 coverage effective date, as specified in 45 CFR §155.410(f). Issuers indicate next year’s auto-reenrollment plan to the FFM by indicating the reenrollment plan as determined under 45 CFR 155.335(j) on the Plan ID Crosswalk Template in current year Plan ID/service area combinations. The Plan ID Crosswalk is submitted by the issuer with other plan materials during the QHP certification process. The FFM uses the Plan ID Crosswalk Template to conduct the passive reenrollments.

Reenrollment is the general term used to describe coverage continued into a new plan year, whether the next plan year’s coverage is under the same or different “product” (as defined in 45 CFR §144.103).

Most passive reenrollment transactions are sent to issuers before the start of the OEP to provide issuers time to prepare issuer-provided reenrollment notices, which include information about the APTCs that will be provided if the consumer is auto-reenrolled. Enrollees who visit HealthCare.gov and check their HealthCare.gov accounts during the OEP will not see their passive reenrollment until December 16. Issuers should not communicate with consumers regarding these reenrollment transactions prior to the date which the QHP issuer would begin its regular billing cycle as described in the guidance published by CMS on May 10, 2016, available at: <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ARR-2017-Guidance-051016-508.pdf>.

For passive reenrollments, issuers must reenroll an enrollee in a QHP in accordance with the BAR reenrollment transactions sent, which follow the hierarchy described at 45 CFR §155.335(j). This generally requires that an enrollee be renewed in the same QHP, if available, or a plan in the same product, if available through the Marketplace. If no plan in the same product is available through the Marketplace, the issuer may reenroll the enrollee into a different product available through the Marketplace, except in certain cases of enrollment in a silver level QHP. With regard to a silver level QHP, if an enrollee’s current silver level QHP is not available and the enrollee’s current product no longer includes a silver level QHP available through the Marketplace, the enrollee’s coverage would be renewed in a silver level QHP in the product

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offered by the same issuer that is the most similar to the enrollee's current product, rather than in a plan one metal level higher or lower than his or her current silver level QHP, but within the same product.

In the case where an enrollee's issuer no longer offers QHPs through the Marketplace, reenrollments would be conducted as directed by the applicable State regulatory authority. If the applicable state's regulatory authority declines to act, to the extent permitted by applicable state law, the Marketplace may reenroll the affected enrollee in a similar QHP from a different issuer, as determined by the Marketplace. Whenever feasible, the FFM attempts to reenroll enrollees whose prior year silver level QHPs were offered by issuers that are no longer offering QHPs through the applicable Marketplace into silver level QHPs offered by other issuers of the same product network type with low premiums. For enrollees whose prior year coverage in QHPs at metal levels other than silver that were offered by issuers that are no longer offering QHPs through the applicable Marketplace, whenever feasible, the FFMs will reenroll the affected enrollees in QHPs offered by other issuers through the Marketplace of the same metal level of the same product network type with low premiums. The Marketplace sends this type of auto-reenrollments to the new future plan year issuer as initial enrollments, with an EFT code of I834, and Additional Maintenance Reason Code (AMRC) of PASSIVE – NEW TO ISSUER, in contrast to other passive reenrollments, which are sent with an EFT code of I834AR.

Any current plan year enrollee who would like to be enrolled in a different plan for the next plan year should return to the FFM and select the new plan by December 15, for the new plan's coverage to be effective beginning January 1 (unless the enrollee is also determined eligible for an accelerated or retroactive coverage effective date due to an SEP). A QI can make an election at any time during the OEP, even if a previous passive or active reenrollment has been effectuated. The new coverage starts in accordance with normal effective dates, unless an enrollee has an SEP that allows for non-standard effective dates.

If the enrollee makes an active plan selection before December 15, any passive reenrollment transaction previously sent by the FFM should be disregarded.

Reenrollment Communications to Enrollees

In addition to the MOEN sent by the Marketplace, issuers are also required to send notices of product renewal and discontinuation to current enrollees as specified in 45 CFR §147.106 and 156.1255. An issuer must provide to each individual market policyholder written notice of renewal before the first day of the next annual OEP. For more information on federal standard notices of product discontinuation and renewal in connection with the OEP, see CMS guidance published on April 21, 2016, available at: <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Draft-Updated-Federal-Standard-Renewal-and-Product-Discontinuation-Notices-042116.pdf>.

Finally, if the enrollee has not returned to the Marketplace to make an active selection for the next plan year by the cut-off date for a January 1 coverage effective date, the Marketplace will send both an updated Eligibility Determination Notice (EDN) and an Enrollment Confirmation

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Message to the enrollee. These notices inform the enrollee of his or her eligibility determination for the upcoming plan year, and of his or her passive reenrollment status. The Enrollment Confirmation Message notes whether the enrollees on the relevant application were successfully reenrolled. If the enrollees were reenrolled, the confirmation message indicates the plan name(s), Plan ID(s), and information about any financial assistance that was applied. If the consumers were not reenrolled (because the coverage was discontinued by the issuer, or the enrollees on the application are not eligible for passive reenrollment), consumers will not receive an Eligibility Determination Notice, but are notified in the Enrollment Confirmation Message of their failure to auto-renew and are encouraged to actively complete applications and plan selections through the FFM. If the BAR fails, the Marketplace does not generate EDNs because the EDN is dependent on all QIs on the application enrolling in coverage. For example, many BAR failures are caused by a multi-enrollment group family where one enrollment group failed, creating a mismatch between the number of QIs used to calculate the benchmark plan in the EDN.

2.9.1 Enrollment Transaction Types

Active reenrollments for the following calendar year's coverage are sent in daily batches as 834 initial enrollments to issuers according to current FFM procedures. Active reenrollment 834 transactions sent to issuers also include plan selection changes made within the new plan year, such as when an enrollee replaces 2017 Plan A with 2017 Plan B during the OEP. Plan selection changes are sent as a cancel/term transaction to the first plan, and an initial enrollment transaction to the gaining plan (plan selection changes are not sent as a Maintenance Enrollment transaction).

Regular change in circumstance (CIC) transactions where enrollees report a change to their application information for either current or next year's coverage during the OEP, such as updating income, reporting a new phone number, or adding a new family member, are sent according to existing procedures. The FFM intends to send passive reenrollment transactions in two waves, the first beginning on or around October 15 for the majority of eligible enrollees (including those with open Data Matching Inconsistencies), and the second wave beginning around December for enrollments created after the first wave or for auto-reenrollments requiring updates. There are three populations for which an issuer may receive updates made after the initial auto-reenrollment. The updates will be sent to issuers via maintenance 834 transactions in December.

- The first population is comprised of enrollments that report a current year CIC after being auto-reenrolled for the future year. The maintenance 834 transaction updates the future year plan to include the eligibility update made in the current year CIC.
 - The second population is made up of auto-reenrollments that later submitted an active future year application but did not complete an active future year plan selection. The maintenance 834 transaction updates the future year enrollment with the eligibility information reported in the active future year enrollment.
 - The third group includes enrollments initially batch auto-reenrolled without financial assistance because records indicated that they received APTC for a prior plan year and
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initially failed to file a tax return, then subsequently met the tax filing requirement, as confirmed by the IRS. This group may have financial assistance restored in the second wave of BAR via a maintenance 834 transaction.

Passive reenrollments other than discontinued enrollments auto-reenrolled into new issuers by CMS are initial enrollment transactions with a Maintenance Type Code (INS03) of 021 “Addition,” and a Maintenance Reason Code (INS04) of 41, with an Additional Maintenance Reason Code (AMRC) of that signals that it is an auto-reenrollment in either effectuated or initial status. All passive reenrollments have an effective date of January 1, and are sent with EFT Functional Code of I834AR. Exhibit 7 provides a table of passive reenrollments and their associated Maintenance Type Code, Maintenance Reason Code, Origin Type, and Additional Maintenance Reason Code.

Exhibit 7 – Passive reenrollment codes

| Grouping | MTC | MRC | Origin Type | AMRC |
|---|-----|-----|-------------|----------------------------------|
| BAR Initial | 021 | 41 | 11 | PASSIVE - INITIAL |
| BAR Effectuated | 021 | 41 | 11 | PASSIVE |
| BAR New Subscribers (e.g., young adults who have aged-out as dependents by year end and are being reenrolled as a subscriber) | 021 | 41 | 11 | PASSIVE - NEW SUBSCRIBER |
| BAR New Issuer, (i.e., consumer who is auto-reenrolled by CMS because current year issuer is discontinuing enrollment) | EC | 21 | 11 | PASSIVE REENROLL - NEW TO ISSUER |

2.9.2 834 Transactions for Redeterminations and Renewals

Issuers should not continue enrollments through the Marketplace into the future plan year unless the issuer receives an 834 enrollment transaction from the FFM or finds the enrollment listed on a future year Pre Audit File. The vast majority of active and passive reenrollments are sent as 834 initial enrollment transactions. Because the FFM sends BAR transactions before the OEP, the FFM sends cancellations for any passive reenrollment transaction sent for enrollees who

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subsequently complete active plan selections before the deadline for making a plan selection for coverage effective January 1. An initial enrollment is sent to the issuer of the plan selected by the consumer through an active plan selection, which includes eligibility updates, if applicable. An issuer that receives a cancellation of the passive reenrollment should not renew the enrollment unless the enrollee has actively renewed coverage with the issuer, causing an active reenrollment transaction to be sent. For most enrollments for enrollees who have been passively reenrolled but then make a plan selection change after the cut-off for January 1 coverage, the FFM will terminate their passive reenrollment effective the day before the actively selected plan becomes effective. In no case does a plan selection for the upcoming plan year send a termination to the current year issuer for current year coverage.

For enrollees who actively reenroll for the next plan year before the FFM send auto-reenrollment transactions for them, the FFM will not send a passive reenrollment transaction. If the enrollee who has not been batch auto-reenrolled actively enrolls with a different issuer for the next plan year, the Marketplace will list the subscriber on electronic “Switch Files” sent daily from the beginning of OEP to mid-December to the enrollee’s current issuers. This list of current year subscribers who have actively “switched” issuers for the next plan year is provided so current year issuers know to non-renew the listed subscribers’ enrollments (see the “Switch File” section for additional information).

Note that it is very important for enrollees or their agents and brokers to access their respective existing Marketplace Accounts so they can receive a pre-populated eligibility application for the future plan year. This allows the Marketplace to accurately connect the future year enrollment with the current year enrollment. Failure to use a pre-populated application to enroll in future year coverage may lead to duplicate enrollments and consumer confusion.

Prior to assisting a consumer, the agent or broker should determine whether the consumer has an existing application to avoid creating more than one application for the same consumer. Failure to follow these steps can create confusion for the enrollee as well as the issuer, as duplicate enrollments may be created if an existing enrollee’s pre-populated future year application is not accessed.

There are three steps an agent or broker should take to prevent unnecessary creation of a new application:

1. Select “Look Up Application” from the HealthCare.gov main agent/broker landing page and enter the consumer’s information to see if he or she has an existing future year application. If an application exists for the future plan year, it will be pre-populated using information from the consumer’s 2016 Plan Year application.
 - a. **At this time, the agent or broker should move the consumer through “Report a Life Change” to make updates and confirm information.**
 - b. Note: While an agent or broker can select “Look Up Application” to find a consumer’s current year application, the agent or broker will not be able to pre-populate a 2017 application from that flow.
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2. If the consumer has coverage through an FFM for the current plan year and a future plan year application is not found by selecting “Look Up Application,” then the agent or broker should go back to the main agent/broker landing page and select “Start Application” to search for the consumer’s existing 2016 application to start a pre-populated 2017 application.
3. The agent or broker should start a new application if he or she confirms that the consumer does not have an existing Plan Year 2016 or Plan Year 2017 application.

Identifiers on Enrollment Transactions:

- FFM-assigned Subscriber ID and Member ID, also known as Exchange Assigned Subscriber ID and Exchange Assigned Member ID, remain the same for enrollees choosing the same issuer (i.e., 5-digit HIOS ID) for the next plan year.
- FFM policy numbers are new for all next year plan selections, whether active or passive.
- The FFM aims to send issuer-assigned identifiers on reenrollments.
- An A/B National Producer Number (NPN), if recorded on the current plan year application, will be sent on passive reenrollments. For an active reenrollment, the NPN from the current year will be pre-populated on the next year application (if the NPN is already associated with the current year application), but may be removed or edited by the applicant. NPN and other A/B information can be recorded on Plan Compare, not just the application. However, if an NPN is entered on Plan Compare during the plan selection process, that NPN will supersede any NPN that was entered in the eligibility application. Exhibit 7 illustrates the rules governing how to send NPNs.
- Information for assisters who are not A/Bs is not sent on passive reenrollments.
- Assister information for all types (e.g., Navigators, CACs,) will be sent on active reenrollments according to existing procedures.

Exhibit 8 – NPN Rules

| NPN Scenarios | NPN on Current Year Enrollment | NPN Sent on 1000c Loop on Next Year 834 Enrollment Transaction |
|---|--------------------------------|---|
| Auto-reenrolled (passive) consumer | 123 | 123 |
| Active reenrollment by returning consumer who updates the next year application, and is able to view and edit the current year A/B, but doesn’t change or remove the A/B associated with his or her application | 456 | 456 (The A/B info from the current year application will be pre-populated on the next year application) |
| Active reenrollment by returning consumer who removes the A/B information on his or her next year application | 789 | None. A consumer can remove the A/B info on the next year application. |

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Exhibit 9 illustrates reenrollment transaction scenarios and their associated 834 maintenance reason code, FFM subscriber ID, and whether effectuation is sent to the FFM.

Exhibit 9 – Reenrollment Transaction Illustration

| Scenario | 834 Maintenance Reason Code | FFM Subscriber ID (Next Year vs. Current Year) | Send Effectuation to FFM? | Collect Binder from Enrollee? |
|--|-----------------------------|--|---------------------------|-------------------------------|
| Auto-reenrollment (passive) – A current effectuated enrollee does not return to the FFM to update eligibility and plan selection. His or her coverage is renewed by the issuer as indicated on the Plan ID Crosswalk Template. | INSO4: 41 | Same | No | No |
| Active reenrollment – A current enrollee returns to the FFM by December 15 to actively apply and enroll in next year coverage. The enrollee’s next year selection is the same product as is the current year. The enrollee’s passive reenrollment is cancelled by the FFM when it sends the initial enrollment. | INSO4: EC | Same | No | No |
| Active switch after auto-enrollment – A current enrollee actively applies at the FFM and enrolls with a different issuer by December 15. The enrollee’s passive reenrollment is cancelled by the FFM. Since the enrollee switched to a different issuer, the enrollee will also appear on Switch File, ⁸ so the current year issuer will non-renew the enrollee’s coverage. | INSO4: EC | New | Yes | Yes |

⁸ The Switch File is an electronic file delivered separately for each issuer offering plans through the FFM to identify the issuer’s current subscribers who have actively reenrolled in, or switched to, next year coverage offered by a different issuer.

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| Scenario | 834 Maintenance Reason Code | FFM Subscriber ID (Next Year vs. Current Year) | Send Effectuation to FFM? | Collect Binder from Enrollee? |
|--|--|--|---------------------------|-------------------------------|
| Active switch before auto-reenrollment – A current enrollee actively enrolls with a different issuer on November 1, before the enrollee was passively reenrolled. The FFM will not send a passive reenrollment because the enrollee is already actively enrolled, thus there is no passive reenrollment for the FFM to cancel. However, the enrollee will appear on the Switch File, so the current year issuer will non-renew his or her coverage. | INSO4: EC | New | Yes | Yes |
| Blended (passive, then active CIC) – A current enrollee is passively reenrolled effective January 1. Because the enrollee was in the special notice group and failed to update his or her eligibility information, the consumer is enrolled with zero APTCs. On December 18, the enrollee actively returns to report updated eligibility information via a CIC and is determined eligible for APTCs, reselecting the same plan, with the updated information taking effect February 1. The FFM sends the passive reenrollment effective January 1, then a January 31 term/ February 1 initial CIC reflecting the update. | January 1 initial (no APTCs): INSO4: 41 | Same | No | No |
| | February 1 CIC initial (with APTCs) INSO4: EC | Same | No | No |

Exhibit 10 illustrates multiple transactions for a single enrollment where the same enrollee visits HealthCare.gov on three separate occasions.

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Exhibit 10 – Multiple Transactions Illustrated for a Single Enrollment

| Transaction Date | December 16 | December 18 | January 2 |
|----------------------------|---|--|---|
| Description | Passive reenrollment sent | Consumer changes plans | Consumer reports a life change |
| Key 834 codes | Origin Type on 834 = 11 (auto-reenroll) MRC = 41 | Origin Type on 834=1 (FFM Online) MRC = EC Straight term/initial (not CIC) | Origin Type on 834 = 1 (FFM Online) MTC = 001 (Subscriber) Maintenance Enrollment Transaction |
| EDI Functional Code | I834AR | I834 | I834 |

For detailed transaction requirements, issuers should continue to consult the Companion Guide instructions related to the ASC X12 Benefit Enrollment and Maintenance 834 Transaction, based on the 005010X220 Implementation Guide and its associated 005010X220A1 addenda for the FFM. The Companion Guide can be accessed here <https://zone.cms.gov/document/asc-x12-005010-834-companion-guide>

2.9.3 CSR & APTCs Calculations on Passive Reenrollments

For enrollees who do not contact the Marketplace to obtain an updated eligibility determination and select QHPs by the last day on which plan selections may be made for coverage effective January 1, 2017, the Marketplace will establish 2017 eligibility as follows:

- First, where an enrollee was in the special notice group, opt-out group, or did not reconcile group, the Marketplace will discontinue APTCs and income-based CSR.
- Second, where an enrollee with APTCs or income-based CSR does not fall into the special notice group, opt-out group, or did not reconcile group, the Marketplace will use the current year family size and the most recent income and other eligibility information available, updated FPL tables, and updated benchmark plan premium information to calculate APTCs and determine eligibility for income-based CSR for the next plan year.

Enrollees who actively return to the Marketplace to submit updated eligibility information for next year coverage will have their eligibility redetermined according to standard processes, with updated eligibility taking effect according to the effective dates described in 45 CFR §155.410(f).

2.9.4 Plan Selection Changes During the OEP

During the OEP or an SEP, an enrollee may change plans, even if the original selection's coverage (active or passive) has been effectuated. Effective dates for enrollee changes to plan selection post-effectuation align with normal effective dates as established in 45 CFR §155.410(f) (although in some cases an SEP with accelerated or retroactive effective dates may

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apply). An enrollee can change plans by contacting the Marketplace Call Center or by logging into his or her HealthCare.gov Account, accessing “My Plans and Programs,” and selecting “Change Plan.” Enrollees may change plans during a valid enrollment period without reporting life changes on their applications. All plan selections that replace another selection are considered active enrollments. If the new selection has the same effective date as the original selection, the original selection is cancelled. If the new selection has an effective date after the original selection has started, the original selection terminates on the day before the new selection takes effect to facilitate continuous coverage for the enrollee.

2.9.5 Enrollee Switch File

When an enrollee whose policy is in current (not cancelled or terminated) status completes an active reenrollment for next year coverage in a plan offered by a different issuer from the current year issuer, the FFM does not send the current year issuer an 834 termination transaction. Rather, for enrollees for whom the FFM has already sent passive reenrollments, the current year issuer will receive a cancellation for the next year passive enrollment. However, for enrollees who actively switch issuers between plan years and for whom no passive enrollment has been sent, there is no passive reenrollment to cancel.

To address this, the FFM will produce an electronic file for each issuer offering plans through the FFM that identifies the issuer’s current subscribers who have actively reenrolled in, or switched to, next year coverage offered by a different issuer. This file is generated daily during the run-up to the cut-off for January coverage. Each Enrollee Switch File will be cumulative, identifying current enrollees who have switched issuers as of their most recent plan selection on the day before the file is generated. Note that current year issuers will find the current year subscriber both cancelled and listed on the Enrollee Switch File, if the enrollee switched issuers after the FFM auto-reenrolled them; current year issuers will have only the Enrollee Switch File to determine if a subscriber’s enrollment should be non-renewed if the FFM had not sent a passive reenrollment as of the issuer switch.

Each Switch File is cumulative, identifying current enrollees who have switched issuers as of their most recent plan selection on the day before the file is generated. If an enrollee who has switched issuers for next year subsequently switches back to a plan offered by the enrollee’s current year issuer, that enrollee will be removed from the next daily Switch File. A QDP subscriber will appear on the Switch File if the current subscriber either actively enrolled in a QHP without a QDP for the next plan year, or if the QDP subscriber actively switched to a different QDP issuer.

Note that the Switch File excludes subscribers who were auto-reenrolled and later switch to a different issuer, since the current year issuer will have the cancelled passive reenrollment transaction as the indicator that the enrollment is to be non-renewed. Enrollees who actively enroll in any next year plan offered by the same current year issuer will also be excluded from the Switch File because the issuer will be aware of the plan change via the active enrollment transaction.

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2.9.6 Effectuation at Reenrollment and Change in Circumstance

Issuers do not need to send the FFM an effectuation transaction for any previously effectuated enrollment passively or actively reenrolling in coverage (with the same issuer as identified by the 5-digit HIOS code), as long as the enrollment has the same FFM-assigned Subscriber ID for both plan years. Similarly, issuers need not send effectuations when an enrollee selects a plan in the same product in an enrollment update reported through a CIC.

Effectuation confirmation transactions and binder payments are also required for enrollments with a new subscriber, such as a young adult child being reenrolled as a new subscriber in a passive reenrollment age-off scenario. Issuers must also send effectuation confirmation transactions for active enrollments for new enrollees and for returning enrollees who did not have continuous coverage with the issuer.

2.9.7 Life Changes During the OEP

An enrollee is able to report life changes triggering CIC transactions to issuers for both current year and next year coverage during the OEP. Changes to current year coverage, such as the addition of a baby or spouse, will be reflected on the passive reenrollment for next year coverage if reported to the FFM by December 15. After December 15, changes to current year coverage cannot be initiated by the enrollee in self-service mode on HealthCare.gov, but must instead be made through the Marketplace Call Center, which can also assist enrollees in updating their applications and coverage for the next year, if necessary.

Enrollees who have actively selected next year coverage by December 15, and subsequently want to update their current year coverage based on a CIC should take care when contacting the Marketplace Call Center to update their next year coverage as well.

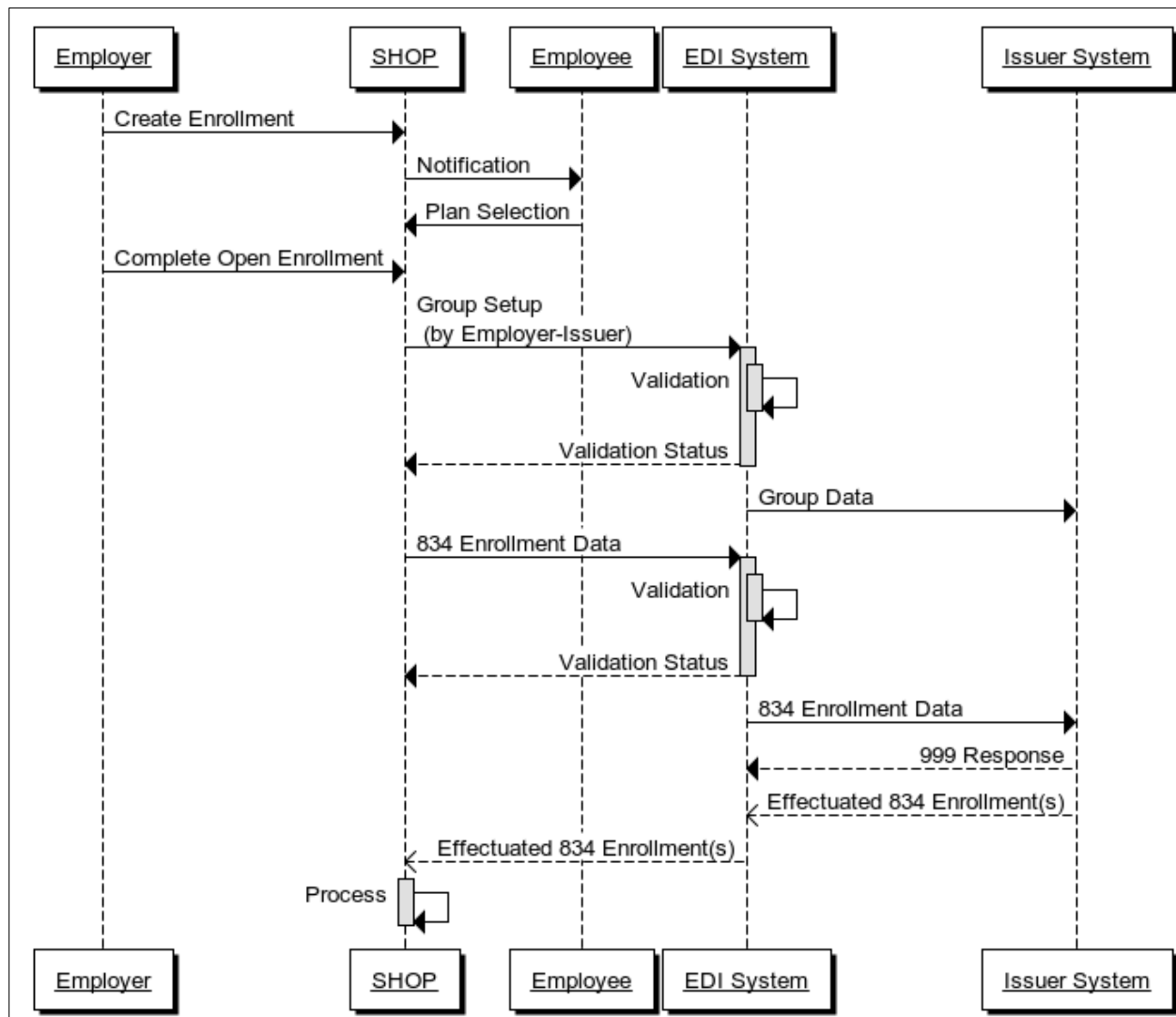
2.9.8 Tobacco Rating at Time of Reenrollment

For passive reenrollments, the FFM uses the same tobacco status as the current year. During the OEP or an SEP, enrollees can update their enrollment to change their last date of tobacco use such that an enrollee would be eligible to go from tobacco-rated to non-tobacco rated and vice versa, with the change taking effect with a prospective effective date basis.

3. ENROLLMENT IN THE FF-SHOP (APPLICABLE TO FF-SHOP AND UNLESS OTHERWISE NOTED, SBM-FP SHOP, QHP/QDP)

Employers may complete an initial group enrollment in the FF-SHOP throughout the year. Exhibit 11 below depicts a high-level, end-to-end system flow of the FF-SHOP process for setting up an enrollment group and enrolling employees in a QHP or QDP. Please refer to Exhibit 11 when reviewing the enrollment instructions in the succeeding sections. This general flow also applies for renewals, with the exception that FF-SHOPs will be sharing group renewal data, instead of initial group enrollment data.

Exhibit 11 – FF-SHOP High-Level, End-to-End System Flow



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3.1 ELIGIBILITY

To purchase coverage through an FF-SHOP for the first time, employers, employees, and former employees offered coverage by an employer through an FF-SHOP must complete applications, as required by 45 CFR §155.715(b), to determine their eligibility to participate in the FF-SHOP. Applications can be filed with an FF-SHOP electronically on HealthCare.gov or by phone. CMS, as the operator of the FF-SHOP, determines eligibility for FF-SHOP applicants. If determined eligible to participate in an FF-SHOP, the qualified employer can select a coverage option to offer to its qualified employees.

For plan years beginning on or after January 1, 2016, an FF-SHOP must permit a qualified employer to offer all plans within a single level of coverage (i.e., platinum, gold, silver, or bronze for QHPs; and high or low for QDPs) to its qualified employees (known as horizontal choice). Qualified employers may also offer a single QHP and QDP.

When offering both QHPs and QDPs, an employer's decision to offer either a choice of plans or a single plan applies to both QHPs and QDPs.

For plan years beginning on or after January 1, 2017, an FF-SHOP may permit a qualified employer to offer "vertical choice" instead of horizontal choice or a single plan. If vertical choice is offered, qualified employees can choose from all plans across all available actuarial value levels of coverage from a single issuer. HHS provides FF-SHOP states the opportunity to recommend, on an annual basis, whether the FF-SHOP makes vertical choice available to employers in their states.

SBM-FP states using the federal platform for SHOP enrollment functions have the same employer choice models available as FF-SHOP states. SBM-FP states using the federal platform for SHOP enrollment functions have an annual opportunity to opt out of making vertical choice available to employers in their states.

Thus, in states where vertical choice is available, a qualified employer has a choice of three employer choice options for both QHPs and SADPs: a single plan, all available plans at a single actuarial value level of coverage (horizontal choice), and a choice of all plans offered by a single issuer across all available levels of coverage (vertical choice). In states where vertical choice is not an available option for qualified employers, the single plan option and horizontal choice option are available to qualified employers.

The following states will have vertical choice available to qualified employers for plan years beginning in 2017: Alaska, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maine,

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Missouri, Montana, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Texas, Virginia, Wisconsin, and Wyoming.⁹

After an employer establishes eligibility to participate in an FF-SHOP, makes an offer of coverage to qualified employees, qualified employees elect to accept the employer's offer of coverage, and the group meets applicable minimum participation requirements, the FF-SHOP electronically transmits the group's enrollment information to the appropriate QHP or QDP issuer(s). This enrollment is subject to cancellation if the FF-SHOP does not receive full premium payment by the 20th day of the month prior to the coverage effective date as described below.

Retirees

An employer may offer coverage to former employees, including retirees, through an FF-SHOP. Information on an 834 enrollment transaction designate an enrollee as a retiree, if applicable. Under the current design of the FF-SHOP enrollment system, employers can set one premium contribution percentage for all qualified employees included in the enrollment group and reported on the employee roster, including retirees. Employers will be able to set a contribution percentage for dependents that is different from the percentage contribution for qualified employees, but the contribution percentage must be the same for all dependents. Additionally, all enrollees in an employer group will be rated using the same age rating curve.

COBRA

An employer may provide COBRA continuation coverage through an FF-SHOP. Consistent with their legal obligations as plan sponsors under COBRA, employers should notify enrollees of their eligibility to enroll in COBRA continuation coverage. However, the FF-SHOP online system will not be capable of distinguishing COBRA enrollees from other enrollees, such as employees, on 834 transactions. Employers should contact the FF-SHOP Call Center to add enrollees to COBRA continuation coverage. Like all other premiums, premiums for COBRA enrollees must be remitted to the FF-SHOP by the employer. Consistent with its obligations under COBRA, the employer is responsible for billing the COBRA enrollee for any premium amount due. Finally, employers should not remove an enrollee from the roster until any offer of continuation coverage through an FF-SHOP has been declined, continuation coverage is terminated for non-payment of premium, or when the enrollee is no longer eligible for COBRA continuation coverage.

⁹ <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/2017-Implementation-of-Vertical-Choice.html>

3.2 MINIMUM PARTICIPATION RATES IN THE FF-SHOP

Throughout most of the year, in order for a group to enroll in coverage at the time of initial group enrollment or renewal, a minimum percentage of full-time employees offered coverage through an FF-SHOP must enroll in FF-SHOP coverage or certain other types of coverage. If an employer fails to meet the requirement, the group’s ability to complete an initial group enrollment or renewal through an FF-SHOP may be restricted to a limited enrollment period (November 15 – December 15) when the minimum participation rate is not enforced.

The default minimum participation rate in an FF-SHOP is 70%. If a state has set a different minimum participation rate by law, or if there is evidence that issuers commonly use a different minimum participation rate, the FF-SHOP may have opted to use the state-specific rate rather than the 70% rate. See Exhibit 12 below for a list of states where the FF-SHOP uses a different minimum participation rate.

Exhibit 12 – State FF-SHOP Minimum Participation Rates

| State | FF-SHOP Minimum Participation Rate |
|---------------|---|
| Iowa | 75% |
| Kentucky | 75% |
| Louisiana | 75% |
| New Hampshire | 75% |
| New Jersey | 75% |
| South Dakota | 75% |
| Tennessee | 50% |
| Texas | 75% |

For plan years beginning on or after January 1, 2016, the FF-SHOP, minimum participation rate is calculated in a manner that counts a wider range of employees enrolled in coverage outside the FF-SHOP than was the case previously, thus generally making it easier for employers to meet the requirement. For this timeframe, the FF-SHOP minimum participation rate is based on the rate of full-time employee participation in the FF-SHOP and in certain other types of coverage, including full-time employees enrolled in coverage through another group health plan, in governmental coverage (such as Medicare, Medicaid, or TRICARE), in coverage sold through the individual market, or in other minimum essential coverage.¹⁰

¹⁰ Please see 45 CFR 155.705(b)(10)(ii).

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The FF-SHOP determines whether a group meets the minimum participation requirement before sending any enrollment transactions to issuers. A group's minimum participation rate is calculated only upon its initial enrollment and renewal. The FF-SHOP does not enforce minimum participation requirements between November 15 and December 15 of each year—including for groups renewing their coverage—pursuant to 45 CFR §147.104. The minimum participation rate requirement and calculation methodology are only applicable to FF-SHOP states. SB-SHOP states may authorize a uniform group participation rate for the offering of health insurance coverage in the SHOP, which must be a single, uniform rate that applies to all groups and issuers in the SHOP.

Mid-year fluctuations in a group's participation rate do not affect its ability to maintain coverage through an FF-SHOP. If, at the time of initial enrollment or renewal, a group fails to meet the FF-SHOP minimum participation rate, it may revise its offer of coverage to encourage more employees to enroll. An employer unable to meet the FF-SHOP minimum participation rate at the time of renewal may not renew its coverage. Such a group may submit a new application for coverage at another time during the year when the employer meets the minimum participation rate, or between November 15 and December 15.

3.3 INITIAL ENROLLMENT AND COVERAGE EFFECTIVE DATES

Initial Enrollment

A qualified employer may complete an initial group enrollment through an FF-SHOP at any point during the year, provided it meets applicable minimum participation requirements. An employer can identify a date when it would like initial group coverage to take effect as long as it is within a quarter for which small group rates are available. An employer should set dates for an initial qualified employee enrollment period during the initial group enrollment process that will result in the desired coverage effective date. CMS notes that the effective date of coverage selected by a qualified employer remains subject to the limit on waiting periods under 45 CFR §147.116. There is no required minimum length for the initial qualified employee enrollment period. Rates for a subsequent quarter will be generally available by the 16th of the month that falls two months before the rates become effective. Issuers must effectuate all enrollments transmitted by an FF-SHOP unless they receive a cancellation transaction from the FF-SHOP prior to the coverage effective date pursuant to 45 CFR §156.285(c)(8)(iii).

Under 45 CFR §155.725(h)(2), as amended effective May 9, 2016, if a group enrollment is submitted between the first and 15th day of any month, coverage takes effect on the first day of the following month, unless the employer opts for a later effective date within a quarter for which small group market rates are available. If a group enrollment is submitted between the 16th

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and last day of any month, coverage takes effect on the first day of the second following month, unless the employer opts for a later effective date within a quarter for which small group market rates are available. Generally, except in states that have elected to merge their individual and small group risk pools under section 1312(c)(3) of the ACA,¹¹ a qualified employer’s plan year lasts for 12 months from the initial coverage effective date.

45 CFR §155.725(g) provides that, newly qualified employees have an enrollment period beginning on the first day of becoming a qualified employee. The rule provides that this enrollment period lasts at least 30 days, and that it end no sooner than 15 days prior to the date that any applicable employee waiting period longer than 45 days would end if the employee made a plan selection on the first day of becoming eligible. The rule further provides that the effective date of coverage for a QHP selection received by the FF-SHOP from a newly qualified employee is always the first day of a month, and is generally determined in accordance with the enrollment timeframes under 45 CFR §155.725(h)(2) that are described above. If the employee is subject to a waiting period consistent with 45 CFR §147.116, §155.725(g) provides that the effective date may be on the first day of a later month. However, in no case may the effective date fail to comply with 45 CFR §147.116.

During the initial group enrollment process, an employer establishes a waiting period policy that applies to newly qualified employees. Available options on the FF-SHOP portal include 0, 15, 30, 45, and 60 days. Because of operational limitations, employers may change their waiting period policy only once per year, at the time of the group’s plan renewal. The FF-SHOP system build does not currently accommodate an approach under which employers could delay a coverage effective date for any subset of the initially enrolled employer group. As such, any qualified employee added to the roster at the time of initial enrollment is not be subject to the group’s waiting period for newly qualified employees.

Exhibit 13 – FF-SHOP Coverage Effective Dates (When An Employer Does Not Select A Later Date Within a Quarter for Which Small Group Rates are Available)

| Group Enrollment Date | Coverage Effective Date |
|---|---|
| Between the first and 15 th day of the month | First day of the following month |
| Between the 16 th and last day of the month | First day of the second following month |

Example

Example 3A: An employer has a newly qualified employee waiting period of 0 days. A newly qualified employee’s date of hire is May 10, 2016. The newly qualified employee has an

¹¹ For plan years beginning in 2016 and 2017, no such states are expected to have a FF-SHOP.

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enrollment period to elect coverage and make a plan selection(s) that begins May 10, 2016, and lasts for 30 days, until June 9, 2016. If the newly qualified employee selects coverage by May 15, the coverage effective date will be June 1, 2016. If the newly qualified employee selects coverage between May 16 and June 9 (within 30 days of becoming eligible on May 10), the coverage effective date will be July 1, 2016.

3.4 SPECIAL ENROLLMENT PERIODS

Qualified employees and their dependents (if the qualified employer offers dependent coverage) may enroll in coverage through an FF-SHOP outside of the initial group enrollment period or the annual open enrollment period if a qualifying event is reported to the FF-SHOP within a specified period of time. Pursuant to 45 CFR §155.725(j) and §155.420, SEPs constitute periods outside of the initial group enrollment period or annual open enrollment period when a qualified employee and (if applicable) his or her dependents may enroll in a QHP/QDP or elect to change a current QHP/QDP selection (if employee choice is offered). The FF-SHOP is responsible for determining whether an enrollee is eligible for an SEP based on eligibility requirements described in 45 CFR §155.725(j), which cross-references most, but not all, of the qualifying events listed at §155.420(d). Specifically, SEPs described in 45 CFR §155.420(d)(3), and (6) do not apply in a SHOP.

Pursuant to 45 CFR §155.725(j), SEPs in the FF-SHOP generally last 30 days from the triggering event with the exception of when an enrollee becomes eligible for, or loses eligibility for, coverage under Medicaid or CHIP, in which instances the SEP lasts 60 days from the triggering event.

Enrollment of newly qualified employees is not governed by the same rules that govern FF-SHOP SEPs. Qualified employers may add newly qualified employees (such as newly hired employees) to their rosters throughout the plan year pursuant to 45 CFR §155.725(g), as discussed in Section 3.3, Initial Enrollment and Coverage Effective Dates.

Issuers need not determine coverage effective dates for either SEPs or newly qualified employees in the FF-SHOPs. The FF-SHOPs will make these determinations and include the appropriate effective dates on the 834 enrollment transactions.

Pursuant to 45 CFR §155.725(j)(5), the effective dates of coverage for SEPs in the FF-SHOP are determined using the provisions of §155.420(b). Under §155.420(b)(1), regular coverage effective dates for a QHP/QDP selected by an enrollee during an SEP are:

- The first day of the month following plan selection if selection took place between the first and 15th day of any month; or
 - The first day of the second month following plan selection if selection took place between the 16th and the last day of any month.
-

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Due to operational limitations, the FF-SHOP uses coverage effective dates pursuant to 45 CFR §155.725(h)(2) for SEPs for enrollees who gain dependent(s) through a child support order or other court order.

However, if an enrollee experiences an LC, such as birth, adoption, or placement in foster care, the coverage effective date is retroactive to the triggering event. Coverage effective dates under an SEP also depend on the qualified employee's and/or dependent's specific situation. Exhibits 14 and 15 summarize and provide examples of coverage effective dates for various SEPs within the FF-SHOP.

Exhibit 14 – FF-SHOPs Coverage Effective Dates Summary

| SEP Event | FF-SHOP Coverage Effective Date | Regulation Authorizing the SEP |
|---|--|--------------------------------|
| Loss of Coverage (Loss of MEC, Medicaid, or CHIP) | First day of the month following the loss of coverage or of the month following plan selection, depending on when the plan selection is made. | 45 CFR §155.420(d)(1) |
| Permanent Move/Relocation | Plan selection between the 1st and 15th of the month: First day of the following month Plan selection between the 16th and last day of the month: First day of the second following month | 45 CFR §155.420(d)(7) |
| Marriage | First day of the month following plan selection | 45 CFR §155.420(d)(2) |
| Birth, Adoption, or Foster Care | Date of birth, adoption, placement for adoption, or placement in foster care | 45 CFR §155.420(d)(2) |
| Enrollees Who Gain Dependent(s) Through a Child Support Order or Other Court Order | For operational limitations, regular effective dates apply. Plan selection between the 1st and 15th of the month: First day of the following month Plan selection between the 16th and last day of the month: First day of the second following month | 45 CFR §155.420(d)(2)(i) |
| Native American Status | Plan selection between the 1st and 15th of the month: First day of the following month Plan selection between the 16th and last day of the month: First day of the second following month | 45 CFR §155.420(d)(8) |

* Not all SEPs available in the SHOP are addressed in this chart.

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Exhibit 15 – FF-SHOP SEP Effective Date Examples

| Triggering Event | Triggering Event Date | Enrollment Period Start Date | Enrollment Period End Date | Plan Selection Date Examples | Enrollment Effective Dates |
|------------------|-----------------------|------------------------------|----------------------------|------------------------------|----------------------------|
| Relocation | 4/1 | 4/1 | 5/1 | 4/15 | 5/1 |
| Relocation | 4/10 | 4/10 | 5/10 | 4/16 | 6/1 |
| Relocation | 3/20 | 3/20 | 4/19 | 4/16 | 6/1 |
| Birth | 6/1 | 6/1 | 7/1 | 6/29 | 6/1 |
| Birth | 8/25 | 8/25 | 9/24 | 9/15 | 8/25 |
| Birth | 12/26 | 12/26 | 1/25 | 1/13 | 12/26 |
| Loss of MEC | 4/28 | 4/28 | 5/28 | 4/29 | 5/1 |
| Loss of MEC | 4/15 | 4/15 | 5/15 | 5/2 | 6/1 |
| Loss of MEC | 5/12 | 5/12 | 6/11 | 6/7 | 7/1 |
| Loss of Medicaid | 4/28 | 4/28 | 6/27 | 5/20 | 6/1 |
| Loss of Medicaid | 4/15 | 4/15 | 6/14 | 6/12 | 7/1 |
| Loss of CHIP | 5/12 | 5/12 | 7/11 | 7/10 | 8/1 |
| Marriage | 4/12 | 4/12 | 5/12 | 4/29 | 5/1 |
| Marriage | 7/1 | 7/1 | 7/31 | 7/20 | 8/1 |
| Marriage | 5/15 | 5/15 | 6/14 | 6/13 | 7/1 |

HHS-Authorized SEPs

Under special circumstances such as enrollment errors, exceptional circumstances, misrepresentations, and plan display errors, HHS authorizes SEPs. Enrollees seeking an HHS-authorized SEP must contact the FF-SHOP Call Center, which works with CMS caseworkers to determine an enrollee’s eligibility for an HHS-authorized SEP. The HHS-authorized SEPs supported by the FF-SHOP include:

- **Enrollment error SEPs (granted under 45 CFR §155.420(d)(4)):** When qualified employees selected a plan by the appropriate deadline, but due to a technical error, the enrollment either was not processed correctly or the issuer does not have the enrollment.
- **Exceptional circumstance SEPs (granted under 45 CFR §155.420(d)(9)):** When qualified employees or dependents experience a situation that the Marketplace determines has prevented enrollment in a plan by the applicable deadline, such as a natural disaster or medical emergency. Note that exceptional circumstance SEPs may be granted for additional situations in accordance with guidelines issued by HHS.
- **Misrepresentation SEPs (granted under 45 CFR §155.420(d)(4)):** When misconduct by individuals or entities providing formal enrollment assistance (e.g., a Navigator, a Call Center Representative, or an A/B registered with the FFM) results in the qualified

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employee's or dependent's unintentional, inadvertent, or erroneous enrollment or non-enrollment in a plan.

- **Plan display error SEPs (granted under 45 CFR §155.420(d)(4)):** When incorrect plan data, such as plan benefit and cost-sharing information was displayed on Plan Compare at the time the qualified employee selected the plan.

SEPs due to enrollment errors and exceptional circumstances can be granted when a qualified employee or dependent has not yet enrolled in a plan. Misrepresentations and plan display error SEPs may be granted after an enrollment has been effectuated.

Pursuant to 45 CFR §155.735(d)(2)(ii), when an FF-SHOP enrollee changes from one QHP to another during an SEP, the last day of coverage in the enrollee's prior QHP is the day before the effective date of coverage in his or her new QHP, including for any retroactive enrollments effectuated under 45 CFR §155.735(j)(5). Notice must be received by the FF-SHOP prior to the proposed date on which termination would be effectuated.

Coverage Effective Dates for HHS-authorized SEPs other than Plan Display Errors

For HHS-authorized SEPs other than plan display errors, the date that the enrollment error, exceptional circumstance, or misrepresentation occurred is the event that triggers the SEP. Pursuant to 45 CFR §155.725(j)(5) and §155.420(b)(2)(iii), a Marketplace may provide for a coverage effective date that is either: (1) based on the date of the SEP-triggering event, which provides qualified employees and dependents with their initially intended coverage effective date; or (2) based on the date of the plan selection during the SEP window, which provides qualified employees and dependents with an effective date based on the date of the plan selection and according to 45 CFR §155.725(j)(5).

Qualified employees and dependents who were not enrolled in FF-SHOP coverage despite their intent to enroll, are eligible to receive their intended coverage effective date if they take timely action to contact the FF-SHOP Call Center to request an SEP before the initially intended coverage effective date passes. Taking action before the initially intended coverage effective date passes indicates to CMS that the qualified employee or dependent had intended to enroll in coverage by the initially intended coverage effective date and would have had their coverage effectuated had the event that triggered the SEP not occurred.

Plan Display Errors

Plan display errors occur when an issuer or FF-SHOP error results in incorrect plan data being displayed to qualified employees on HealthCare.gov's Plan Compare. This can include, but is not limited to, errors in premium, benefit, and cost sharing information. A qualified employee affected by plan display errors may be eligible for an SEP to return to the FF-SHOP and select another plan, if one is available (that is, if the employer is offering a choice of plans).

Unlike the other HHS-authorized SEPs, qualified employees and dependents eligible for a plan display SEP in an employee choice environment are typically already enrolled in a plan, which

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requires the SEP process to accommodate the additional complexity of terminating enrollment in the original plan if the qualified employee or dependent selects a different plan during the SEP period. In this case, the last day of coverage in an enrollee's prior QHP is the day before the effective date of coverage in his or her new QHP, including for any retroactive enrollments effectuated under 45 CFR §155.725(j)(5).

Identifying and Resolving Plan Display Errors

Plan display errors are identified after CMS investigates potential display discrepancies raised by issuers or qualified employees and dependents or noticed by CMS. FF-SHOP plan display errors include situations where coding on HealthCare.gov causes benefits to display incorrectly, or where CMS identifies an incorrect plan data submission or a discrepancy between an issuer's plan data and its state-approved form filings. If a coding error is identified, CMS determines whether other plans are affected by the same error and reaches out to other affected issuers. When a plan display error is identified, CMS works with the issuer to correct the error as quickly as possible to ensure that future enrollments are based on accurate plan data.

In some cases, the corrected plan data either reduces a benefit or increases costs to qualified employees and dependents. CMS works with the issuer and the applicable state regulatory authority to arrive at a solution that has a minimal impact on impacted qualified employees and dependents, and ensures, to the extent possible, that they are not negatively affected by this FF-SHOP or issuer error.

Generally, the most straightforward and consumer-friendly resolution is for issuers to honor the benefit as it was displayed incorrectly for affected enrollees, if permitted by the applicable state regulatory authority. If the issuer honors the benefit and administers the plan as it was incorrectly displayed for the affected enrollees, no further action is needed. Employers making decisions based on inaccurate plan data always have the option to terminate their existing coverage and sign up for new coverage.

Issuers That Do not Honor the Plan Information That Displayed Incorrectly

CMS is committed to ensuring, to the extent possible, that qualified employees and dependents are not negatively affected by FF-SHOP or issuer plan display errors. Depending on the significance of the plan display error, there are several options to mitigate the impact on the qualified employee or dependent.

If the plan display error is significant and it is reasonable to expect that it may have affected a qualified employee's or dependent's enrollment decision, then qualified employees and dependents will be notified of the error and provided a plan display error SEP. When employee choice is available, the SEP will provide qualified employees with the option to select another plan—either from the same issuer or another issuer available to the qualified employee or dependent. If qualified employees decide not to select another plan or when employee choice is not available, the qualified employee and dependent can stay enrolled in their existing plan with

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correct benefits (that is, not the benefits that were displayed incorrectly). Under this scenario, the qualified employee and dependent would not be eligible for a general individual market SEP.

Processing Plan Display Error SEPs

CMS allows a qualified employee or dependent who is already enrolled in a plan but is eligible for an SEP due to a plan display error to select a new plan by calling the FF-SHOP Call Center. The FF-SHOP Call Center will help the qualified employee update information as needed and complete the process of selecting a plan. Qualified employees generally have 30 days from the notification of the plan display error to select a new plan.

Under 45 CFR §155.725(j)(5) and §155.420(b)(2)(iii), a Marketplace may provide for a coverage effective date that is appropriate based on the circumstances of the special enrollment period. In the case of plan display errors, the effective date of any new coverage selected during a plan display error SEP will most likely be either: (1) the enrollee's initial coverage effective date under the plan that was displayed incorrectly; or (2) based on the date of the plan selection during the SEP window, which provides the enrollee regular effective dates under 45 CFR §155.420(b)(1). In some cases, qualified employees and dependents can elect retroactive coverage to the initially intended coverage effective date; however, the use of retroactive coverage dates will be limited to those circumstances where it is appropriate to mitigate the effects of the plan display error.

The FF-SHOP terminates the coverage when the qualified employee has selected another QHP during an SEP. Pursuant to 45 CFR §155.735(d)(2)(ii), the last day of coverage in an enrollee's prior QHP is the day before the effective date of coverage in his or her new QHP, including for any retroactive enrollments effectuated under 45 CFR §155.725(j)(5).

3.5 FF-SHOP APPEALS

Pursuant to 45 CFR §155.740(c) and (d), employers and employees have the right to appeal a notice of denial of eligibility under §155.715(e) or (f), respectively. They may also appeal the failure of an FF-SHOP to provide a timely eligibility determination or a timely notice of an eligibility determination.

Under amendments to 45 CFR §155.740(l)(3) that took effect May 9, 2016, if an employer is found eligible under the appeal decision, then at the employer's option, the effective date of coverage or enrollment through the FF-SHOP under the decision can either be made retroactive to the effective date of coverage or enrollment through the FF-SHOP that the employer would have had if the employer had been correctly determined eligible, or prospective to the first day of the month following the date of the notice of the appeal decision. Individual employees may select an effective date only when the appeal is of an individual employee's eligibility determination (rather than an appeal of a determination of eligibility for an employer, which affects coverage or enrollment for the entire group). Thus, for employee appeals only, if an employee is found eligible under the decision, then at the employee's option, the effective date of coverage or enrollment through the FF-SHOP under the decision can either be made effective

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retroactive to the effective date of coverage or enrollment through the FF-SHOP that the employee would have had if the employee had been correctly determined eligible, or prospective to the first day of the month following the date of the notice of the decision. Retroactive coverage will be effectuated for a group only if the requisite premium is paid by the employer in accordance with 45 CFR §155.705(b)(4)(ii)(B)(2), which also took effect May 9, 2016. In the FF-SHOP, premiums owed for employees who are found eligible under an employee appeal decision are collected from employers as part of the next monthly invoice for the group.

If the employer or employee is found ineligible under the decision, then the appeal decision is effective as of the date of the notice of the appeal decision.

3.6 PLAN COMPARE AND PLAN SELECT

Qualified employers and qualified employees can view and select QHPs and QDPs (if the qualified employer offers dental coverage) using the plan comparison tool in the FF-SHOPs. There are slightly different shopping experiences for qualified employers and qualified employees applying through HealthCare.gov and qualified employers and qualified employees applying and enrolling by phone.

Online Functionality

Employers offering coverage through an FF-SHOP may elect to offer their qualified employees a single medical plan (and can also opt to offer a single dental plan) in which the qualified employees may enroll. Additionally, for plan years beginning in 2016 and beyond, qualified employers in all FF-SHOP states have the option to offer horizontal employee choice under which all available plans within an actuarial value level are offered to qualified employees. For plan years beginning on or after January 1, 2017, an additional employee choice option, known as vertical choice, is available in certain states. Qualified employers in these states will be able to offer their qualified employees a choice of all plans across all available levels of coverage from a single issuer. For a complete list of states where vertical choice is available, please see Section 3.1 above. The process for qualified employers and qualified employees differs depending on whether the employer elects to offer a choice of plans or a single plan. The subsections below describes the processes for employers and qualified employees under both scenarios.

Plan Compare for Qualified Employers and Qualified Employees

Qualified employers and qualified employees who have received an eligibility determination from a FF-SHOP can select, offer, and/or enroll in a QHP and QDP while shopping online. Qualified employers and qualified employees may use tools to assist them in determining the best coverage for their needs, including real-time premium quotes based on the qualified employer's roster of qualified employees and the qualified employer's enrollment expectations for qualified employees and their dependents, detailed plan information, and assistance such as definitions and explanatory text.

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After a qualified employer selects which QHP or QDP coverage levels, or plans from a specific issuer he or she wishes to view, the employer is shown the available plan results. Qualified employers are shown only QHPs that they can offer based on the information provided in their applications. For example, a qualified employer is not shown QHPs with service areas that do not include the employer's applicable address provided on his or her application (principal business address or an eligible employee worksite), and qualified employees offered horizontal employee choice see only the plans at the qualified employer's chosen actuarial and/or dental coverage value level that are available in the applicable geographic area.

After the qualified employer selects the plan or plans he or she wishes to offer, qualified employees can see the offered plan(s) and make enrollment decisions. If employee choice is offered, the qualified employees can compare multiple plans before making a selection. If an employer makes dental coverage available and offers employee choice, and a qualified employee has opted to enroll in dental coverage, the employee will view the dental plan comparison and select a dental plan after the employee has selected a QHP. Unless otherwise noted, the descriptions that follow apply to both the QHP and the QDP selections.

Plans are displayed in three views: (1) the initial Plan Results view that presents summary information; (2) a Plan Side-by-Side view that facilitates more detailed comparison; and (3) a Plan Details view that shows a single plan with comprehensive information. A plan may be selected to begin the enrollment process from any of the three views.

Plan Results View

In the Plan Results view, the FF-SHOP plan comparison tool sorts and displays plans from the lowest to the highest monthly premium. For example, if bronze plans are selected, the bronze plans are sorted and displayed from the lowest to the highest monthly premium. A qualified employer or qualified employee (if employee choice is offered) may re-sort plans based on other criteria, such as employer cost, qualified employee's share of premium cost, and individual deductible.

Summary-level plan attributes are displayed in the results view, including the full monthly premium amount, the amount of both the employer and qualified employee contributions to the cost of premiums, deductibles, out-of-pocket maximums, and an enrollee's copays for doctor visits and prescriptions. Cost sharing amounts are displayed for in-network covered services for either self-only or non-self-only coverage (e.g., a multi-person group will see a family deductible).

Qualified employers and qualified employees (if employee choice is offered) can select up to three plans from the Plan Results view for more detailed side-by-side comparisons. The plan comparison tool or Plan Side-by-Side view is useful if a qualified employer or qualified employee wishes to compare the benefits and cost sharing of various plans. Each plan is displayed in column format, facilitating side-by-side comparison of specific benefits and costs.

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Qualified employers and qualified employees can also use the Plan Details view to review plan information. In Plan Details, a plan is viewed in isolation with the same benefit attributes as displayed in the Side-by-Side view, and, if the plan reimburses for the use of providers outside of its network, such cost sharing for out-of-network providers is also visible.

Qualified employees see all plans made available by the employer. If employee choice is offered, qualified employees see all available plans at the selected coverage level or all available plans from the selected issuer. When employee choice is not available, qualified employees see only the QHP and QDP (if applicable) selected by the qualified employer. Qualified employers and qualified employees can access the issuer provider directory and Summary of Benefits and Coverage via a link in each plan's display.

Filters

Qualified employers and qualified employees (when employee choice is available) can filter their QHP results to help them select the most desirable plans. Exhibit 16 below details the filters that are available.

Exhibit 16 – Filters for QHP Results

| Filtering Option | Description |
|----------------------------------|---|
| Plan Category | Assignment of plan coverage levels designated by average cost and coverage of benefits: bronze, silver, gold, and platinum (e.g., on average, platinum covers health benefits with lower enrollee cost sharing than bronze, but has more expensive premiums). |
| Estimated Employer Contribution | Estimated premium amount that the employer is responsible for paying. |
| Estimated Employee Contribution | Estimated premium amount that the employee is responsible for paying. |
| Yearly Deductible (per Employee) | The required amount employees must pay before their health coverage begins to cover health care costs. |
| Yearly Deductible (per Family) | The required amount a family must pay before their health coverage begins to cover health care costs. |

Plan Side-by-Side View

Qualified employers and qualified employees (when employee choice is available) can select several plans for more detailed side-by-side comparisons. Each plan is displayed in column format facilitating comparison of specific benefits. Exhibit 17 below details the comparison categories and information displayed in side-by-side comparisons of QHPs.

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Exhibit 17 – QHP Benefit Attributes Displayed in Side-by-Side Comparison

| Comparison Category | Information Displayed |
|---------------------------------|--|
| Costs for Medical Care | <ul style="list-style-type: none"> • Primary care doctor visit • Specialist visit • X-rays and diagnostic imaging • Laboratory and outpatient professional services • Hearing aids • Routine eye exams for adults • Routine eye exams for children • Eyeglasses for children • Health Savings Account eligible plan |
| Prescription Drug Coverage | <ul style="list-style-type: none"> • Generic drugs • Preferred brand drugs • Non-preferred brand drugs • Specialty drugs • List of covered drugs • Three month in-network mail order pharmacy benefit • Prescription drug deductible • Prescription drug out-of-pocket maximum |
| Access to Doctors and Hospitals | <ul style="list-style-type: none"> • Provider directory • National provider network |
| Hospital Services | <ul style="list-style-type: none"> • Emergency Room care • Inpatient physician and surgical services • Inpatient hospital services |
| Cost and Coverage Examples | <ul style="list-style-type: none"> • Having a baby deductible • Having a baby copayment • Having a baby coinsurance • Having a baby limit • Managing diabetes deductible • Managing diabetes copayment • Managing diabetes coinsurance • Managing diabetes limit |
| Adult Dental | <ul style="list-style-type: none"> • Routine dental care • Basic dental care • Major dental care • Orthodontia • Find dentists |

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| Comparison Category | Information Displayed |
|-----------------------------|--|
| Child Dental | <ul style="list-style-type: none"> • Dental check-up • Basic dental care • Major dental care • Medically necessary orthodontia |
| Medical Management Programs | <ul style="list-style-type: none"> • Disease management programs offered |
| Other Benefits | <ul style="list-style-type: none"> • Acupuncture • Chiropractic care • Infertility treatment • Mental/Behavioral health outpatient services • Mental/Behavioral health inpatient services • Habilitative services • Bariatric services • Outpatient rehabilitative services • Skilled nursing facility care • Private-duty nursing |
| Plan Documents | <ul style="list-style-type: none"> • Plan brochure • Summary of Benefits and Coverage |

Plan Details View

Qualified employers and qualified employees can also select a plan within the Plan Details view. In Plan Details, a QHP is viewed in isolation with the same benefit attributes as are displayed in the Side-by-Side view, as well as out-of-network cost sharing.

Where qualified employees are offered only a single QHP and/or QDP by their employers, the qualified employees will be routed directly to the Details View during their application process. Qualified employees will view only the QHP and/or QDP offered to them by their employer.

Qualified Employers: Select Offerings

A qualified employer determines whether he or she wishes to offer a single plan, or whether he or she wishes to offer employee choice instead, either by making all plans within a given actuarial value and/or dental level of coverage available or by making all plans from a given issuer available. When the employer is ready, the FF-SHOP system prompts the employer for his or her decision, and the employer can then select either the actuarial value and/or dental level of coverage he or she wishes to offer, or the specific issuer that will offer plans, or a specific medical and/or dental plan to offer, by pressing the “Select” button available in any of the three views (i.e., Results, Side-by-Side, and Details). If the employer wishes to offer a single plan, the qualified employer selects a QHP and can also opt to offer a single QDP. A qualified employer is not required to select a QDP to offer.

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Enrollment for a qualified employee works similarly. If employee choice is offered, the qualified employee may click the “Enroll” button from any of the views described above. If the employee is offered only a single plan, the employee may make only this selection from the Plan Details view to which he or she was originally directed. Under this option, a qualified employee may enroll only in a single QHP/QDP offered by its employer.

Qualified Employees: Employee Choice

If a qualified employer offers employee choice to its qualified employees, qualified employees have a similar plan comparison experience to the employer. First, upon a positive eligibility determination, the qualified employee is directed to the Plan Results page with similar functionality to that described for a qualified employer above. On this page, the qualified employee may view a list of all medical plans for which the qualified employee is eligible. Here, this means all available plans within the actuarial value level selected by the qualified employer or all available plans across various actuarial value levels from a single issuer selected by the qualified employer. After viewing all available plans, a qualified employee can decide to accept or decline coverage.

When a qualified employer offers employee choice with respect to dental coverage, qualified employees view a list of all dental plans for which they are eligible based on the dental level of coverage (high or low) or dental issuer selected by the qualified employer.

Similar to the employer, the qualified employee may then use the comparison view and detailed plan view to view the benefits and cost sharing for the plans offered to the employee. Premium costs for all available plans are displayed to the employee net any applicable employer contribution.

Qualified Employees: Single Plan Offered

Once qualified employees who are offered a single plan by their employer receive positive eligibility determinations, the qualified employees are directly routed to the Plan Details page where they view the medical and (if applicable) dental plan offered by their employer. In addition to displaying various benefits, this page will display the employees’ premium costs net any applicable employer contribution. Beginning the enrollment process only requires the qualified employees to select the “Enroll” button for this plan.

Qualified Dental Plans in FF-SHOPs

An FF-SHOP permits a qualified employer to offer its qualified employees a range of QDPs, specifically, all QDPs within a single coverage level (high or low) (horizontal choice) or, depending on the state, for plan years beginning on or after January 1, 2017, all QDPs offered through the FF-SHOP by a single issuer (vertical choice). As discussed above, vertical choice is not available in all FF-SHOP states for plan years beginning in 2017. A listing of vertical choice states for plan years beginning in 2017 is listed above.

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Premiums are honored by the QDP issuer for the 12-month plan year, and enrollment transactions for QDPs will be facilitated through the FF-SHOP using 834 enrollment transactions.

Offering Dental-Only Coverage

Employers offering coverage through an FF-SHOP can to offer dental coverage without also having to offer medical coverage. When dental-only coverage is offered by an employer and dependent dental coverage is also made available by the employer, a qualified employee must enroll in dental coverage before the qualified employee's dependents can enroll in dental coverage, as is the case for medical coverage.

If an employer offers both medical and dental coverage to qualified employees and their dependents through an FF-SHOP, and a qualified employee enrolls in both medical and dental coverage, the qualified employee's dependents can enroll in either the medical or dental coverage selected by the qualified employee, or can enroll in both. Qualified employees can decide which dependents are enrolled in each plan, as long as the qualified employee is enrolled in the plan.

Select a Plan

If a qualified employer does not make employee choice available, the qualified employer may select a plan to offer by pressing the "Select" button available in any of the three views (i.e., Results, Side-by-Side, and Details). After a qualified employer selects a QHP, he or she is prompted to select a QDP.

Enrollment for a qualified employee works similarly. However, a qualified employee is able to enroll only in a QHP or QDP offered by its employer. When employee choice is not available, qualified employees can select only the plan offered by their employers.

Confirm QHP/QDP Selections

At the close of the enrollment period for qualified employees, the qualified employer is shown a final confirmation of all qualified employee plan selections. Once the qualified employer confirms the selection(s) by clicking the "Confirm" button, the FF-SHOP system records the selection(s) and generates a group enrollment transaction (which is sent immediately upon submission) and an 834 enrollment transaction (which is batched with other similar transactions and sent once during the business day to each respective QHP issuer). The same process is used regardless of whether the qualified employer offers employee choice.

Education

When making coverage decisions on HealthCare.gov, qualified employers and qualified employees receive on-screen tips about basic health insurance concepts. The FF-SHOP presents information regarding the general trade-off between premium and out-of-pocket medical costs,

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the categories of essential health benefits included in all plans, and plan grouping according to the actuarial value level (i.e., platinum, gold, silver, and bronze).

As the last step before viewing available plans, qualified employers are asked which QHP or QDP or coverage level (i.e., actuarial value level for QHPs, high or low coverage for QDPs) they would like to see displayed in Plan Compare. Once in the Plan Results view, a qualified employer can change the coverage level or issuer plans displayed.

FF-SHOP Marketplace Call Center Functionality

Qualified Employers

There is a single call center for FF-SHOP states. Qualified employers who have applied online and have been determined eligible to purchase coverage through an FF-SHOP may use the FF-SHOP Call Center to make decisions about what coverage to offer and make changes to their group. Qualified employers must create HealthCare.gov accounts on their own. FF-SHOP Call Center customer service representatives cannot create an account on behalf of the qualified employer, but can walk the qualified employer through the process. Using the same online tools available to the qualified employers through HealthCare.gov, the FF-SHOP Call Center customer service representative guide the qualified employer through necessary decision points, such as whether to elect to offer multiple plans to its employees through employee choice, what plan to offer if only a single QHP (and/or QDP) is offered, and how to determine what amount to contribute toward enrollee premiums. After employees have completed their initial open enrollment period, the call center representative can also help the qualified employer make his or her first month's premium payment. The FF-SHOP Call Center customer service representatives do not recommend specific plans, levels of coverage, or amounts to contribute towards the cost of coverage.

Qualified Employees

FF-SHOP Call Center customer service representatives are also available to assist qualified employees. FF-SHOP Call Center customer service representatives cannot create HealthCare.gov accounts on behalf of the qualified employee, so qualified employees must establish their own accounts. The customer service representatives use the same tools available to the qualified employees through HealthCare.gov. The customer service representative describes the online Plan Compare functions to the qualified employee, asks about the qualified employee's preferences, and (if employee choice is offered) guides the qualified employee through the plan selection process. Where an employer elects to offer a single QHP (and/or QDP), the FF-SHOP Call Center representative describes the employer's offer of coverage to the qualified employee and the QHP (and/or QDP) plan details. The FF-SHOP Call Center representative may then record plan selections for the qualified employee (and if applicable, the qualified employee's dependents). FF-SHOP Call Center representatives do not recommend a specific plan when a qualified employee has a choice between plans, but instead describes the characteristics of each plan to the qualified employee, as displayed to the representative by the online tool described below.

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The FF-SHOP Call Center also provides assistance to A/Bs registered with the FFM, Navigators, and other Marketplace-approved assisters who work with FF-SHOP consumers. Issuers can also contact the FF-SHOP Call Center with enrollment and payment related matters.

Back Office System Functionality

There are limited circumstances when, due to the current configuration of the FF-SHOP system, it is necessary to contact the FF-SHOP Call Center to make changes to a qualified employer or qualified employee account in an FF-SHOP. These modifications are made to accommodate specific enrollee demographic information updates or account alterations that are outside the scope of routine system functionality. These changes can be made by specialized FF-SHOP Call Center representatives at the request of CMS, a qualified employer, or a qualified employer's designated A/B. Most of these enrollment and account updates will be communicated to issuers via 834 maintenance transactions.

The following demographic back office changes are currently supported in FF-SHOPs:

- Changes to an enrollee's date of birth (DOB) after application submission.
- Collection of any additional premium amounts owed due to resulting rate change would begin the first of the following month;
- Changes to an enrollee's Social Security number (SSN) after application submission.
- Changes to an enrollee's gender after application submission;
- Changes to a qualified employee's name (including any former employee who is a qualified employee, or business owner enrollee) after application submission. (Qualified employees and business owner enrollees are able to change the name(s) of their dependent(s) on HealthCare.gov); and
- Mid-year changes to an enrollee's tobacco status, which was set at the beginning of a plan year. Collection of any additional premium amounts owed due to any rate change would begin the first of the following month.

The following qualified employer and qualified employee account back office changes are currently supported in the FF-SHOP:

- Changes to the eligibility status of a qualified employee (e.g., after a successful eligibility appeal), and the ability to backdate the coverage effective date as far back as the date of the initial group coverage effective date. Changes to the effective date for qualified employees also apply to any of the qualified employee's dependents whose enrollment is linked to the qualified employee's eligibility;
 - COBRA: In circumstances where an employer terminated the coverage of a former employee before determining whether the former employee wished to elect COBRA, adding a former employee (and/or dependents) to the employee roster, and backdating the coverage effective date back to when the previous coverage ended so there is no gap in coverage;
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- Backdating the coverage termination date to the end of the death month for a deceased enrollee (when the report of death happens after an operational deadline of 30 days following the death of the enrollee);
- Backdating the coverage termination effective date of an employee no longer employed by a company (and his/her dependents) to the end of the dismissal month when the employer misses the deadline in §155.735(d)(2) to report the termination prior to the proposed date of termination;
- Opening a 30- or 60-day SEP, including for circumstances when an A/B, Navigator, FF-SHOP Call Center representative, and/or issuer makes a documented error, or there is a known system failure preventing an enrollee from enrolling in a timely manner;
- Opening a 30-day SEP for the birth of a dependent that was not reported within the allotted timeframe;
- Extending the employer's enrollment period end date for four days to provide flexibility to employers needing assistance when the FF-SHOP Call Center is closed;
- Changing the employer's premium contribution percentage. New contribution percentages are effective on the first of the following month;
- Allowing an employer to change its newly qualified employee waiting period one time each year;
- Changing the mail preferences for notices and invoices;
- Changing the preferred method of contact for the qualified employer; and
- Making a premium payment on behalf of a qualified employer who does not wish to make a payment online. Only specialized FF-SHOP Call Center representatives are able to accept payments over the phone from employers.

Data Correction Process

When the FF-SHOP Call Center is unable to make back office changes to a qualified employer or qualified employee account in the FF-SHOP system for exceptional circumstances, CMS may need to manually generate enrollment and maintenance transactions or make updates to the FF-SHOP system database. Examples of FF-SHOP data corrections include: (1) adding, removing, or altering a data element when it causes an 834 transaction to fail EDI validation; (2) updating an employer identification number (EIN) that was incorrectly entered by an employer; (3) making changes to the coverage start or end date that cannot be accommodated by the FF-SHOP Call Center's back office system functionality; and (4) reinstating an enrollee whose enrollment was inappropriately cancelled or terminated. Most of these enrollment and account updates will be communicated to issuers via 834 enrollment or maintenance transactions.

Reporting Cases of Suspected Fraud or Ineligibility

CMS works with DOIs, issuers, employers, employees, and other entities to identify and address potential ineligibility and suspected fraud occurring when applying and enrolling in coverage through the FFMs, including the FF-SHOPS. To report an incident of potential ineligibility or suspected fraud in the FF-SHOPS, issuers should send an encrypted email to shop@cms.hhs.gov documenting the concern and providing evidence to support the claim. Issuers may also call the

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FF-SHOP Call Center for more information. At no time should issuers send PII as part of an e-mail communication to CMS.

Pursuant to 45 CFR §155.740, employers and employees may appeal a notice of denial of eligibility or a failure of an FF-SHOP to provide a timely eligibility determination or, effective May 9, 2016, a failure of an FF-SHOP to provide timely notice of an eligibility determination.

3.6 ENROLLMENT TRANSACTIONS

Initial Group Enrollment Transaction

In the FF-SHOP, once a qualified employer completes the initial group enrollment process, the FF-SHOP system generates and sends a group enrollment transaction to each QHP issuer offering a QHP in which a qualified employee of the employer elected to enroll, regardless of whether an employer has made an immediate payment to the FF-SHOP at the time of the initial group enrollment. A group enrollment transaction is used by the FF-SHOP system to transmit detailed information to issuers regarding the employer offering group coverage through an FF-SHOP. Since no previous standard exists for transmitting detailed employer information to a health insurance issuer, CMS defined a method in an Employer Group Business Services definition. Detailed information regarding the Initial Group Enrollment transaction can be found on REGTAP and zONE in the Federal Data Services Hub (DSH) Employer Group Business Service Definition. 834 transactions are not sent until an employee has made a plan selection, and the coverage effective date is included in the 834 transaction. The 834 enrollment transactions are batched and sent once per business day to issuers. Additional information, including the specification for the form and manner of the information transmitted on 834 enrollment transactions, can be found in the Companion Guide.

Enrollment Reconciliation for Plan Years Beginning in 2016 and Beyond

Pursuant to 45 CFR §156.285(c)(5), issuers in an FF-SHOP must send enrollment reconciliation files on at least a monthly basis according to a process, timeline, and file format established by the FF-SHOP. CMS increased technical assistance and enforcement of this requirement.

For plan years beginning on or after January 1, 2016, CMS uses the Enrollment Reconciliation fields, file formats, and dispositions used in the individual market FFMs for FF-SHOPs. The FF-SHOP process focuses on only a subset of applicable elements. Some elements from the individual market FFMs such as APTCs and CSR, are not applicable. The FF-SHOP reconciliation process focuses on only a monthly snapshot of active enrollments for the previous month.

The FF-SHOP and issuers send monthly reconciliation files through the Exchange Managed File Transfer (MFT) process. Files are validated and data is compared between the FF-SHOP and issuer files. The FF-SHOP contacts issuers if files fail validation. Issuers may submit a Dispute Resolution Form if they disagree with changes sent on monthly discrepancy files. With the



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exception of issuer-assigned identifiers, the FF-SHOP enrollment system is generally considered the system of truth.

Additional details and technical specifications can be found on REGTAP.

3.7 APPLICATION AND ENROLLMENT CHANGES

Employer Changes

Employers are unable to change a coverage offer after the initial group enrollment or renewal process is completed without Call Center intervention. Qualified employers wanting to make coverage or contribution changes affecting the entire group after the initial group enrollment or renewal process is complete should cancel or (if coverage has already taken effect) terminate coverage, and start the application process over again for a future coverage month. Employers and qualified employees may cancel their coverage up to 11:59 pm ET on the date prior to the coverage effective date. Employers must report to the FF-SHOP, pursuant to 45 CFR §157.205(f), information on newly qualified employees and newly eligible dependents added to their rosters after the initial enrollment process is complete. Newly qualified employees added to a roster after the initial group enrollment are subject to the employer's waiting period policy established at the time of initial enrollment. After the group enrollment process is completed, employers are unable to change their QHP and QDP selections, their selection of an actuarial value and dental coverage level to offer if they are offering horizontal choice, or their selection of the issuer whose plans they will offer if they are offering vertical choice.

Qualified Employee Changes

If information included in a qualified employee's application changes during the year, the FF-SHOP system can process the change only if it is submitted by the qualified employer. Examples of changes that may be reported to an FF-SHOP by employers include changes of dependent status and changes of employment status that affect the employee's or dependent's eligibility and enrollment status (i.e., if an employee is no longer employed full time and the employer offers coverage only to full-time employees, or if an employee is no longer employed by the qualified employer). Qualified employees may make limited changes online, such as change of mailing address and phone number. Qualified employers and qualified employees have three methods to report changes, as described in Exhibit 18.

Exhibit 18 – Reporting Changes to the FF-SHOP

| Method | Steps |
|---------|---|
| Website | Log on to the HealthCare.gov website, under the MyAccount page, to enter the Employer or Employee portal. |
| Phone | Contact the FF-SHOP Call Center (800-706-7893) – (TTY: 711). |

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| Method | Steps |
|-----------|--|
| In Person | Visit local A/Bs registered with the FF-SHOP or HHS Navigator grantees. Navigators can walk qualified employers and qualified employees through the online process with the enrollee logged into their own MyAccount. In addition to assisting enrollees logged into their own MyAccount, A/Bs may also have the ability to log into the FF-SHOP A/B portal to make changes to FF-SHOP accounts on behalf of an employer (when authorized to do so). |

Example

Example 3B: An employer offers its employees a 25% contribution to premium costs for a single QHP and completes the FF-SHOP group enrollment process. Following the employer’s initial group enrollment process, the employer wants to change the amount it contributes to premium costs. To make this change without FF-SHOP Call Center intervention, the employer must cancel (or terminate) coverage and start the application process over again for a future coverage month.

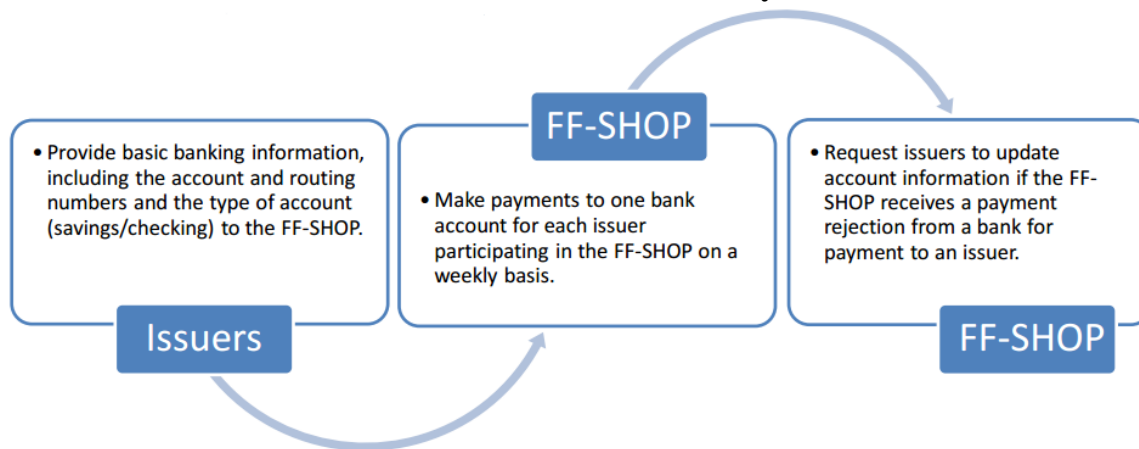
3.8 PREMIUM PAYMENT AND PREMIUM AGGREGATION SERVICES IN THE FF-SHOP

Premium Aggregation Services

The FF-SHOP system is the enrollment and payment system of record for all enrollments for FF-SHOP plan years beginning on or after January 1, 2015. Qualified employers whose groups are enrolled in coverage through an FF-SHOP in those plan years will receive one bill from the FF-SHOP and make one payment to the FF-SHOP, which will provide premium aggregation services for all qualified employers participating in an FF-SHOP. Employer groups that are enrolled in multiple FF-SHOPs will receive one bill per FF-SHOP. Employer groups that participate in at least one FF-SHOP and at least one SB-SHOP receive more than one bill and make more than one payment. Rates charged to employers in the FF-SHOP are calculated at the time of initial group enrollment and upon renewal, based on approved rates for the quarter in which initial enrollment or renewal occurs.

The FF-SHOP uses 820 transactions to communicate information about premium payments remitted to issuers. The issuer payment process adheres to the diagram in Exhibit 19.

Exhibit 19 – FF-SHOPs Issuer Payment Process



Premium Payment

Initial Group Enrollments

Unless coverage would be effectuated retroactively, full premium payment by a qualified employer to an FF-SHOP for the first coverage month of an applicable initial group enrollment must be received by the FF-SHOP’s premium aggregation services vendor on or before the 20th day of the month preceding the desired coverage effective date. This deadline helps ensure payments received as late as the 20th of the month are sufficient. It may take several days for a check to clear and qualified employers should plan accordingly. Between the 16th and the 18th days of the month prior to coverage effectuation, qualified employers receive the notifications detailed in Exhibit 19 if payment has not been received by the FF-SHOP.

When coverage is effectuated retroactively, premium payments for the first month’s coverage and for all months of the retroactive coverage must be received and processed by the FF-SHOP premium aggregation services vendor no later than 30 days after the event that triggers the eligibility for retroactive coverage. If payment is received on or before the 20th day of a month, coverage is effectuated on the first day of the following month and is retroactive to the applicable effective date of coverage. If payment is received after the 20th day of a month, coverage still takes effect as of the applicable retroactive coverage effective date, but it is not effectuated until the first day of the second month following the payment. A payment made after the 20th day of a month must include the premium for the month that will elapse before the coverage effectuation date.

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Exhibit 20 – FF-SHOP Payment Notifications for Initial Premium Payment When Coverage Takes Effect Prospectively

| Date | Action |
|--|--|
| 16 th day of the month prior to coverage effective date | First notification posted on MyAccount notifying qualified employer that payment has not been received |
| 18 th day of the month prior to coverage effective date | Phone call made by FF-SHOP Call Center and second notification posted on MyAccount notifying qualified employer that payment has not been received |
| 26 th day of the month prior to coverage effective date | Cancellation trigger is sent to the issuer |

Months Following Initial Coverage Effective Date

After coverage has been effectuated, a group’s monthly premium payment is due by the first day of the coverage month. Each month, the FF-SHOP provides each qualified employer with an invoice that identifies the employer contribution to premiums, the employee contribution to premiums, and the total amount that is due to the FF-SHOP. The FF-SHOP sends each participating employer a single monthly bill on or around the 10th of each month prior to the coverage month. The FF-SHOP has a 31-day grace period for payment of premiums after coverage has taken effect. If full payment is not received 31 days from the first day of the coverage month, the FF-SHOP may terminate the qualified employer’s coverage for failure to pay premiums. If payment is not received by the due date, the collection and notification process detailed in Exhibit 21 occurs.

Exhibit 21 – Collection and Notification Process For Premium Payments Subsequent to the Initial Payment

| Date | Action |
|---|---|
| 2 nd day after payment is due | 1 st past due notification posted to qualified employer’s MyAccount; grace period begins |
| 10 th day after payment is due | Regular monthly invoice notes any past-due amount |
| 15 th day after payment is due | 2 nd past due notification posted to qualified employer’s MyAccount. The employer also receives a letter via mail regardless of his or her preferred method of communication. |
| 20 th day after payment is due | 3 rd past due notification posted to qualified employer’s MyAccount. The qualified employer receives a courtesy phone call advising that no payment has been received and coverage will be terminated if payment is not received before the end of the grace period. The A/B associated with an employer’s account is also notified. |

If a group is in its grace period, the FF-SHOPs considers a group to be in good standing after an FF-SHOP receives 100% of the correct account balance, which in some cases might be less than

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the total invoice. The current account balance may be less than the invoiced amount because a terminated enrollment of an enrollee or dependent may not be reflected on the most current invoice. Depending on applicable state law, issuers may be able to pend claims during the 31-day grace period after payment is due, prior to the receipt of payment from the FF-SHOP. If a group's coverage is terminated for non-payment of premium, issuers receive a termination transaction. A termination transaction is sent to issuers three business days after the 31-day grace period ends. The 3-day lag will ensure payment made on the last day of the grace period is sufficient.

Prorating of Premiums

In an FF-SHOP, premiums can be prorated for partial-month enrollments, which might occur when an enrollee dies or when a child dependent is born or adopted. Pursuant to 45 CFR §155.705(b)(4)(ii)(C), premiums for coverage lasting less than one month is prorated in the FF-SHOP by dividing the total premium for one month of coverage by the number of days in the applicable month, then multiplying the result by the number of days in the month during which coverage is provided to the applicable enrollee or enrollees. The FF-SHOP charges and collects only for the portion of coverage provided for the partial month of coverage.

Examples

Example 3C: An employer receives an invoice from the FF-SHOP that does not reflect the recent termination of an employee. The employer should access the FF-SHOP portal to ensure that its current account balance is accurate and reflects the termination. The employer should pay the full current account balance to be considered in good standing with the FF-SHOP. The employer should contact the FF-SHOP Call Center if any additional assistance is required resolving this discrepancy or remitting payment.

Example 3D: An employee adopts a child and would like to add this child to his or her coverage through an FF-SHOP, with the child's coverage becoming effective on March 10th (date of placement for adoption). The prorated premium amount for this child's coverage is calculated by dividing the premium for one month (\$350) by the number of days in the month (31), then multiplying the resulting quotient by the number of days of coverage in the partial month (22). This equation $[(350/31) * 22]$ calculates the prorated premium for the child's partial coverage as \$248.39.

Terminations for Non-Payment in FF-SHOPs and FF-SHOP Reinstatements

If an FF-SHOP does not receive full payment for a group on or before 31 days from the first day of the coverage month, the FF-SHOP may terminate the group's coverage for lack of payment. Pursuant to 45 CFR §155.735(c)(2), employers wishing to have their coverage through an FF-SHOP be reinstated following termination due to non-payment of premiums must pay all premiums owed, including any prior premiums owed for coverage during the grace period, and pre-pay the premium for the next month's coverage, within 30 days following the termination. If the group pays this amount in full within the 30-day window, the FF-SHOP sends a

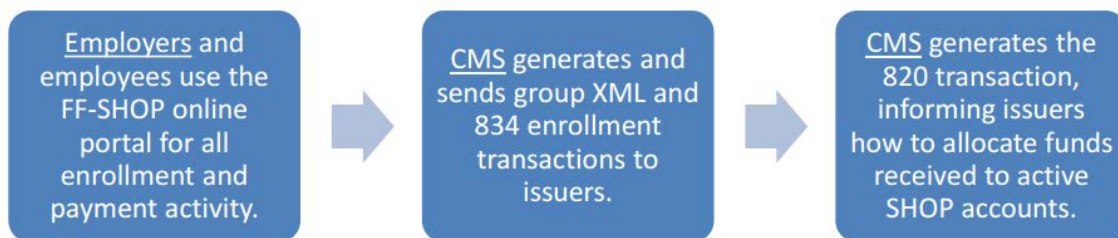
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reinstatement transaction to the affected issuer(s) and reinstates the group in its previous coverage. A qualified employer may be reinstated in an FF-SHOP only once per calendar year. Employers can handle this online or by contacting the FF-SHOP Call Center. Issuers may pend claims as allowed by state law when a group is in the 31-day grace period for payment of late premiums.

3.9 CONFIRMATION OF THE 834 TRANSACTION

In the FF-SHOPs, after a qualified employer completes the group enrollment process, the FF-SHOP sends a group XML and 834 enrollment transaction to issuers. Group XML files are sent immediately and 834 enrollment transactions are batched and sent at the end of each business day (Monday through Friday, except for federal holidays). Each issuer receives a separate group XML for each qualified employer. Finally, on a weekly basis, each issuer receives an 820 payment transaction informing the issuer of the allocation of funds for each group enrolled in its coverage through a FF-SHOP. Exhibit 22 depicts this process.

Exhibit 22 – XML and 834 Transaction in FF-SHOP



For renewals of coverage from one plan year to the next, issuers receive new Group XMLs and 834s for groups renewing coverage through an FF-SHOP. A renewal indicator is not included on the group or member transactions. The Group XML includes the Payment Transaction ID and Employer ID, both of which remain the same for the qualified employer from Plan Year 2016 to 2017, provided that the qualified employer and/or enrollees enroll with the same issuer and there is no gap in coverage. The Group XML also includes the Issuer Assigned Group ID, when sent to FF-SHOP on effectuation transactions. The 834 includes the Exchange Assigned Member ID and Exchange Assigned Subscriber ID, both of which remain the same for qualified employees, other enrollees, and applicable dependents from Plan Year 2016 to 2017. The Issuer Assigned Member ID and the Issuer Assigned Subscriber ID are also included on renewal 834s, when available.

Issuer Assigned IDs (from the 834 effectuation file) and Insurance Policy Group IDs (from the Group XML) is included if the enrollee enrolls with the same issuer as the prior year and there is no gap in coverage. The 5-digit HIOS ID will be used to identify that it is the same issuer as the prior year.

Issuers must submit 834 effectuation files to CMS in a timely manner. These files have become more important with the introduction of the FF-SHOP Enrollment Reconciliation process,

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Termination Switch Files, and renewals. The Issuer Assigned IDs contained within the effectuation files are key data elements used during the matching process for enrollment reconciliation and missing Issuer Assigned data elements will result in discrepancies. Also, the Issuer Assigned IDs are necessary for renewals, as they enable issuers to identify whether an 834 is a new enrollment or a renewal.

3.10 CANCELLATIONS IN THE FF-SHOPS

Overview

A cancellation can include a transaction withdrawing a plan selection for health insurance coverage before the effective date of coverage. Cancellations in the FF-SHOP can be initiated by a qualified employer or a qualified employee, or by an FF-SHOP. Cancellations of coverage in an FF-SHOP may not be initiated by issuers.

A qualified employer or qualified employee may, before the effective date of coverage, choose to cancel coverage for any reason. For instance, an employer or employee may no longer want or need health insurance coverage through the FF-SHOP. Employers and employees should complete submission of a cancellation request to an FF-SHOP by 11:59 pm ET on the date prior to the coverage effective date. CMS sends a cancellation Group XML and 834 transaction to affected issuers after an employer or qualified employee cancels coverage.

Example

Example 3E: A qualified employer has already remitted payment for its initial group enrollment when a qualified employee notifies the employer that the qualified employee would like to cancel the qualified employee's acceptance of the offer of coverage. The qualified employer submits a cancellation transaction to the FF-SHOP by 11:59 pm ET on the date prior to the coverage effective date. Qualified employees can also initiate the cancellation. The payment submitted by the employer for the qualified employee whose coverage was cancelled will be reflected as a credit on the employer's next monthly invoice after the FF-SHOP receives the credited amount from the issuer and (if the payment was already routed to the issuer) on the issuer's next 820 transaction.

3.11 TERMINATIONS

A termination is the end of an enrollee's coverage or enrollment in a QHP/QDP through the FF-SHOPS occurring after their coverage effective date. A termination may be either voluntary (i.e., initiated by the enrollee or the employer) or involuntary (i.e., initiated by the FF-SHOP).

3.11.1 Group-Level Terminations in the FF-SHOP

When an employer requests that the entire group's enrollment or coverage be terminated, the termination may be effective only on the last day of any month. The employer must make the request no later than the 15th of the month in which the employer wants the termination to be

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effective. A request that the entire group be terminated that is submitted after the 15th of the month will not be effective until the last day of the following month.

Beginning January 1, 2016, the FF-SHOP is responsible for sending termination notices related to terminations for loss of eligibility or non-payment of premiums to both qualified employers and enrollees. This relieves issuers of this requirement, except where state law requires a QHP issuer to send these notices. If state law requires issuers to send these notices, the issuer is still responsible for sending these notices. If not required to do so by state law, issuers may also send these notices if desired, but the fact that the issuer has sent a notice does not exempt an FF-SHOP from the notice requirement. The FF-SHOP also sends a notice to employers confirming termination of the group's enrollment through the FF-SHOP if the employer has withdrawn its participation in the FF-SHOP (including when it has decided not to renew its participation in the FF-SHOP).

The FF-SHOP does not send a termination notice to an issuer if an employer renews its SHOP participation but does not renew with that particular issuer. Similarly, the FF-SHOP does not send an issuer a termination notice when an enrollee renews SHOP coverage but does not renew coverage with that issuer.

3.11.2 Enrollee-Level Terminations in the FF-SHOP

A qualified employee or qualified employer may voluntarily request termination of coverage and/or enrollment for a qualified employee or dependent through the FF-SHOP. However, unless the enrollee has an SEP, the FF-SHOP system can terminate coverage or enrollment for an enrollee or remove the enrollee from the roster mid-plan year only if the request is submitted by the qualified employer. The system can process a request from a qualified employee to initiate a mid-plan year termination for the employee and/or his or her dependents only when the employee and/or his or her dependents qualify for an SEP. Enrollee-level terminations are effective on the last day of the month in which the FF-SHOP receives notice of the requested termination and notice must have been received by the FF-SHOP prior to the proposed date of termination. Pursuant to 45 CFR §155.720(h), if any employee terminates coverage from a QHP, the SHOP must notify the employee's employer.

During an SEP, a qualified employee requesting to terminate coverage may do so by any of the following methods:

1. Logging on to MyAccount and taking action in response to the SEP.
2. Contacting the FF-SHOP Call Center at 1-800-706-7893 (TTY: 711).
3. Contacting an FF-SHOP registered A/B associated with the qualified employer's account, or having a Navigator, non-Navigator assistance personnel, or CAC assist the qualified employee by walking the qualified employee through the online process with the qualified employee logged into their MyAccount to respond to the SEP.

Beginning January 1, 2016, the FF-SHOP is responsible for sending termination notices to enrollees if the enrollee:

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1. Has become ineligible to enroll in coverage through the FF-SHOP, including when the enrollee has lost eligibility because the employer is no longer offering coverage through the FF-SHOP (such as if the employer withdrew from the FF-SHOP or decided not to renew FF-SHOP participation); and/or
2. Has enrollment or coverage through the FF-SHOP terminated due to non-payment of premiums.

Examples

Example 3F: An employer decides to voluntarily terminate his or her participation in an FF-SHOP. The employer submits a termination request on the 14th day of the month in which the employer wants the termination to be effective. Enrollment through the FF-SHOP will terminate for the entire group on the last day of the month. The FF-SHOPs are responsible for sending a notice of termination to enrollees. The notice of termination to enrollees includes: information about the enrollee and applicable dependents, including the name of the plan(s) in which the enrollee and any applicable dependents were enrolled; the date the termination will be effective; the reason for termination; and whether the termination of enrollment through the FF-SHOP will lead to a termination of coverage and the consequences of termination.

3.11.3 Dependent Age-offs in the FF-SHOPs

Section 2714 of the Public Health Service Act, implemented at 45 CFR §147.120, states that a group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children must continue to make such coverage available for an adult child until the child turns 26 years of age. However, states have varying rules on the maximum dependent age-off. Information on specific state rules must be obtained directly from the applicable state regulatory authority.

If an employer offers dependent child coverage through an FF-SHOP, and a dependent is approaching the maximum child dependent age for the plan, the FF-SHOPs send a notice 90 days in advance of the age-off. This advance notice is sent to alert the enrollee that the dependent is reaching the maximum child dependent age for the plan. The notice includes the date the dependent will reach the maximum child dependent age for the plan and information about next steps. The actual termination notice will be sent after the dependent ages off and no longer has dependent coverage through an FF-SHOP (including any applicable continuation coverage offered through an FF-SHOP).

3.11.4 Termination/Switch Files for Non-renewals

FF-SHOP issuers are currently not receiving Health Insurance Exchange (HIX) termination transactions when groups do not renew their enrollment or coverage through an FF-SHOP or when enrollees in coverage through an FF-SHOP switch to a new issuer for a new plan year. Instead, FF-SHOP issuers receive a Switch File when these two scenarios occur.

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CMS sends two Switch Files via the managed file transfer (MFT) process where files are pushed and pulled from each trading partner's Outbound 30 and Inbound 30 folders at the exchange data center. The files are sent in a pipe delimited format and are created and sent between the 20th and 25th of every month. The Group Switch File identifies employer groups that are not renewing their enrollment or coverage with any issuer through an FF-SHOP. The Member Switch File identifies enrollees that are not renewing their enrollment or coverage through an FF-SHOP, and enrollees who select a different issuer from the one that issued their coverage for the previous plan year. Further, if an issuer remains active, but changes its HIOS ID, CMS sends a Member Switch File for all active enrollments with the issuer. Additional information about the FF-SHOP Switch File is available in the Switch File Interface Control Document located on REGTAP at: http://www.regtap.info/uploads/library/FFSHOPPASEnrollmentReconciliationICDv19_101615_5CR_101615.docx.

Issues and questions concerning Switch Files can be resolved through the FF-SHOP Call Center or through the Enrollment Reconciliation Dispute Resolution process.

3.12 RENEWALS IN THE FF-SHOP

Currently, renewal of FF-SHOP participation and/or coverage is not an automated process and requires both qualified employers and qualified employees to access their accounts on HealthCare.gov. The FF-SHOP renewal process applies to employer groups that were determined eligible to buy coverage through an FF-SHOP and had qualified employees enroll in a plan through the FF-SHOP in the previous plan year. While the FF-SHOP sends notices about the renewal process to employers and employees, this does not relieve issuers of their renewal notice requirements. For information on issuer requirements involving renewal notices, see CMS guidance published on September 2, 2014, available at: <http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Renewal-Notices-9-3-14-FINAL.PDF>. The FF-SHOP sends notices to employers approximately two months in advance of the date when the group's current coverage through an FF-SHOP will end, so long as rates are available for the quarter in which renewed coverage would take effect. This means employers generally receive letters 45-60 days prior to the date when the group's current coverage through an FF-SHOP will end. Qualified employees will receive information about their renewals when their qualified employer makes a renewed offer of coverage for the new plan year.

For plan years beginning on or after January 1, 2016, medical and dental coverage renewals are considered separately so that a qualified employee (and dependents, if applicable) may renew medical coverage alone, dental coverage alone, or both, provided that the qualified employer continues to offer both medical and dental coverage through the FF-SHOP.

Renewals for Employers

An employer may decide to renew its FF-SHOP participation as well as the coverage it offered in the previous year through the FF-SHOPs. The employer may also decide that it will renew its

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FF-SHOP participation, but not renew the coverage it offered in the previous year through the FF-SHOPs. Both of these circumstances are considered renewals of FF-SHOP participation and must follow the FF-SHOP renewal process, even when they do not result in an issuer's renewing coverage, as defined for purposes of guaranteed renewability.

CMS regulations at 45 CFR §155.725 require the FF-SHOP to set a standard annual employer election period for renewing FF-SHOP employers and to set a standardized annual open enrollment period for renewing qualified employees. Qualified employers can renew their offer of coverage through an FF-SHOP electronically through HealthCare.gov as soon as plan and rate information becomes available for the quarter in which their coverage would end, but generally not more than two months before the date an enrollment must be submitted to avoid a gap in coverage—this is when the annual election period begins for that employer.

An FF-SHOP sends notices to employers approximately two months in advance of the date when the group's current coverage through an FF-SHOP will end, as long as rates are available for the quarter in which renewed coverage would take effect; this is generally be 45-60 days prior to the date when the group's current coverage through an FF-SHOP will end. Most of the information included in the qualified employer's account from the previous plan year is pre-populated upon renewing participation, including contact information, employer contribution preferences, and employee roster information.

Employers renewing FF-SHOP coverage that will take effect during the first quarter of calendar year 2017 will be able to view rates and begin the renewal process which CMS expects to be as early as November 1, 2016. Qualified employers renewing an offer of coverage in an FF-SHOP must provide their qualified employees with an annual open enrollment period of at least one week to decide whether to accept the coverage offer. This one-week minimum period is the qualified employees' annual open enrollment period. A qualified employer could offer qualified employees an annual enrollment period of more than one week, but CMS provides for a one week minimum to enable qualified employers and qualified employees, especially at very small companies, to finalize their annual renewal process more quickly. Consistent with 45 CFR §155.725(h)(2), both the qualified employer and qualified employee renewal process must be completed no later than 11:59 pm ET on the 15th day of the month preceding the desired renewal date for it to take effect by that date. The employer's election period should therefore end at least one week prior to the deadline for completing a renewal that would take effect at the end of the employer's prior plan year.

For example, an employer group whose plan year ends on December 31, 2016, and who is seeking a coverage renewal date of January 1, 2017, must complete the renewal process by December 15, 2016. This employer's election period begins when the plan and rate information for the first quarter of 2017 becomes available, which CMS expects to be November 1, 2016. The employer's election period must end by December 7, 2016, to give qualified employees at least one week to make decisions about the employer's coverage offer. In the Notice of Annual Election Period, the FF-SHOP reminds qualified employers to provide qualified employees with an open enrollment period of this length; the employer should ensure that its employees have at

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least the one week period from December 8, 2016, through December 15, 2016 (or the applicable dates for a given employer), to respond to the employer’s offer.

CMS regulations, at 45 CFR §155.710(d), require that an FF-SHOPs treat a qualified employer purchasing SHOP coverage that ceases to be a small employer solely by reason of an increase in the number of employees, as eligible to participate in the SHOP until the employer otherwise fails to meet FF-SHOP eligibility criteria or no longer purchases coverage for qualified employees through the SHOP. Therefore, a qualified employer with qualified employees enrolled in FF-SHOP coverage that increases in size above a state’s small group market upper threshold (either 50 or 100 employees), is able to renew and maintain group coverage through the FF-SHOP, until the employer otherwise fails to meet FF-SHOP eligibility criteria or no longer purchases coverage for qualified employees through the FF-SHOP. Employers renewing participation will not have to go through the eligibility process again.

Generally, once employers have been determined eligible for coverage through an FF-SHOP, they remain eligible unless there are any changes to the FF-SHOP through which they offer coverage, they no longer offer coverage to all full-time employees, or they otherwise fail to meet FF-SHOP eligibility criteria

Personalized notices regarding the annual employer election period and the opportunity to renew or change employer participation in the FF-SHOP are automatically sent to the user’s MyAccount at HealthCare.gov approximately two months in advance of the date when the group’s current coverage through an FF-SHOP will end, so long as rates are available for the quarter in which renewed coverage would take effect. Depending upon the preferred method of contact, a paper notice or electronic notice will be sent to the employer. The electronic FF-SHOP Annual Employer Election Period notice includes information about potential actions employers may want to take to renew previous coverage choices, modify previous coverage choices or contributions to employee premiums, or terminate FF-SHOP participation. The notice includes information about the date the current plan year is ending, the first date the employer can opt to renew its coverage offer, and the last day that employers must submit a group renewal to avoid a gap in coverage for the group. Issuers are not responsible for distributing these notices, but are still subject to market-wide requirements regarding notices under 45 CFR §147.106. Exhibit 23 provides a table of employer attentions in the FF-SHOPs.

Exhibit 23 – Employer Attestations in the FF-SHOP

| Attestation | Explanation |
|---|--|
| To principal business address or eligible employee primary worksite | One of these must fall within an FF-SHOP service area |
| To having at least one employee on the first day of the plan year | Employer must have at least one employee on the first day of the plan year |
| To offer coverage through a SHOP to all full-time employees | Employer must offer coverage through a SHOP to all full-time employees |

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| Attestation | Explanation |
|---|---|
| To having on average from 1 to 50 or 1-100 ¹² full-time and full-time equivalent employees on business days during the preceding calendar year ¹³ | Employers must have on average from 1 to 50 or 1 - 100 full-time and full-time equivalent employees on business days during the preceding calendar year |

Groups whose enrollment and/or coverage through the FF-SHOP has been terminated for non-payment of premium but that are still within their 30-day reinstatement window are unable to renew FF-SHOP participation through the online system until their prior coverage has been reinstated. If the group’s prior coverage is reinstated, CMS does not consider this a gap in SHOP coverage. Due to operational reasons, groups that are in a grace period for non-payment of premium will be able to renew their coverage through the online system, but will need to pay all premiums owed prior to the start of the new plan year. The first month’s premium for the new plan year must be received by the FF-SHOP’s premium aggregation services vendor on or before the 20th day of the month prior to the desired renewal coverage effective date. Payments sent by currently enrolled groups at the time of renewal will be applied to current year invoices before they are applied to the new plan year. Issuers are expected to effectuate new plan year coverage if they do not receive a cancellation transaction by the 26th of the month prior to the renewal coverage effective date. CMS notes that under 45 CFR §156.285(c)(8)(iii), FF-SHOP issuers must effectuate coverage unless the FF-SHOP sends a cancellation notice prior to the coverage effective date. Thus, issuers should not cancel an enrollment transaction unless the FF-SHOPs send a cancellation transaction. Note that after groups initially enroll or renew their coverage, the

¹² According to the Protecting Affordable Coverage for Employees Act (PACE Act), a small employer is generally defined as an employer who employed 1-50 employees. However, states may extend the definition of a small employer to include employers with 1-100 employees. Therefore, depending on the state, an employer generally must have had an average of no more than 50 or no more than 100 employees on business days during the preceding calendar year to be eligible for SHOP. See the definition of “small employer” at 45 CFR §155.20 for further details. A list of state small group definitions can be found at: <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Market-Reforms/state-rating.html>.

¹³ If the employer was not in existence throughout the preceding calendar year, the determination of whether the employer has the requisite number of employees shall be based on the average number of employees that it is reasonably expected the employer will employ on business days in the current calendar year. See ACA §1304(b), 45 CFR §155.20 (definition of “small employer”), and 45 CFR §155.710(b). This attestation does not apply if the qualified employer has previously been determined eligible to participate in an FF-SHOP, and has since grown to no longer meet the definition of a small employer because of an increase in the number of the employer’s employees, provided that the employer continues to meet all other FF-SHOP eligibility requirements and continues participating in the FF-SHOP. See ACA §1304(b) and 45 CFR §155.710(d).

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FF-SHOP will invoice employers for new hires and SEPs on the employer's next monthly invoice and remit cleared payments received to issuers as part of the FF-SHOP weekly issuer payment cycle.

Renewal for Qualified Employees

Qualified employees wishing to renew FF-SHOP participation must use HealthCare.gov to respond to a qualified employer's renewed offer of coverage. Some information entered into the system for the previous plan year will be pre-populated in the employee's electronic application. Generally, as long as a qualified employer extends an offer of coverage to an employee or former employee, the employee or former employee is eligible.

Qualified employees should wait until they receive notice of the employer's renewed offer of coverage through an FF-SHOP to begin the renewal process. Personalized notices regarding the annual employee open enrollment period are sent automatically to the qualified employee's MyAccount at HealthCare.gov within the Employee portal, upon receipt of an employer's renewal offer of coverage. Depending on the preferred method of contact, a paper notice or electronic notice will be sent. The notice contains information about:

- The last day of the current plan year;
- The qualified employee's enrollment period start and end dates;
- The date by which the employee needs to make coverage decisions to prevent a gap in coverage;
- How employees can learn more about the offer of coverage for the next plan year;
- How to waive or accept coverage; and
- Potential actions qualified employees may want to take to renew previous coverage choices, modify previous coverage choices, or terminate FF-SHOP participation.

When renewing coverage, qualified employers must provide their qualified employees with an annual open enrollment period of at least one week to decide whether to accept the coverage offer. The employer may provide additional time; however, all qualified employee enrollments must be finalized consistent with the timeframes under 45 CFR §155.725(h)(2), and the renewal process for the entire group must be completed no later than the 15th of a month for coverage to start the first day of the next month. For example, for coverage that ends December 31, 2016, the renewal process must be completed by December 15, 2016, to avoid a coverage gap.

Qualified employees cannot make changes to SSN, DOB, gender, and name for themselves or their dependents as part of the renewal process. These changes can be made by qualified employers contacting the FF-SHOP Call Center. Issuers will receive maintenance transactions for these changes. Changes to enrollee contact information can be made as part of the qualified employee's renewal process. These changes are sent on renewal transactions and are also displayed to employers when they log in to the FF-SHOP.

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Examples

Example 3G: An employer who was determined eligible to buy coverage through an FF-SHOP and had qualified employees enroll through the FF-SHOP would like to renew his or her 2015 FF-SHOP participation. The group’s plan year ends on March 31, 2016. Since FF-SHOP participation can be renewed only after rate and plan information becomes available for the quarter in which the prior plan year would end, but generally not more than two months before the date an enrollment must be submitted to avoid a gap in coverage, the employer in this example can renew its offer of coverage as early as February 16, 2016. The employer must provide its qualified employees with at least one week to decide whether to accept the offer of coverage. The entire renewal process will take place online through HealthCare.gov. In this example, the employer group must submit its completed renewal online by March 15, 2016, to have coverage take effect on April 1, 2016, with no gap in coverage.

Example 3H: Qualified employees receive a renewed offer of coverage from a qualified employer and are given two weeks to respond. The FF-SHOP does not receive a response to the renewed offer of coverage from a qualified employee in a timely manner. As a result, the qualified employee will not be enrolled when the group’s renewal is processed. For the qualified employee to avoid a gap in coverage, the qualified employee must go online to HealthCare.gov and respond to the renewed offer of coverage during the annual employee open enrollment period set by the qualified employer.

3.13 FF-SHOP REQUIRED NOTICES

The FF-SHOP issues notices to employers and employees as required under 45 CFR § 155(h) and § 157, in relation to their participation in the FF-SHOPs. Exhibit 24 details the various types of required notices.

Exhibit 24 – FF-SHOP Required Notices (Other than Notices Related to Appeals)

| FF-SHOP Required Notices |
|---|
| FF-SHOP Required Notices to Employers |
| Employer Eligibility Determination Notice (45 CFR §155.715(e)) – Sent after the processing of an initial application. Includes notice of right to appeal. |
| Notice of Annual Employer Election Period (45 CFR §155.725(d)) – Includes information on the date the current plan year is ending, the first date an employer can opt to renew coverage, and the date by which the annual election period must end to ensure an annual employee open enrollment period of at least one week. |
| Notice of Employee Termination (45 CFR §155.720(h)) – Notification to the employer of an employee’s termination of coverage. Includes effective date of termination. |



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FF-SHOP Required Notices

Notice of Employer Termination of Coverage and/or Enrollment (45 CFR §155.735(g)) – Notification to the employer of termination of the employer group’s coverage and/or enrollment through the FF-SHOP due to loss of eligibility or non-payment of premiums. If state law requires issuers to send these notices, the FF-SHOP is not required to send the notice.

FF-SHOP Required Notices to Qualified Employees and Enrollees

Employee Eligibility Determination Notice (45 CFR §155.715(f)) – Sent after the processing of an initial application. Includes notice of right to appeal.

Notice of Employer Withdrawal (45 CFR §155.715(g)) – Notification to qualified employees of their employer’s withdrawal of participation in an FF-SHOP.

Notice of Annual Employee Open Enrollment Period (45 CFR §155.725(f)) – Includes information on current coverage, date the current plan year is ending, dates that an employee’s annual open enrollment period starts and ends, and more information about the coverage being offered, including how to accept or waive the offer.

Notice of Enrollee Termination of Coverage and/or Enrollment (45 CFR §155.735(g)) – Notification to an enrollee of termination of coverage and/or enrollment through an FF-SHOP due to loss of the enrollee’s eligibility to participate in the FF-SHOP or non-payment of premiums. Loss of an enrollee’s eligibility includes an enrollee who loses eligibility because a qualified employer has lost its eligibility. If state law requires issuers to send these notices, the FF-SHOP is not required to send the notice.

Notice of Dependent Age Off (45 CFR §155.735(d)(2)(iii)) – Notification to a qualified employee before his or her dependent(s) lose eligibility for dependent child coverage under their plan because of age. Includes information about the plan the dependent is currently enrolled in, the date the dependent would lose dependent child eligibility, and information about next steps. This notice does not replace a termination notice. Enrollees will still receive a termination notice when their coverage through the FF-SHOP is terminating.

Qualified Employer Required Notices to Qualified Employees

Notice of Enrollment Process (45 CFR §157.205(c) and (e)) – A qualified employer must inform each qualified employee (including employees who are hired outside of the initial and annual open enrollment periods for the employer group) that he or she is being offered coverage through an FF-SHOP. Employers must include instructions about how to enroll in health insurance coverage through an FF-SHOP, and should include information about what formats the employee may use to submit an application (i.e., online, or by phone). If the qualified employee being offered coverage was hired outside of an initial or annual enrollment period, the notice should include information about the enrollment process, including the enrollment period for newly qualified employees pursuant to 45 CFR §155.725(g).



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FF-SHOP Required Notices

Qualified Employer Required Notices to FF-SHOPs

Notice of Change in Eligibility for Coverage (45 CFR §157.205(f)) – A qualified employer must provide an FF-SHOP with information about dependents or employees whose eligibility status for coverage purchased through the employer in the FF-SHOP has changed, including newly eligible dependents and employees, and loss of qualified employee status. Information submission may be completed online or by phone.

4. DIRECT ENROLLMENT (APPLICABLE TO THE INDIVIDUAL MARKET FFM, QHP/QDP)

The direct enrollment process allows new applicants and existing enrollees (either directly or through an FFM-registered A/B) to enroll in a QHP in a manner considered to be through the FFM during the OEP or an SEP, when the process is originated through either a QHP issuer website or web-broker website (referred to as an Enrollment Partner website). Enrollees also have the ability to report a life change through direct enrollment.

The FFM made available an Application Programming Interface (API) that allows an Enrollment Partner to submit enrollment requests to the FFM through a web service invocation. Enrollment requests are processed by the FFM and sent to the QHP issuer via an 834 transaction. Enrollment Partners using the direct enrollment model should adhere to the guidelines outlined in the “FFM Direct Enrollment API for Web-brokers/Issuers Technical Specifications.” The FFM direct enrollment API provides Enrollment Partner websites access to the FFM eligibility and enrollment business services through a combination of secure transfers whereby the applicant or applicant’s FFM-registered A/B is redirected to and from the FFM’s website and utilizes the FFM web services. The secure transfer of the applicant or applicant’s FFM-registered A/B from the Enrollment Partner website to the FFM is used for submission of the eligibility application (for initial eligibility determinations, as well as eligibility redeterminations for a new plan year or change within a plan year).

Upon receiving an eligibility determination, the applicant or applicant’s FFM-registered A/B is securely transferred back to the Enrollment Partner website where they can compare and select a QHP, utilizing the eligibility information provided by the FFM, and submit the enrollment request to the FFM for that applicant. The plan shopping experience, including submission of the plan selection and amount of APTCs selected (for those who are eligible), is implemented by the Enrollment Partner website using its own shopping and rating tools. Exhibit 24 illustrates the process flow for an applicant shopping for QHPs through direct enrollment. Exhibit 25 illustrates the process flow for a new applicant’s FFM-registered A/B assisting the consumer using direct enrollment.

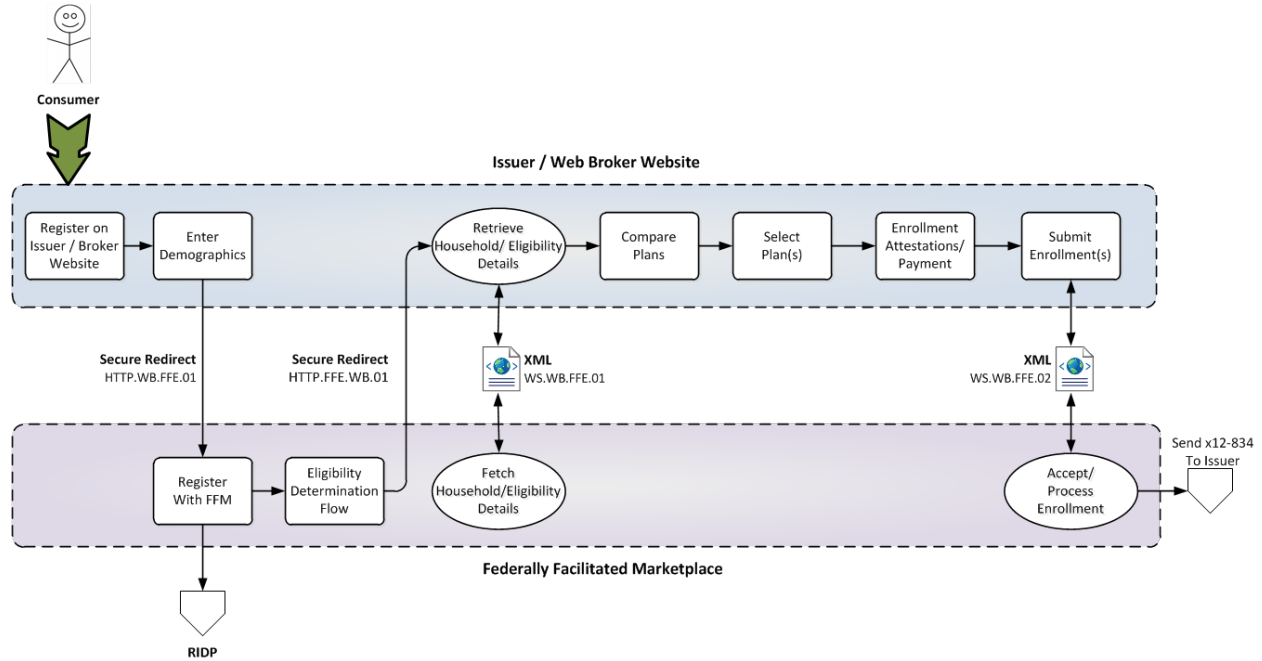
The model described above, which includes the consumer-facing or agent/broker redirect with Security Assertion Markup Language (SAML) assertion, is the only approved Direct Enrollment pathway that Enrollment Partner websites can use to facilitate enrollments through the FFM. It is impermissible for consumers or agent/brokers to complete an application on a third party website and have their data automatically input into HealthCare.gov as part of the direct enrollment process.

Specifically, CMS regulations at 45 CFR §155.405 require the use of the FFM’s single streamlined application to collect information and determine eligibility for: enrollment in a QHP offered through the FFM; APTC; CSR; and Medicaid, CHIP, or BHP (collectively, state health subsidy programs). Third party websites to collect consumer information to apply for coverage

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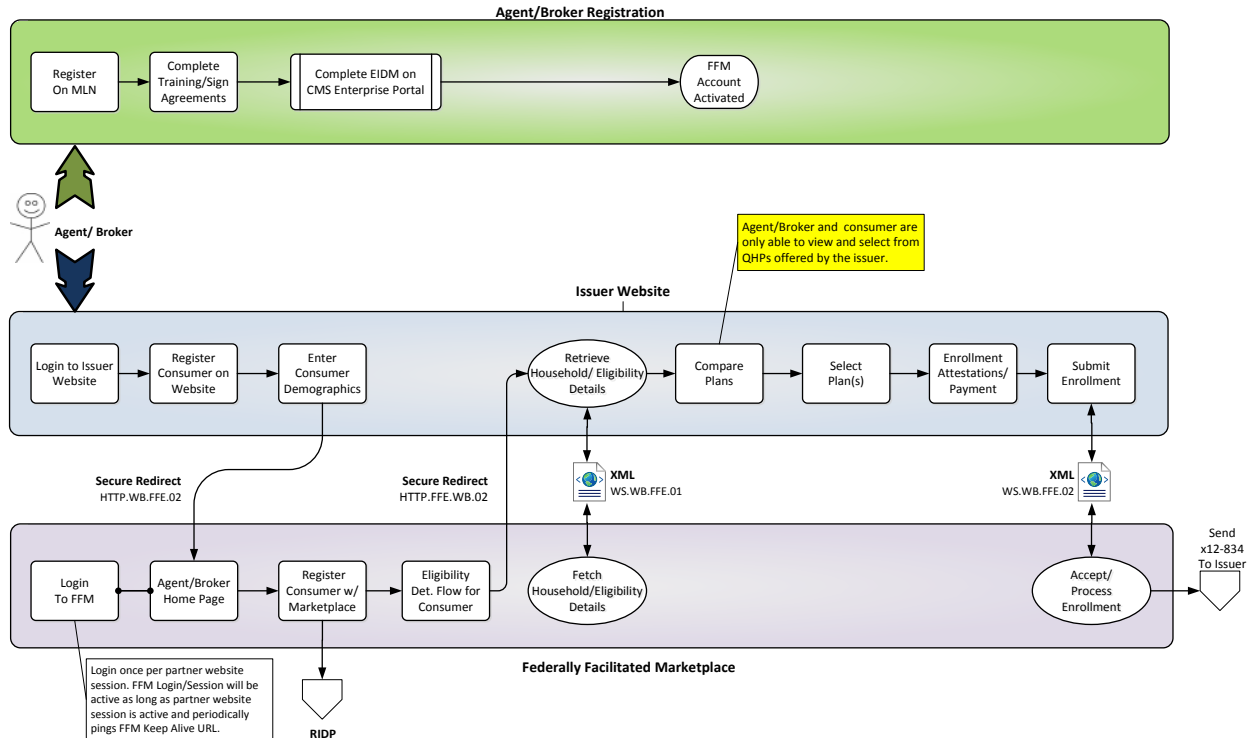
or other state health subsidy programs through the FFM may not collect the appropriate level or amount of information necessary to make eligibility determinations. As a result, such websites do not satisfy the FFM single streamlined application requirement and are not approved by CMS.

Exhibit 25 – New FFM Applicant Using Direct Enrollment



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Exhibit 26 – New Applicant’s FFM-Registered A/B Using Direct Enrollment



4.1 ADDITIONAL INTERACTIVE SCENARIOS

For a comprehensive list of scenarios and process flows/technical specifications including returning FFM applicants, applicants reporting life changes, and applicants found eligible for public programs, such as Medicaid/CHIP, please refer to the “FFM Direct Enrollment API for Web-brokers/Issuers Technical Specifications” located on CMS zONE, <https://zone.cms.gov/>. Enrollment Partners that wish to access CMS zONE may send their requests to Calt_Support@cms.hhs.gov.

The direct enrollment API currently supports any new enrollees, as well as consumers with existing coverage through the FFM who want to switch QHPs during the OEP or an SEP, if applicable. The API also allows an enrollee to report a life change through direct enrollment. Existing enrollees who want to obtain an updated eligibility determination and/or select the same plan or a new plan during open enrollment can do so by selecting a pre-populated application with information from their application for the previous plan year and updated information obtained by the FFM. Please refer to Sections 2.8, Redeterminations and Renewals, for information on redeterminations and renewals. Existing enrollees who have submitted an application and want to report a change during the plan year may also do so by selecting their current year application and making the appropriate changes. If the change results in the consumer being eligible for an SEP, the enrollee may return to the Enrollment Partner website to select the same or new QHP, including updating financial assistance amounts.

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Enrollees can also switch QHPs using direct enrollment throughout the OEP and during an SEP, if applicable. Furthermore, for enrollees who wish to switch QHPs during the OEP or an SEP, the FFM gives enrollees the choice to either return to the Enrollment Partner's website or stay on the FFM website. This is the only situation when an enrollee coming in through the consumer direct enrollment pathway has the ability to stay on the FFM website as opposed to being redirect back to the Enrollment Partner website. Please note that this option to stay on the FFM website when switching plans is only available for the consumer flow for direct enrollment. FFM-registered A/Bs do not have that option and are only able to return to the Enrollment Partner website. Please note that consumers and FFM-registered A/Bs will be redirected back to the Enrollment Partner website when first selecting a QHP during the OEP or an SEP. It is only after a selection is made during the OEP or SEP, that a consumer has an option to switch QHPs, if eligible.

4.2 GUIDELINES FOR SPECIFIC QI SCENARIOS

The FFM provides eligibility results for all individuals seeking coverage on the application as part of the household/eligibility web services response. The FFM also provide information about whether each applicant is eligible for enrollment in a QHP through the FFM and, where the applicant has applied for insurance affordability programs, the FFM will make a determination of eligibility for APTCs and CSR and an assessment or determination of eligibility for Medicaid and/or CHIP, depending on the state's election.

4.2.1 Applicant Not Eligible for QHP Enrollment

If an applicant is determined ineligible for enrollment in a QHP through the FFM, the information initially will be provided to the applicant (or applicant's FFM-registered A/B) at HealthCare.gov. This information is retrieved by the Enrollment Partner as part of the fetch eligibility web services response. The applicant (or applicant's FFM-registered A/B) is transferred back to the Enrollment Partner website, and the applicant can view and select a plan offered outside the FFM, if desired.

4.2.2 Applicant is Eligible for QHP Enrollment and APTCs/CSR

If an applicant is found eligible for enrollment in a QHP through the FFM and is determined eligible for APTCs or CSR, the FFM provides this information to the applicant (or applicant's FFM-registered A/B) at HealthCare.gov, and the Enrollment Partner retrieves this information as part of the fetch eligibility web services response. The FFM transfers the applicant (or applicant's FFM-registered A/B) back to the Enrollment Partner website to select a QHP. The Enrollment Partner must allow applicants to select the amount of APTCs they want to apply towards the reduction of their share of the premiums in the plan selection process, and should only display the CSR plan variation for which an applicant is found eligible, for any of the QHP issuer's silver level plans (or American Indian/Alaskan Native CSR variations, as appropriate).

4.2.3 Applicant is Eligible for QHP Enrollment but Not for APTCs/CSR

If an applicant is found eligible for enrollment in a QHP through the FFM, but is determined ineligible for APTCs or CSR, the FFM provides this information to the applicant (or applicant's FFM-registered A/B) at HealthCare.gov, and the Enrollment Partner retrieves this information as part of the fetch eligibility web services response. The FFM transfers the applicant (or applicant's FFM-registered A/B) back to the Enrollment Partner website to select a QHP. In the plan selection process, the Enrollment Partner should not include any APTCs amounts for an applicant who is not eligible for APTCs, or CSR plan variations for an applicant who is not eligible for CSR.

4.2.4 Applicant is Eligible for Medicaid or CHIP

If an applicant is assessed or determined eligible for Medicaid or CHIP, the FFM sends the applicant's information to the appropriate state Medicaid or CHIP agency and informs the applicant (or applicant's FFM-registered A/B) that the state agency will follow-up with the applicant, or the applicant may contact the relevant state agency regarding his or her status.

Medicaid/CHIP MAGI Eligibility Scenario: If an applicant is determined eligible or assessed as potentially eligible for Medicaid/CHIP based on MAGI, his or her account is transferred to the state Medicaid/CHIP agency. The Enrollment Partner retrieves the eligibility information as part of the fetch eligibility web services response. The Enrollment Partner should not include those eligible for Medicaid or CHIP in an enrollment group because the Enrollment Partner would receive an error since the system can only accept a submitted enrollment response for applicants that are marked as eligible for a QHP in the fetch eligibility web service. There is a system limitation that shows an applicant as ineligible for a QHP on the fetch eligibility web service if they are Medicaid/CHIP eligible. Most of these applicants would be eligible to enroll in QHPs through the Marketplace, without APTCs or CSR, but they must come back to the Marketplace to enroll in QHPs.¹⁴

If an applicant assessed as potentially eligible for Medicaid/CHIP is determined ineligible for Medicaid/CHIP by the state agency, the state agency transfers the applicant's account back to the FFM, and the applicant is sent a notice from the FFM about his or her eligibility for QHP coverage through the Marketplace and for APTCs and CSR. If the applicant receives an updated determination of eligibility to enroll in a QHP through the Marketplace, and comes through the Enrollment Partner's website, that updated information will be reflected in the fetch eligibility web services response (including eligibility for any APTCs or CSR) and the applicant can select a QHP through the Enrollment Partner website.

¹⁴ The system currently does not allow this.

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Medicaid/CHIP Non-MAGI Eligibility Scenario: The FFM also screens for eligibility for Medicaid based on factors other than MAGI (e.g., disability, long-term care needed) and allows applicants to request an eligibility determination on these bases. If an applicant indicates on the application that they are disabled or have a long-term care need, but they also have been determined eligible for enrollment in a QHP through the Marketplace, the FFM transfers the applicant to the Enrollment Partner website and indicates that the applicant is eligible to select a QHP through the Marketplace (if the applicant wants to select a QHP pending the outcome of the non-MAGI Medicaid eligibility determination), and the Enrollment Partner retrieves the eligibility information as part of the fetch eligibility web services response. If the applicant is eligible for APTCs or CSR pending the outcome of the non-MAGI determination, the amount of APTCs or CSR available is provided by the FFM as part of the fetch eligibility web services response and should be used during the plan selection process.

4.2.5 Households That Include Consumers Eligible for Different Coverage Programs

For households that include consumers eligible for different coverage programs (e.g., QHP with APTCs, Medicaid), Enrollment Partners should follow the guidelines outlined above for each applicant in the household. When an applicant is determined eligible or assessed as potentially eligible for Medicaid or CHIP based on MAGI, the FFM transfers application information to the state Medicaid or CHIP agency, as applicable. Enrollment Partners should not include any applicants in the QHP selection process who are not listed as eligible for enrollment in a QHP through the Marketplace in the information received through the fetch eligibility web services response because the Enrollment Partner would receive an error since the system can only accept a submit enrollment response for applicants that are marked as eligible for a QHP in the fetch eligibility web service. There is a system limitation that shows an applicant as ineligible for a QHP on the fetch eligibility web service if they are Medicaid/CHIP eligible. Most of these applicants would be eligible to enroll in QHPs through the Marketplace, without APTCs or CSR, but they must come back to the Marketplace to enroll in QHPs.¹⁵

Enrollment Partners have the ability to create their own shopping experience once an applicant is directed to the Enrollment Partner's website. Nevertheless, if a household has applicants who are determined eligible for QHP enrollment through the FFM and others who are not eligible, the Enrollment Partner website must first complete the plan selection process for applicants eligible for QHP enrollment through the FFM prior to completing the plan selection process for consumers who are not eligible for QHP enrollment through the FFM. While the Enrollment Partner may not enroll applicants in Marketplace coverage who are not determined eligible for

¹⁵ The system currently is unable to provide this function

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QHPs, they may enroll them in coverage outside the Marketplace after handling those applicants who are QHP eligible.

4.3 ENROLLMENT GROUPS

Due to system limitations, direct enrollment for applicants applying for financial assistance through an FFM is currently limited to enrollment groups consisting of a single tax household (that is, only applicants who are included on the same tax return are able to enroll together in a QHP through the Marketplace). Furthermore, due to system limitations, direct enrollment cannot handle applicants seeking to enroll in a catastrophic health plan. However, direct enrollment accommodates enrollment in QHPs through the FFM for enrollment groups that include multiple tax households, only as long as applicants are not seeking financial assistance.

If a group of applicants applying for financial assistance through an FFM starts at an Enrollment Partner website, completes the eligibility application at HealthCare.gov for multiple applicants, and the applicants are identified as having multiple tax households, the applicants complete the application process and are able to return to the Enrollment Partner website. However, the FFM will indicate in the eligibility response that there is more than one tax household included in the application, and the Enrollment Partner will need to direct the applicants to the FFM website to select QHPs (for financial assistance applications).

If an applicant is redirected to an Enrollment Partner website, the Enrollment Partner website should continue to use an issuer's current subscriber-dependent rules when determining who can be placed in a policy together. Enrollment Partner websites that are capable of supporting multiple enrollment groups should give QIs the ability to regroup into different enrollment groups, either combining into fewer enrollment groups (if issuer relationship rules permit), or separating into more valid enrollment groups, if desired. "FFM Direct Enrollment API for Web Brokers/Issuers Technical Specifications," addresses how to allocate APTCs for multiple enrollment groups. If an Enrollment Partner website is unable to support multiple enrollment groups, it should make the applicant aware that they can access this functionality at HealthCare.gov as described in the disclaimer below.

It is important to note that all QIs on a single application may only enroll using direct enrollment if doing so at the same time with a single Enrollment Partner. A QI cannot go to Enrollment Partner A's website and enroll some of the tax household and then go to Enrollment Partner B's website to enroll the remaining QIs. The submit enrollment request must include all policies for the application, and the Enrollment Partner should not send multiple enrollment requests as this will cause an error.

Additionally, due to operational limitations, QIs need to select QHPs prior to selecting QDPs. Enrollment Partners who only offer dental coverage are not permitted at this time to participate in direct enrollment. Applicants that want to enroll in a QDP via direct enrollment may do so after making a QHP selection. QHP issuer Enrollment Partners that do not offer dental should include this information in the HHS-approved universal QHP issuer disclaimer described in Section 4.5, Mandatory Attestations.

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4.4 QHP DISPLAY GUIDANCE

4.4.1 QHP Issuer Enrollment Partner

Enrollment Partners that plan to use direct enrollment must adhere to CMS requirements with respect to the display of QHP information. Different regulatory requirements extend to the Enrollment Partner websites depending on whether they are QHP issuer websites or web-broker websites. Details on each follow.

The QHP issuer Enrollment Partner website:

1. Must, in accordance with 45 CFR §156.1230(a)(1)(ii) and §155.205(b)(1), provide applicants the ability to view QHPs offered by the issuer with the standardized comparative information on each available QHP, to the extent such information is currently required to be available:
 - a. Premium and cost-sharing information (total and net premium based on APTCs and CSR);
 - b. Summary of benefits and coverage;
 - c. Identification of whether the QHP is a bronze, silver, gold, or platinum level plan, or a catastrophic plan;
 - d. Provider directory;
 - e. The results of an enrollee satisfaction survey;
 - f. Quality ratings;
 - g. Medical loss ratio information; and
 - h. Transparency of coverage measures reported to CMS during certification.
 2. Should not include the offering of non-QHP health plans or non-QHP ancillary products (e.g., vision, or accident) alongside QHPs. QHP issuer Enrollment Partners should provide applicants the ability to search for off-Marketplace products in a separate section of the website other than the QHP webpages; such plans may be marketed and displayed after the QHP selection process has been completed. However, the QHP issuer Enrollment Partner website must clearly distinguish between QHPs for which the QI is eligible and other non-QHPs that the QHP issuer may offer, and indicate that APTCs and CSR apply only to QHPs offered through the FFM as set forth in 45 CFR §156.1230(a)(1)(iii).
 3. Should provide filters for searching through plan options on QHP issuer Enrollment Partner's QHP websites, which may include, but are not limited to:
 - a. All plans;
 - b. Premium;
 - c. Deductible;
 - d. Maximum out-of-pocket cost;
 - e. Plan type (e.g., HMO, PPO);
 - f. Dental coverage included; and
 - g. Health Savings Account eligible.
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4. Must provide a way for applicants to select their APTC amount up to the maximum for which they are eligible as set forth in 45 CFR §156.1230(a)(1)(v), and subsequently update the net premium for the displayed QHPs. If an applicant is eligible for CSR, QHP issuer Enrollment Partners should only display the CSR plan variation that for which a consumer is found eligible, any of the QHP issuer's second lowest cost silver level plans, or American Indian/Alaskan Native CSR variations as appropriate.
5. Should ensure that information on its QHP webpages is provided to applicants in plain language and in a manner that is accessible and timely to individuals living with disabilities at no cost to applicants.

QHP issuer Enrollment Partner websites must ensure that the premiums charged to an applicant are the same as the amount the FFM would have calculated had the applicant selected a QHP via the FFM. It is important to note that the QHP issuer Enrollment Partner is responsible for collecting information on the tobacco status for each applicant and should factor that in when calculating each enrollee's rate. Currently, the FFM is only able to support changes in enrollees' tobacco status during open enrollment or an SEP as part of the enrollment XML file provided from issuers to the FFM. QHP issuer Enrollment Partners should refer to the other sections of this manual and the "FFM Direct Enrollment API for Web Brokers/Issuers Technical Specifications" to ensure that they are correctly rating and applying the correct financial amounts for an enrollee based on their situation (new vs. existing enrollee making a mid-year change, effective date first of the month vs. mid-month, etc.).

QHP issuer Enrollment Partners must provide an HHS-approved disclaimer as set forth in 45 CFR §156.1230(a)(1)(iv). QHP issuer Enrollment Partners must make this disclaimer available to all applicants regardless of how applicants communicate with the QHP issuer (e.g., through a website, by phone, in-person). The FFM expect that QHP issuer Enrollment Partners to make this available at the beginning of the plan comparison process, and if an applicant is using a QHP issuer's website, the QHP issuer must prominently display this disclaimer when displaying plans to the applicant. The disclaimer must read:¹⁶

"Attention: This website is operated by [Name of Company] and is not the Health Insurance MarketplaceSM website at HealthCare.gov. This website **does not** display all Qualified Health Plans available through HealthCare.gov. To see all available Qualified Health Plan options, go to the Health Insurance Marketplace website at [HealthCare.gov](https://www.healthcare.gov).

¹⁶ Certain pieces of the disclaimer, indicated in brackets, are not required but CMS encourages a QHP issuer that does not offer these services to display those pieces of the disclaimer.

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Also, you should visit the Health Insurance Marketplace website at [HealthCare.gov](https://www.healthcare.gov) if:

1. You want to select a catastrophic health plan.
2. You are applying for financial assistance through the Marketplace and want to enroll members of your household in separate Qualified Health Plans. [The plans offered here do not offer pediatric dental coverage and you want to choose a Qualified Health Plan offered by a different issuer that covers pediatric dental services or a separate dental plan with pediatric coverage.]”

The QHP issuer Enrollment Partner should observe the following guidelines for displaying the disclaimer:

- Display the disclaimer prominently so it is noticeable to the applicant in the context of the website. The Enrollment Partner may change the font color, size or graphic context of the disclaimer to accomplish this. For example, the Enrollment Partner may use font in a color that clearly contrasts with the background of the webpage to draw attention to this disclaimer.
- Present the disclaimer in a font size no smaller than the majority of the text that appears on that particular page.
- Display the disclaimer in the same non-English language (such as Spanish) for any language that the Enrollment Partner maintains screens for on its website.

Web-broker Enrollment Partner

Web-broker Enrollment Partner websites must—in accordance with 45 CFR §155.220(c)(3)(i)—disclose and display all QHP standardized comparative information provided by the Marketplace consistent with the requirements of 45 CFR §155.205(b)(1) and §155.205(c) for all QHPs, including qualified stand-alone dental plans (QDPs) offered through the Marketplace.¹⁷ If not directly provided by CMS, a web-broker may obtain additional information on health plan products (QHPs and QDPs) that are displayed on its website directly from those health insurance and QDP issuers with whom it has a contractual relationship. This standardized comparative information includes the following information, at a minimum:

¹⁷ As detailed in the Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers; Final Rule and Interim Final Rule (77 FR 18310, 18315) (March 27, 2012), with some limited exceptions, QDPs are considered a type of QHP. CMS expects all web-brokers to follow the same requirements for QDPs as for QHPs, including display of all applicable QDPs offered through the Marketplace and all available information specific to each QDP on their websites, as well as including the Plan Detail Disclaimer to the extent that all required QDP comparative information is not displayed on their websites.

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- a. Premium and cost-sharing information (total and net premium based on APTCs and CSR);
- b. Summary of benefits and coverage;
- c. Identification of whether the QHP is a bronze, silver, gold, or platinum level plan, or a catastrophic plan;
- d. Provider directory;
- e. The results of an enrollee satisfaction survey;
- f. Quality ratings;
- g. Medical loss ratio information; and
- h. Transparency of coverage measures reported to CMS during certification.

In accordance with 45 CFR §155.220(c)(3)(i), if a web-broker does not have access to the additional required comparative information for a QHP offered through the Marketplace, including premium and benefit information, it must prominently display the following mandatory standardized Plan Detail Disclaimer for the specific QHP:

“[Name of Company] isn’t able to display all required plan information about this Qualified Health Plan at this time. To get more information about this Qualified Health Plan, visit the Health Insurance Marketplace website at [HealthCare.gov](https://www.healthcare.gov).”

The mandatory standardized Plan Detail Disclaimer must:

- Be prominently displayed where plan information on the QHP would normally appear, so it is noticeable to the consumer;
- Be provided separately for each QHP where this information is missing;
- State that the comparative information for all QHPs offered through the Marketplaces is available on [HealthCare.gov](https://www.healthcare.gov);
- Use the exact language provided by HHS; and
- Include an operational link to the Health Insurance Marketplace website ([HealthCare.gov](https://www.healthcare.gov)).

The Web-broker Enrollment Partner website:

1. Must, in accordance with 45 CFR §155.220(c)(3)(i), adhere to the website display standards specified in 45 CFR §155.205(c). CMS expects a web-broker to make available quality ratings information on each QHP offered through a Marketplace easily accessible to consumers, including consumers with disabilities and limited English proficiency.
 2. Must, in accordance with 45 CFR §155.220(c)(3)(ii), provide consumers the ability to view all QHPs offered through the Marketplace. Web-brokers must display all QHPs available through a Marketplace, irrespective of compensation or appointment arrangements.
 3. Must, in accordance with 45 CFR §155.220(c)(3)(iii) provide no financial incentives, such as rebates or giveaways.
-

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4. Must, in accordance with 45 CFR §155.220(c)(3)(iv), disclose and display all QHP information provided by the Marketplace. Web-brokers must disclose and display all QHP information provided by the FFM or directly by QHP issuers with whom it has a contractual relationship. Similar to last year, CMS is providing a limited subset of current year QHP data for all individual market QHPs offered through the FFM (known as the QHP Limited File). The QHP Limited File contains data for web-brokers to list all QHPs that are available to consumers on the FFM through HealthCare.gov, including QHPs offered in states performing plan management functions. This data will include:
 - i. QHP issuer details: QHP issuer name, address, and contact information.
 - ii. QHP details: QHP name, type of plan, level of coverage, and the state in which the QHP is offered.

The QHP Limited File will NOT contain QHP rate, benefit, cost sharing, network, payment, uniform resource locator (URL), or service area information.

CMS makes detailed QHP information available to web-brokers registered with the FFM through the release of the “QHP Landscape File”¹⁸ and the “Health Insurance Marketplace Public Use Files (PUF).”¹⁹ CMS recommends that web-brokers registered with the FFM use these files, in addition to information a web-broker registered with the FFM obtains through its relationships with QHP (and QDP) issuers, to display required QHP (and QDP) standardized comparative information.

5. Must, in accordance with 45 CFR §155.220(c)(3)(vi), provide consumers with the ability to withdraw from the process and use the Marketplace website instead at any time.

Web-broker Enrollment Partner Websites must also prominently display the General non-FFM Disclaimer as in accordance with 45 CFR §155.220(c)(3)(vii). The disclaimer must read:²⁰

“Attention: This website is operated by [Name of Company] and is not the Health Insurance Marketplace website. In offering this website, [Name of Company] is required to comply with all applicable federal law, including the standards established under 45 CFR §155.220(c) and (d) and standards established under 45 CFR §155.260 to protect the privacy and security of personally identifiable information. This website may not display all data on Qualified Health Plans being offered in your state through the Health Insurance Marketplace

¹⁸ Available at <https://www.healthcare.gov/health-plan-information-2015/>

¹⁹ Available at <http://www.cms.gov/CCIIO/Resources/Data-Resources/marketplace-puf.html>

²⁰ Certain pieces of the disclaimer, indicated in brackets, are not required but CMS encourages a web-broker that does not offer these services to display the parts of the disclaimer corresponding to the certain products or services it does not offer.

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website. To see all available data on Qualified Health Plan options in your state, go to the Health Insurance Marketplace website at [HealthCare.gov](https://www.healthcare.gov).

[Also, you should visit the Health Insurance Marketplace website at HealthCare.gov if:

- You want to select a catastrophic health plan.
- You want to enroll members of your household in separate Qualified Health Plans.
- The plans offered here don't offer pediatric dental coverage and you want to choose a Qualified Health Plan that covers pediatric dental services or a separate dental plan with pediatric coverage. Pediatric dental services are an essential health benefit.]”

The Web-broker Enrollment Partner must observe the following requirements for displaying the General non-FFM Disclaimer:

- The Disclaimer must be prominently displayed on both the initial consumer landing page and on the landing page displaying QHP options that appears before the applicant makes a decision to purchase coverage (QHP selection page).
- The Disclaimer must use the exact language provided by HHS.
- The Disclaimer must include a functioning web link to the Health Insurance Marketplace website ([HealthCare.gov](https://www.healthcare.gov)).

CMS requires all disclaimers, including the Web-broker General non-FFM and Plan Detail Disclaimers, to be “prominently displayed.” CMS considers the disclaimers to be “prominently displayed,” if they are:

- Viewable without requiring the user to select or “click on” an additional link;
- Written in a font size no smaller than the majority of the text on the webpage;
- Displayed in the same non-English language as any language(s) the web-broker maintains screens for on its website; and
- Noticeable in the context of the website (e.g., use a font color that contrasts with the background of the webpage).

Web-brokers may change the font color, size, or graphic context of the disclaimer to ensure that it is noticeable to the applicant in the context of the website. However, the exact language of the General non-FFM and Plan Detail Disclaimers must be used.

CMS expects web-brokers participating in the FFM to prominently display language explaining to consumers that the web-broker has entered into an Agreement(s) with the FFM and has agreed to conform to the website display and security standards in 45 CFR §155.220(c)(3) and 45 CFR §155.260. In addition, CMS strongly suggests that web-brokers or other A/Bs not use “Marketplace” or “Exchange” in the name of their business or websites.

CMS expects web-brokers to display information for QHPs offered through the FFM in a way that does not steer a consumer to a particular QHP based upon financial considerations alone.

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Web-brokers may offer additional tools or decision support that the consumer can use to navigate or refine the display of QHPs. CMS also expects web-broker to display language explaining to the consumer the specific source and nature of web-broker compensation and that compensation does not affect the display of QHP options or premiums charged. CMS expects a web-broker to offer a QHP plan selection experience that is free from advertisements or information for other health insurance-related products and sponsored links advertising health insurance-related products (e.g., an advertisement for a QHP issuer). Once a consumer has completed the QHP plan selection and enrollment, the web-broker may offer the consumer the ability to search for additional products or services if desired. CMS expects that such offers are made in a section of the web-broker's website that is separate from the QHP display and plan selection.

CMS expects web-brokers to display QHPs separately from non-QHPs. Furthermore, CMS expects that web-brokers registered with the FFM will clearly distinguish between QHPs for which the consumer is eligible and QHPs for which the consumer may not be eligible. For example, the display of child-only plans should be limited to consumers eligible for such coverage (e.g., individuals under the age of 21) to avoid confusion.

Web-brokers registered with the FFM should also advise consumers that APTCs and CSR apply only to QHPs offered through the FFM.

If a web-broker registered with the FFM offers the consumer the use of additional sort functionality to alter the order of the QHPs listed, CMS encourages web-brokers to ensure that regardless of how the consumer chooses to sort the QHPs (e.g., lowest monthly payment, lowest deductible), the web-broker website must still provide consumers the ability to view all QHPs offered through the FFM in compliance with 45 CF.R §155.220(c)(3)(ii).

A web-broker may also allow the consumer to apply filters to the QHPs listed (e.g., actuarial value level, provider network, issuer). In this case, CMS recommends that web-brokers ensure that if the consumer were to select all of the available options for a certain filter (e.g., all available actuarial value levels), the total number of plans displayed would remain consistent with the number of QHPs offered through the FFM that satisfy the selection criteria. In addition CMS recommends that if a consumer selects a certain filter (e.g., Bronze metal level), the web-broker displays all QHPs offered through the FFM that satisfy that filter's description.

Web-brokers registered with the FFM must display the complete list of QHPs (or QDPs) to consumers without requiring consumers to perform additional sorting or filtering on an incomplete list of QHPs (or QDPs). Web-brokers should allow a consumer to enter his or her personal information and the next step should show the consumer the complete list of all QHPs (or SADPs) offered through the FFM based on that information.

CMS generally expects that consumers are not charged a separate transaction or service fee for shopping or enrolling in a QHP through a web-broker's website. CMS recognizes that web-brokers may have invested significant resources to develop special software to assist consumers with selection and enrollment in QHPs offered through the FFM, and some independent A/Bs may use those websites to facilitate QHP selection and enrollment. CMS believes that in these

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limited circumstances, where there is a bona fide service of value that goes beyond the traditional assistance provided by an A/B registered with the FFM, it may be appropriate to allow for the collection of an additional fee. However, any practice of collecting such fees from consumers for providing assistance with QHP selection and enrollment through the FFM would be subject to applicable state law. If permitted under state law, A/Bs and web-brokers that elect to pass on these types of costs to consumers for selecting and submitting QHP applications offered through the FFM through a non-FFM website should provide a disclaimer to consumers that: 1) clearly discloses the amount and reason for the fee, and 2) informs the consumer that he/she can apply through the FFM website (HealthCare.gov) at no cost.

A web-broker can allow other A/Bs to use its website to enroll qualified individuals, employers, and employees in a QHP through the FFM by using a contract or other arrangement.²¹ The agent or broker accessing the web-broker website pursuant to the arrangement should be listed as the agent of record on the enrollment. The web-broker must verify that any other agent or broker accessing its website is licensed by the applicable state(s), has completed applicable FFM training, has registered with the FFM, and has signed all required Agreements with the FFM.²²

A web-broker registered with the FFM allowing another agent or broker registered with the FFM to use the web-broker's website must, as mandated by 45 CFR §155.220(c)(4)(i)(C), ensure that the web-broker's name and National Producer Number (NPN) appear prominently:

- On every page of the website, even if the agent or broker registered with the FFM accessing the website is able to customize the appearance of the website; and
- On the cover or first page of all written materials containing QHP information that can be directly printed from the website. This includes all files containing QHP information that can be directly downloaded from or viewed directly on the website. Documents linked to from the site that a separate entity maintains are not included in this definition.

CMS requires that the web-broker's name and NPN be "prominently displayed" on the web-broker's website and on written materials containing QHP information that can be printed from the web-broker's website. CMS considers the information to be "prominently displayed", if it is:

- Viewable without requiring the user to select or "click on" an additional link;
- Written in a font size no smaller than the majority of the text on the webpage; and

²¹ 45 CFR §155.220(c)(4).

²² 45 CFR §155.220(c)(4)(i)(B).

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- Noticeable in the context of the webpage or other written materials (e.g., use a font color that contrasts with the background of the webpage or other written materials).

A web-broker may change the font color, size, or graphic context of the information to ensure that it is noticeable to the consumer in the context of its website or the other written material. However, web-brokers must ensure the information is displayed as required by 45 CFR §155.220(c)(4)(i)(C) and accompanying guidance.

The web-broker must terminate the other agent's or broker's access to its website if CMS determines that the agent or broker is in violation of applicable Marketplace requirements.²³ In addition, web-brokers must report to HHS and applicable state regulators any potential material breach of the A/B Marketplace requirements, including the privacy and security standards under 45 CFR §155.260(b) by the agent or broker accessing its website, should the web-broker become aware of any such potential breach.²⁴

4.5 MANDATORY ATTESTATIONS

QHP issuer Enrollment Partners using their websites to enroll individuals into QHPs in a manner considered to be through the FFM will collect attestations for those households receiving APTCs as set forth in 45 CFR §156.1230(a)(1)(v). In the XML file that the FFM send to QHP issuers related to eligibility, the FFM, based on the information provided in the application, identify the expected tax filers for the coverage year from each tax household from whom the QHP issuer must collect an attestation. QHP issuers should have a box for the tax filer(s) signature(s), and validate that the names entered in the box match the names that were passed by the FFM.

²³ 45 CFR §155.220(c)(4)(i)(D).

²⁴ 45 CFR §155.220(c)(4)(i)(D).

²⁴ 45 CFR §155.220(c)(4)(i)(E).

5. SPECIAL ENROLLMENT PERIODS (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP/QDP)

Pursuant to 45 CFR §155.420, Special Enrollment Periods (SEPs) constitute periods outside of the Open Enrollment Period (OEP) and the FFM and FF-SHOP initial enrollment period when a QI may enroll in a QHP/QDP and/or an enrollee may elect to change a current QHP/QDP selection. This section provides an overview of events that trigger SEPs and details about administering them. It includes material that applies to the individual market FFM and to the FF-SHOP (references to “FFM” include the individual FFM and the FF-SHOP); information on SEPs that applies only to the FF-SHOP is available in Section 3.4.

5.1 AVAILABILITY AND LENGTH OF SEPS

The FFM determines whether a QI and/or enrollee is eligible for an SEP based on a qualifying event described in 45 CFR §155.420(d). Pursuant to 45 CFR §155.420(c), unless otherwise stated, SEPs in the FFMs last 60 days from the date of the triggering event. Exceptions include:

- Certain SEPs for which the FFM has the flexibility to define the length of the SEP based on the circumstances, such as SEPs related to enrollment errors, exceptional circumstances, and misrepresentation.²⁵ The SEPs for these situations may last less than 60 days, depending on the specific situation, but will not last for longer than 60 days.

In addition, it is important to note that the FFM offers advanced availability of the SEP for loss of MEC, so QIs have up to 60 days before or up to 60 days after the loss of coverage to qualify for an SEP and enroll in a QHP.

5.2 SEP TRIGGERING EVENTS AND COVERAGE EFFECTIVE DATES

Consumers may qualify for an SEP under 45 CFR §155.420(d) based on certain “triggering events.” Certain SEPs are available to all QIs who experience a triggering event, while others are only available to current enrollees, or consumers who previously had MEC.

Coverage effective dates for consumers who enroll through an SEP are established in 45 CFR §155.420(b). As described in 45 CFR §155.420(b)(1), **regular coverage effective dates** for enrollment during an SEP are:

²⁵ See 45 CFR §155.420(c)(3). In the case of QIs/enrollees eligible for an SEP based on criteria in 45 CFR §155.420(d)(4), (d)(5), or (d)(9), the Marketplace may define the length of the SEP “as appropriate based on the circumstances of the SEP, but in no event shall the length of the SEP exceed 60 days.”

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- The first day of the month following QHP selection if selection took place between the first and 15th day of any month; or
- The first day of the second month following QHP selection if selection took place between the 16th and the last day of any month.

Other Coverage Effective Dates

Pursuant to 45 CFR §155.420(b)(2)(iii), a Marketplace may provide for a coverage effective date that is appropriate based on the circumstances of the SEP. Certain SEPs offer “**accelerated coverage effective dates**,” which provide a coverage effective date of the first day of the month following plan selection, regardless of whether plan selection takes place in the first or second half of the month. For example, consumers who qualify for an SEP due to a loss of MEC may be eligible to enroll in coverage with an accelerated coverage effective date.

Some SEPs offer coverage **retroactive** to a specific date. For example, when consumers have experienced a Marketplace error, they will be given the option for a retroactive coverage effective date back to their initially intended coverage effective date, absent the error. Retroactive effective dates also accommodate consumers who gain or become a dependent through birth, adoption, placement in foster case, or a child support or other court order.

Exhibit 27 summarizes SEP triggering events from 45 CFR §155.420(d) as well as coverage effective dates for each SEP. It also includes information on whether consumers can access the SEP through the Marketplace application or through the Marketplace Call Center, and provides SEP enrollment codes.

Exhibit 27 – SEP Triggering Events and Coverage Effective Dates Summary

| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|---|--|--|------------------------|-------------------------|
| <i>I. Loss of qualifying health coverage</i> | <i>(d)(1)(i-iv) – Loss of minimum essential coverage</i> | <p><i>A QI or his or her dependent loses minimum essential coverage, including but not limited to Medicaid, CHIP, or qualifying employer sponsored coverage.</i></p> <p><i>For purposes of qualifying for this SEP, this includes:</i></p> <ul style="list-style-type: none"> <i>• The end of the plan year for any non-calendar year group health plan or individual health insurance coverage;</i> <i>• Losing pregnancy-related coverage described under section 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social Security Act; and/or</i> <i>• Losing medically needy coverage described under section 1902(a)(10)(C) of the Social Security Act only once per calendar year.</i> <p><i>Note: This does not include QIs who have lost their coverage due to nonpayment of premiums.</i></p> <p><i>Coverage Effective Dates:</i></p> <ul style="list-style-type: none"> <i>• Plan selection after Loss of MEC: 1st of the month after plan selection.</i> <i>• Plan selection prior to Loss of MEC: 1st of the month following the loss of MEC.</i> | 07 | Application |

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| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|------------------------------------|--|--|---|-------------------------|
| | <i>(d)(6)(iii) – Become newly eligible for APTC due to changes to current employer –sponsored coverage</i> | <p><i>A QI or his or her dependent who is enrolled in an eligible employer-sponsored plan is determined newly eligible for APTC based in part on a finding that such consumer is ineligible for qualifying coverage in an eligible-employer sponsored plan in accordance with 26 CFR §1.36B-2(c)(3).</i></p> <p>Coverage Effective Dates:</p> <ul style="list-style-type: none"> <i>Plan selection after loss of MEC: 1st of the month after plan selection.</i> <i>Plan selection prior to loss of MEC: 1st of the month following the loss of MEC after plan selection.</i> | 07 | Application |
| 2. Change in household size | <i>(d)(2)(i) – Gain a dependent or become a dependent</i> | <p><i>A QI gains a dependent or becomes a dependent through marriage, birth, adoption, placement for adoption, or placement in foster care, or through a child support order or other court order.</i></p> <p>Coverage Effective Dates:</p> <ul style="list-style-type: none"> <i>Marriage: 1st of the month after plan selection.</i> <i>Birth, adoption, foster care placement, court order: Retroactive back to the date of the event.</i> <p><i>Note: For birth, adoption, placement for adoption, or placement in foster care, consumers may alternatively request a coverage effective date of the first day of the month following the date of the event or following regular prospective coverage effective dates by calling the</i></p> | <p><i>Birth: 02</i></p> <p><i>Marriage: 32</i></p> <p><i>Adoption/Foster Care Placement/Court Order: 05</i></p> | Application |

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| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|--|---|---|------------------------|-------------------------|
| | | <i>Marketplace Call Center. For court order, consumer may alternatively a request regular prospective coverage effective date by calling the Marketplace Call Center.</i> | | |
| 3. Change in primary address | <i>(d)(7) – Gain access to new QHPs due to a permanent move</i> | <p><i>A QI or enrollee, or his or her dependent, gains access to new QHPs as a result of a permanent move. Starting July 11, 2016 the QI, enrollee, or dependent must also have had MEC for one or more days in the 60 days prior to the move, unless he or she is moving from a foreign country or a United States territory.</i></p> <p><i>Note: Moving solely for medical treatment or vacation would not be considered a permanent move for purposes of qualifying for this SEP.</i></p> <p>Coverage Effective Dates: <i>Regular prospective coverage effective dates.</i></p> | 43 | Application |
| 4. Change in eligibility for Marketplace coverage or help paying for coverage | <i>(d)(3) – Become newly eligible for QHP coverage</i> | <p><i>A QI or his or her dependent becomes newly eligible for enrollment in a QHP due to gaining status as a citizen, national, or lawfully present individual or being released from incarceration.</i></p> <p><i>Note: QIs who change from one legally present status to another do not qualify for this SEP.</i></p> <p>Coverage Effective Dates: <i>Regular prospective coverage effective dates.</i></p> | NE | Application |
| | <i>(d)(6)(i-ii) – Become newly eligible or ineligible for</i> | <i>An enrollee or his or her dependent is determined newly eligible or newly ineligible for APTC or has a change in eligibility for cost-sharing reductions (CSR).</i> | FC | Application |

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| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|---------------------|--|---|------------------------|-------------------------|
| | <i>APTC, or experience a change in eligibility for CSR</i> | <p><i>Note: This SEP is only available to current Marketplace enrollees.</i></p> <p><i>Coverage Effective Dates:</i> <i>Regular prospective coverage effective dates.</i></p> | | |
| | <i>(d)(6)(iv) – Previously in the coverage gap and become newly eligible for APTC</i> | <p><i>A QI who was previously ineligible for APTCs solely because of a household income below 100 percent of the FPL and who, during the same timeframe, was ineligible for Medicaid because he or she was living in a non-Medicaid expansion state, who either experiences a change in household income or moves to a different state resulting in the QI becoming newly eligible for APTCs.</i></p> <p><i>Coverage Effective Dates:</i> <i>Regular prospective coverage effective dates.</i></p> | <i>EX</i> | <i>CMS Caseworker</i> |
| | <i>(d)(8) – Gain or maintain status as a member of a federally-recognized tribe or a shareholder in an Alaska Native Corporation</i> | <p><i>A QI who is an Indian, as defined by Section 4 of the Indian Health Care Improvement Act, gains or maintains such status and may enroll in a QHP or change from one QHP to another one time per month.</i></p> <p><i>Coverage Effective Dates:</i> <i>Regular prospective coverage effective dates.</i></p> | <i>NE</i> | <i>Application</i> |

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| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|------------------------------------|--|--|------------------------|-------------------------|
| 5. Enrollment or plan error | <i>(d)(4) – Experience an error of the Marketplace</i> | <p><i>A QI's or his or her dependent's enrollment or non-enrollment in a QHP is unintentional, inadvertent, or erroneous and is the result of the error, misrepresentation, misconduct, or inaction of an officer, employee, or agent of the Marketplace or HHS, its instrumentalities, or a non-Marketplace entity providing enrollment assistance or conducting enrollment activities.</i></p> <p><i>A QI's or his or her dependent's enrollment or non-enrollment in a QHP or inaccurate eligibility determination is a result of a technical error or Marketplace-related enrollment delay.</i></p> <p><i>A QI's or his or her dependent's enrollment in a QHP is impacted by a plan or benefit display error.</i></p> <p><i>A QI's or his or her dependent's non-enrollment in a QHP is the result of being determined ineligible for Medicaid or CHIP by the State Medicaid or CHIP agency.</i></p> <p>Coverage Effective Dates: <i>Retroactive back to the coverage effective date the QI would have gotten absent the error or regular prospective coverage effective date, at the option of the consumer. (Note: There are some exceptions for certain types of errors.)</i></p> | EX | Marketplace Call Center |
| | <i>(d)(5) – Experience a plan contract violation</i> | <p><i>An enrollee or his or her dependent adequately demonstrates to the Exchange that the QHP in which he or she is enrolled substantially violated a material provision of its contract in relation to the enrollee.</i></p> <p>Coverage Effective Dates: <i>Retroactive back to the coverage effective</i></p> | EX | CMS Caseworker |

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| <i>SEP Category</i> | <i>Regulatory Authority under 45 CFR §155.420</i> | <i>SEP Description from Regulation</i> | <i>Enrollment Code</i> | <i>Accessed Through</i> |
|------------------------------------|--|---|------------------------|---|
| | | <i>date the QI would have gotten absent the error or regular prospective coverage effective date, at the option of the consumer.</i> | | |
| 6. Other qualifying changes | <i>(d)(9) – Experience an exceptional circumstance</i> | <p><i>A QI’s, enrollee’s, or his or her dependent’s, enrollment or non-enrollment in a QHP is the result of an exceptional circumstance, as determined by the Secretary of HHS, including being incapacitated or experiencing a natural disaster.</i></p> <p><i>The enrollment or non-enrollment of a QI, enrollee, or his or her dependent in a QHP is the result of an unforeseen event or reflects a first-time requirement for Marketplace enrollees (such as the Tax Season SEP for consumers impacted by the individual shared responsibility payment).</i></p> <p><i>The enrollment or non-enrollment of a QI, enrollee, or his or her dependent, enrollment or non-enrollment in a QHP is the result of a significant life event resulting in lack of access to his or her application or account and the individual, enrollee, or dependent has experienced a change in situation or status that now requires that he or she obtain minimum essential coverage. This includes victims of domestic abuse or spousal abandonment. This also includes AmeriCorps servicemen and women who are starting or ending their service.</i></p> <p>Coverage Effective Dates: <i>Vary based on circumstances.</i></p> | <i>EX</i> | <i>CMS Caseworker, Marketplace Call Center (in some cases, Application)</i> |

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Exhibit 28 provides examples of coverage effective dates for various SEPs within the FFM.

Exhibit 28 – SEP Effective Date Examples

| Trigger Event | Trigger Event Date | SEP Start Date | SEP End Date (FFM-60 days) | Plan Selection Date Examples | Enrollment Effective Dates |
|---|--------------------|----------------|----------------------------|------------------------------|----------------------------|
| <i>Permanent Move</i> | 4/1 | 4/1 | 5/31 | 4/15 | 5/1 |
| <i>Permanent Move</i> | 4/10 | 4/10 | 6/8 | 4/25 | 6/1 |
| <i>Birth*</i> | 6/1 | 6/1 | 7/31 | 6/29 | 6/1, 7/1 or 8/1 |
| <i>Birth*</i> | 8/25 | 8/25 | 10/23 | 9/15 | 8/25, 9/1 or 10/1 |
| <i>Birth*</i> | 12/26 | 12/26 | 2/24 | 1/13 | 12/26, 1/1 or 2/1 |
| <i>Loss of Coverage†</i> | 4/28 | 4/28† | 6/27 | 3/10 | 5/1 |
| <i>Loss of Coverage†</i> | 4/15 | 4/15† | 6/14 | 5/20 | 6/1 |
| <i>Loss of Coverage†</i> | 5/12 | 5/12† | 7/11 | 6/7 | 7/1 |
| <i>Denied Medicaid/CHIP eligibility**</i> | 4/28 | 4/28 | 6/27 | 5/20 | 6/1 |
| <i>Denied Medicaid/CHIP eligibility**</i> | 5/12 | 5/12 | 7/10* | 7/10 | 8/1 |
| <i>Marriage</i> | 4/12 | 4/12 | 6/11 | 4/29 | 5/1 |
| <i>Marriage</i> | 7/1 | 7/1 | 8/30 | 7/20 | 8/1 |

*Per 45 CFR §155.420 (b)(2)(i), the Marketplace is required to ensure that coverage is effective for a QI or enrollee on the date of birth, adoption, placement for adoption, placement in foster care, or effective date of the child support order or other court order. However, for birth, adoption, placement for adoption, or placement in foster care QIs may call the Marketplace Call Center to alternatively elect a coverage effective date for the first of the month following the date of the event or following regular coverage effective rules. For court order, QIs may call the Marketplace Call Center to alternatively elect a coverage effective date following regular coverage effective date rules.

†Per 45 CFR §155.420(c)(2)(i), QIs eligible for loss of coverage SEPs have up to 60 days before or up to 60 days after the triggering event to select a QHP.

**This SEP applies to consumers who applied for coverage during the OEP or due to a qualifying event and then were determined ineligible for Medicaid/CHIP outside of the enrollment period during which they applied. Note: Consumers who initially applied for Marketplace coverage can request a retroactive coverage effective date back to the coverage effective date they would have received if the FFM had originally determined them eligible for QHP coverage after having their case reviewed by a CMS Caseworker.

5.3 SEPS ACCESSED OUTSIDE OF THE APPLICATION PROCESS

The Marketplace grants most SEPs through application questions or internal logic on the application. However, there are certain SEPs that eligible consumers must access through the Marketplace Call Center and, in some cases, by then having their information reviewed by a CMS Caseworker. These include:

- **Enrollment or Plan error SEPs** (granted under 45 CFR §155.420(d)(4) and 45 CFR §155.420(d)(4)): when consumers chose a plan by the appropriate deadline but, due to a technical error, the enrollment was not processed correctly; the issuer does not have the enrollment; or incorrect plan data, such as plan benefit and cost-sharing information, was displayed on Plan Compare.
- **Exceptional circumstance SEPs** (granted under 45 CFR §155.420(d)(9)): when enrollment or non-enrollment in a QHP is the result of an exceptional circumstance, as determined by the Secretary of HHS; an unforeseen event or a first-time requirement for Marketplace enrollees; or certain other limited circumstances (see Exhibit 26 for further details).

Some of these SEPs, such as the enrollment error and exceptional circumstance SEPs, can be granted when QIs have not yet enrolled in a QHP, while others, such as plan display errors or some misrepresentation SEPs, may be granted after an enrollment has been effectuated.

Consumers seeking one of these SEPs will need to call the Marketplace Call Center and explain their situation. Call center representatives may be able to determine whether a consumer is eligible for an SEP, but in many situations, they forward cases to CMS Caseworkers to determine the consumer's eligibility for an SEP. If the SEP is granted and a new enrollment is processed, a record is assigned to the issuer through HICS directing the issuer to change the coverage effective date, if applicable.

To terminate prior coverage on a date that will align with the new coverage effective date, the issuer will need to honor an enrollee's request to terminate their prior coverage the day before the new QHP's coverage effective date, pursuant to 45 CFR §155.430(d)(6).

5.4 PLAN DISPLAY ERRORS

Plan display errors occur when an issuer or Marketplace error results in incorrect plan data being displayed to QIs on HealthCare.gov's Plan Compare. This can include, but is not limited to, errors in premium, benefits, and cost sharing. QIs affected by plan display errors may be eligible for an SEP to return to the Marketplace and select another QHP.

QIs eligible for a plan display SEP are typically already enrolled in a QHP, which requires the SEP process to accommodate the additional complexity of terminating enrollment in the original QHP if the QIs enrolls in a different QHP during the SEP period. Additionally, QIs generally need to be notified of their eligibility for this SEP.

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5.4.1.1 Identifying and Resolving Plan Errors

Plan display errors may be identified after CMS investigates potential display discrepancies on Plan Compare identified by issuers, QIs, or by CMS. Marketplace plan display errors include situations where coding on HealthCare.gov causes benefits to display incorrectly, or where CMS identifies an incorrect QHP data submission or discrepancy between an issuer's QHP data and its state-approved form filings. If a coding error is identified, CMS determines whether other QHPs are affected by the same error and reaches out to other affected issuers. When a plan display error is identified, CMS works with the issuer to correct the error as quickly as possible to ensure enrollments moving forward are based on accurate plan data.

In some cases, the corrected plan data either reduces a benefit or increases costs to QIs. CMS works with the issuer and a state's Department of Insurance to arrive at a solution that has a minimal impact on impacted QIs and affirms, to the extent possible, that they are not negatively affected by this Marketplace or issuer error.

Generally, the most straightforward and consumer-friendly resolution is for issuers to honor the benefit as it was displayed incorrectly for affected enrollees. If the issuer honors the benefit and administers the plan as it was incorrectly displayed for the affected enrollees, CMS will not provide enrollees with an SEP.

Issuers That Do not Honor the Plan Information That Displayed Incorrectly

CMS is committed to making sure, to the extent possible, that QIs are not negatively affected by Marketplace or issuer plan display errors. Depending on the significance of the plan display error, there are several options to mitigate the impact on the QI.

If the plan display error is significant and it is reasonable to expect that it may have affected a QI's purchasing decision, then QIs are notified of the error and provided a plan display error SEP. The SEP will provide QIs with the option to select another plan—either from the same issuer or another issuer available to the QI—but does not require them to do so if they wish to stay enrolled in their existing plan with the correct benefits.

If a plan display error is minor and likely has little impact on QIs, QIs may still be eligible for an SEP at their request.

5.4.1.2 Processing Plan Display Error SEPs

Under 45 CFR §156.1256, as of May 9, 2016, directed by the FFM, issuers must notify their enrollees of material plan or benefit display errors and the enrollees' eligibility for a special enrollment period within 30 calendar days after being notified by the FFM that the error has been fixed, if directed to do so by the FFM.

CMS allows an SEP-qualified individual already enrolled in a QHP to select a new QHP by calling the Marketplace Call Center. The Marketplace Call Center will help the QI update his or

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her information as needed and complete the process of selecting a QHP. QIs generally have 60 days from when they are notified by their issuer of the plan display error to select a new plan.

Under 45 CFR §155.420(b)(2)(iii), a Marketplace may provide for a coverage effective date that is either: (1) based on date of the SEP-triggering event, which provides the enrollee his or her initially intended coverage effective date; or (2) based on the date of the plan selection during the SEP window, which provides the enrollee regular effective dates.

In the case of a retroactive coverage date or retroactive termination date, the former issuer repays premiums and reverses claims payments. The gaining issuer collects premiums for all months of coverage and adjudicate the claims from previous months. With prospective coverage, QIs' deductibles and accumulations towards the maximum out-of-pocket limit are reset starting with the new date of coverage.

The coverage effective date for the new QHP is communicated to the new issuer through HICS if it is different from what the system automatically assigns. The issuer must terminate the coverage when the QI has selected another QHP during an SEP.

6. PREMIUMS (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP/QDP)

6.1 PREMIUM PAYMENT THRESHOLD

In accordance with 45 CFR §155.400(g), QHP and QDP issuers may implement a premium payment threshold policy for their plans offered through an FFM. QHP and QDP issuers that elect to establish such a policy generally may consider a payment to have been made in full once the enrollee pays an amount equal to or greater than the threshold amount established by the issuer, even if this is less than the total amount owed by the enrollee. Issuers who choose to implement such a policy are required by regulation to select a reasonable threshold level. We interpret a reasonable threshold to be one based on a percentage of the enrollee-responsible portion of the overall premium.²⁶ CMS recommends a percentage equal to or greater than 95%.

In accordance with the premium payment threshold regulation, QHP and QDP issuers that choose to apply a payment threshold policy must apply the policy in a uniform manner to all enrollees. Issuers that adopt a payment threshold policy are expected to utilize such a threshold policy for the entire plan year. Additionally, if the issuer adopts such a policy, it is expected to apply the policy uniformly to the initial premium payment and/or any subsequent premium payments, and to any amount outstanding at the end of a grace period for non-payment of premium. Thus, adoption of such a premium payment threshold allows issuers flexibility to effectuate an enrollment, not to place an enrollee in a grace period for failure to pay 100 percent of the total member-responsible amount of premium due, and not to terminate enrollments after exhaustion of the applicable grace period for enrollees who have made payment(s) totaling an amount within the tolerance of the issuer's adopted threshold.

Under this type of policy, when an enrollee has paid within the premium threshold but has not paid the full enrollee-responsible portion of the premium, the enrollee still owes the balance. If the enrollee has paid the initial premium within the threshold's tolerance percentage but has not paid the full amount, the QHP or QDP issuer can still effectuate the enrollment.

If the enrollee makes subsequent premium payments within the threshold's tolerance, but has not paid the full amount due, the QHP or QDP issuer may consider the enrollee to be current on all payments due for the purpose of determining whether to place the enrollee into an applicable non-payment grace period. If the enrollee continues paying an amount less than the owed amount including past due premiums, the owed amount will accumulate and may increase beyond the

²⁶ The enrollee-responsible portion is equal to the total premium minus APTCs.

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threshold amount. If that is the case, the enrollee’s account has become past-due and the enrollee will be subject to the grace period for failure to pay premiums.

If an enrollee fails to make payment within the threshold tolerance, he or she will be placed in the applicable grace period. If, at the end the applicable grace period, the enrollee has made payment(s) sufficient to bring his or her total enrollee-responsible portion of premium paid within the tolerance of the premium payment threshold adopted by the issuer, the issuer may consider the enrollee to be “in good standing” and decline to terminate for non-payment of premium. Exhibit 29 illustrates an example of the premium payment threshold policy in action.

Exhibit 29 – Premium Payment Threshold Lifecycle

| Date | Action | Comments |
|--------------------|--|---|
| December 10 | QI selects QHP (\$100 enrollee-responsible portion after APTCs) | QHP issuer has a premium payment threshold of 95%. |
| December 16 | Enrollee billed \$100 for first month’s premium | Enrollee’s first month of coverage is January. |
| December 28 | Enrollee pays \$97 for January coverage | The payment is within the threshold tolerance, so coverage is effectuated on January 1. |
| January 16 | Enrollee billed \$100 for February coverage, and \$3 past-due from January | The total amount billed is \$103. |
| February 1 | Enrollee pays \$97 | The issuer applies \$3 to January coverage and \$94 to February coverage. However, \$9 out of the balance due of \$103 is not within the threshold tolerance, so the issuer places the enrollee into a grace period due to the enrollee’s delinquency status as of February 1. January is paid in full. February is \$6 past due. |
| February 16 | Enrollee billed \$100 for March coverage, and \$6 past-due from February | The total amount billed is \$106. No payment is received from the enrollee. |
| March 16 | Enrollee billed \$100 for April coverage, \$100 from March, and \$6 past-due from February | The total amount billed is \$206. No payment is received from the enrollee. |
| April 16 | Enrollee billed \$100 for May coverage, \$100 from April, \$100 from March, and \$6 past due from February | The total amount billed is \$306. No payment is received from the enrollee. |

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| Date | Action | Comments |
|-----------------|---------------------------|---|
| April 25 | Enrollee pays \$302 | The issuer applies \$6 February (paid in full), \$100 to April (paid in full), and \$96 to May. (The enrollee is still in the grace period). |
| April 30 | Enrollee makes no payment | No payment is received by April 30. Because the enrollee has made payments of more than 95% of the total enrollee-responsible portion of premium by the end of the grace period, the issuer may consider the enrollee to be “in good standing” and decline to terminate for non-payment of premium. |

6.2 PRORATION OF PREMIUMS AND APTCS

Policy is pending.

6.3 TERMINATIONS FOR NON-PAYMENT OF PREMIUMS

In accordance with 45 CFR §155.430(b)(2)(ii) and 45 CFR §156.270, a QHP/QDP may terminate an enrollee’s coverage for non-payment of premiums. Additionally, 45 CFR §156.270 requires issuers to establish and administer a standard policy for the termination of coverage for enrollees who fail to make full payment (or payment within the premium payment threshold if the issuer utilizes such a threshold) of their portion of the monthly premium. However, an issuer’s standard policy must follow certain requirements. 45 CFR §156.270(d) requires issuers to observe a three consecutive month grace period before terminating coverage for those enrollees who are eligible for and have elected to receive APTCs and who upon failing to timely pay their premiums, are receiving APTC. Enrollees receiving APTC who enter a grace period for failing to timely pay premiums and who also lose their eligibility for APTC for any reason during the grace period are able to complete the remaining portion of the grace period as though the loss of eligibility for APTC did not occur. Although the length of the grace period continues as though the loss of eligibility for APTC did not occur, payment of APTC terminates through normal Marketplace operations as a result of the loss of eligibility. An enrollee who is eligible for APTCs, but elects not to receive any APTCs, is not eligible for the three consecutive month grace period, but is eligible for the grace period the issuer normally provides to individuals who become delinquent in paying their premiums, in accordance with state rules. Re-enrollments with no gap in coverage with the same issuer during the OEP are considered to be renewals and do not require a binder payment. Consequently, enrollees who are receiving APTC and re-enroll in coverage with the same issuer but fail to make full payment for January coverage would enter a three consecutive month grace period for non-payment of premium.

In the case where an enrollee receiving APTCs is enrolled in both a QHP and a QDP, if the APTCs are applied and paid for both a QHP and QDP, the enrollee is eligible for the three

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consecutive month grace period for both the QHP and QDP. The enrollee is not eligible for the three consecutive month grace period for the QDP if the enrollee's APTCs are applied and paid only for the QHP.

To avoid termination, an enrollee must pay all outstanding premiums in full, or within the tolerance of any applicable premium payment threshold, prior to the end of the applicable grace period. A grace period does not "reset" when a partial payment is made and "rolling" grace periods, where payment of one month's premium during the grace period would restart the three consecutive month grace period, are not permitted.

When an enrollee's coverage is terminated for non-payment of premiums, per 45 CFR §155.420(e), the consumer does not qualify for an SEP for the resulting loss of coverage. However, if the consumer becomes eligible for an SEP based on other circumstances, the consumer may enroll in a QHP or QDP, including the QHP or QDP from which he or she was terminated for non-payment. Additionally, during the annual OEP, consumers whose coverage was terminated for non-payment of premiums before the end of the plan year will be able to apply for an eligibility determination, and, if determined eligible, will be permitted to select a QHP for coverage for the upcoming plan year.

If, during an SEP or the annual OEP that occurs after termination for non-payment of premiums, a QI selects a plan offered by the same issuer that terminated their previous enrollment, the enrollment under the SEP or annual OEP would be considered a new enrollment. Accordingly, under the guaranteed availability requirements, the issuer would not be able to attribute any payment from the QI toward the outstanding debt from the prior, terminated enrollment and then refuse to enroll the applicant based on failure to pay premiums. The QI is required to pay the first month's premium in accordance with 45 CFR §155.400(e) to have coverage effectuated, and the QHP or QDP must return either an 834 confirmation/effectuation or a cancellation transaction to the Marketplace, as applicable.

If, during a grace period for non-payment of premium, an enrollee loses eligibility for APTC but regains APTC under an SEP, the transaction will be handled through an M834 and the QHP issuer may treat the enrollment as being continuous. Thus, unless the enrollee is terminated for non-payment of premium, the issuer may attribute the enrollee's forthcoming premium payments to the outstanding debt associated with the current enrollment. If the enrollee is terminated for non-payment of premium, any new coverage with the same issuer would fall under the guaranteed availability requirements and the issuer would not be able to attribute any payment from the QI toward the outstanding debt from the prior, terminated enrollment and then refuse to enroll the applicant based on failure to pay premiums.

Appendix B includes an example of the content an issuer might consider in a letter providing notice of non-payment of premiums. The specific wording and messages included in Appendix B are not required, but are offered as recommendations for elements in the plan's notice of non-payment when an enrollee receives APTCs.

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Examples

Example 6A: An enrollee is eligible for, but has elected not to receive, APTCs. The enrollee's monthly premium is \$200 and the issuer does not make use of a premium payment threshold. The enrollee, whose coverage was effectuated for May 2016, has not paid the June 2016 premium, which was due on June 1, 2016. The QHP issuer's standard policy, in accordance with state law, is to allow a one-month grace period for enrollees not receiving APTCs but the coverage will end at the end of the month for which the last full payment is made. On June 10, 2016, the enrollee pays \$50 but does not make any further payment by the end of June. Therefore the QHP sends an 834 termination transaction to the FFM containing a termination effective date of May 31, 2016. The QHP issuer can apply the \$50 payment toward the premium owed for June, if permitted by applicable state law.

Example 6B: An enrollee receiving APTCs is responsible for a \$150 monthly premium payment and the issuer does not make use of a premium payment threshold. The enrollee's coverage is effectuated and the enrollee pays the premiums through May, but fails to make payment for the June premium, therefore entering the three consecutive month grace period that runs through August 31, 2016. The enrollee fails to make any payment for the July 2016 premium, and now owes the QHP issuer \$300. On July 10, 2016, the enrollee pays \$200. Since the enrollee has not paid the entire outstanding premium for which he or she is responsible, the enrollee remains in the three consecutive month grace period that started June 1, 2016. The enrollee fails to make any further payments, and on August 31, 2016, the QHP issuer sends an 834 termination transaction to the FFM containing a termination effective date of June 30, 2016. The QHP issuer can keep \$150 of the \$200 payment to cover June premium, but has to refund the remaining \$50 in accordance with state law.

Example 6C: Circumstances are the same as Example 6B except that on July 10, 2016, the enrollee pays \$300 instead of \$200. Since the enrollee has paid the entire outstanding premium balance for which the he or she is responsible, the enrollee is no longer in the grace period. However, if the enrollee fails to make full payment for August 2016 by the payment due date, the enrollee will enter into a new three consecutive month grace period beginning August 1, 2016.

Example 6D: Circumstances are the same as Example 6B except that the issuer utilizes a 95% premium payment threshold and the enrollee pays no premium in June 2016 or July 2016. The issuer bills the enrollee for August 2016 premium (\$150), which raises the total premium owed by the enrollee to \$450. The enrollee pays \$430 on August 20, 2016 and makes no further payments before August 31, 2016. Because the enrollee made a payment within the 95% tolerance of the issuer's premium payment threshold, the issuer declines to terminate for non-payment of premium at the end of the three consecutive month grace period. The enrollee still owes the \$20 outstanding and will enter the applicable grace period if he or she does not pay \$170 (\$150 for September premium and \$20 outstanding from the grace period), or an amount within the premium payment threshold tolerance, for September 2016 coverage.

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Example 6E: An enrollee who does not receive APTCs is enrolled in QHP A and fails to pay the July 2016 premium, due July 1, 2016. Because the enrollee does not receive APTCs, the issuer may terminate the enrollee's coverage, subject to applicable state grace period requirements, which are assumed for this example to be a grace period expiring after one month. The enrollee enters into the grace period on July 1, 2016, and the grace period expires July 31, 2016. The enrollee makes no further premium payment, and the enrollee's coverage is terminated by the QHP with an effective date of June 30, 2016, which complies with applicable state law. The former enrollee subsequently qualifies for an SEP and is determined to be eligible for coverage. On August 13, 2016, the QI again selects QHP A and is provided an effective date of September 1, 2016. The QI makes the September premium payment in accordance with 45 CFR §155.400(e). The QHP issuer is not permitted to apply the September premium payment to the unpaid premium that led to the previous termination and then refuse to effectuate the new enrollment. The QHP issuer must accept the enrollment and send the Marketplace an 834 effectuation transaction.

Example 6F: An enrollee who is receiving APTCs is enrolled in QHP B, has been paying premiums in full since January 1, 2016, but fails to pay the August 2016 premium, due August 1, 2016. The enrollee enters the three consecutive month grace period on August 1, 2016, which expires October 31, 2016. The enrollee makes no further premium payment, and the enrollee's coverage is terminated by the QHP issuer, effective August 1, 2016. Since the FFM begins auto-reenrollment in mid-October, before the termination transaction was processed, the FFM may initially send a 2016 passive reenrollment for this enrollment because it was in good standing at the time of auto-reenrollment. However, the FFM will send a cancellation transaction for the passive reenrollment in the 2016 policy after the 2016 termination is processed because the consumer is no longer eligible for auto-reenrollment. However, during the annual OEP, the consumer logs into HealthCare.gov and updates his or her application for the upcoming plan year and is determined eligible for coverage and for APTCs. The QI again selects QHP B for coverage starting January 1, 2016, and pays the first month's premium in accordance with 45 CFR §155.400(e)(1). The QHP issuer is not permitted to apply the January 2016 premium payment to the unpaid premium from the enrollment terminated in August 2016. The QHP issuer must accept the new enrollment and send the Marketplace an 834 confirmation/effectuation transaction.

Example 6G: On January 5, 2016, an enrollee completes an application for enrollment through an FFM, makes a plan selection, and enrolls in QHP A with an effective date of February 1, 2016. The enrollee is eligible for, and elects to receive, APTCs and the portion of the monthly premium for which he or she is responsible is \$100. The QI pays the first month's premium and his or her coverage is effectuated for February 1, 2016. After receiving the bill for the March premium, the enrollee pays \$50 and makes no further payments for March 2016. On March 1, 2016, the enrollee enters into a three consecutive month grace period. On March 5, 2016, the QHP A issuer bills the enrollee \$100 for April 2016, making the total outstanding premium \$150. On March 20, 2016, the enrollee sends the issuer \$40. The QHP A issuer may apply the enrollee's \$40 payment to his or her March 2016 premium. Consequently, the enrollee owes \$10 for March 2016 and \$100 for April 2016. On April 5, 2016, the issuer bills the enrollee \$100 for

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May premium, increasing his or her total outstanding premium to \$210. On April 20, the enrollee sends the issuer \$120. The issuer may apply \$10 to the enrollee's outstanding March 2016 premium, \$100 to his or her outstanding April 2016 premium, and \$10 to his or her May 2016 premium. The enrollee makes no further payments before May 31, 2016, the final day of the three consecutive month grace period. The issuer terminates the enrollee's coverage, effective March 31, 2016, for non-payment of premium and must refund the enrollee \$110 in premium paid for April and May 2016.

6.4 PAYMENT FOR REDETERMINATIONS OR RENEWALS

For renewals (generally, reenrollment into a plan under the same product offered by the same issuer of the enrollee's previous plan), issuers may continue to bill the enrollee via their existing billing cycle and a binder payment of the first month's premium is not required by the FFM. Non-payment of the January premium by the due date set by the issuer will trigger the applicable grace period. If a consumer is not on the enrollee Switch File, and the issuer has not received an active reenrollment by December 15 (unless active reenrollments are prevented by state law), the issuer is encouraged to delay auto-draft payments for renewals into January coverage until the FFM has acknowledged sending all passive reenrollments to that issuer. Payments drawn by the issuer or mistakenly provided by the enrollee for January coverage for enrollees who have selected a different issuer for coverage for the upcoming plan year must be promptly refunded.

6.5 PENDING CLAIMS

For enrollees receiving APTCs, who are within the second or third months of the three consecutive month grace period, issuers may pend claims for services rendered, if permitted by state law. If the enrollee is enrolled in both a QHP and a QDP, is receiving APTCs for both plans, and is in the second or third months of the three consecutive month grace period for both forms of coverage, both the QHP and QDP issuers may pend claims, if permitted by state law. If the issuer terminates the enrollee's coverage for non-payment of premiums, the issuer may deny any claims that were pended for services received during the second and third months of the three consecutive month grace period. However, the issuer cannot retroactively deny claims from the first month of the three consecutive month grace period. Any premium collected by the issuer for coverage beyond the designated retroactive termination date should be refunded to the enrollee whose coverage was terminated.

6.5.1 Notification to Providers of Pended Claims

In accordance with 45 CFR §156.270(d)(3), QHP and QDP issuers must notify providers of the possibility of denied claims for services incurred during months two and three of the three consecutive month grace period for enrollees receiving APTCs. CMS expects issuers will provide this notice within the first month of the grace period and throughout months two and three. Issuers can opt to provide this notice by several means; however, issuers are encouraged to provide this notice whenever responding to an eligibility verification request from a health or dental care provider.

6.5.2 Grace Period Spanning Two Plan Years

The grace period for non-payment of premiums could span two plan years if enrollees who are receiving APTCs fail to timely pay their premium in full or in an amount necessary to satisfy a payment threshold, if applicable, for November or December coverage. If the enrollees are still covered in December, and have not taken action actively to select a QHP for enrollment for the upcoming plan year, the FFM will automatically send the 834 renewal transaction to the enrollees' QHPs. If an FFM sends an auto-renewal transaction, or if enrollees actively complete a plan selection to renew enrollment through the Marketplace in a plan offered under the same product with the same issuer they have for their current coverage (or, where the product under which the QHP in which he or she is enrolled is not available through the individual market Marketplace for renewal, in a plan under a different product offered by the same QHP issuer, to the extent permitted by applicable state law)²⁷, the QHP issuer must accept the enrollment, because enrollees are still in a grace period, meaning that the issuer may not discontinue enrollees' coverage based on failure to pay their premiums. For both auto-renewals and active selection renewals, the issuer may attribute enrollee payments to the oldest outstanding debt in the existing grace period for enrollees receiving APTCs.

However, consistent with 45 CFR §156.270 and §155.430, if the enrollee does not pay all outstanding premiums, or an amount within the tolerance of any applicable premium payment threshold, by the end of the three consecutive month grace period, the issuer must terminate the enrollee's coverage retroactively to the last day of the first month of the grace period. Since the coverage in the new plan year resulted from a renewal of the terminated coverage, the coverage that was renewed for the subsequent plan year also will be terminated.

If the OEP extends long enough into the plan year, the enrollee may still have time left in the OEP to select a QHP for the remainder of year. In such cases, if the QI is eligible for coverage through the Marketplace, and the issuer of the QHP in which the enrollee's enrollment was terminated for non-payment of premiums still offers QHPs through that Marketplace, the QI

²⁷ Pursuant to the Patient Protection and Affordable Care Act; Annual Eligibility Redeterminations for Exchange Participation and Insurance Affordability Programs; Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges, 79 FR 52994 (September 5, 2014), when a product that included QHPs no longer offers QHPs through a Marketplace (for example, if the issuer does not apply for recertification of any plans within the product, but continues to offer the product in the market), and enrollees in that product are reenrolled in a QHP under a different product pursuant to 45 CFR §155.335(j)(2), that reenrollment would be considered a renewal, consistent with 45 CFR §147.106, and would be considered a renewal for purposes of determining whether the issuer could attribute any payment from the consumer toward any outstanding debt that may exist between the consumer and that issuer and then refuse to enroll the applicant or terminate the applicant's enrollment based on failure to pay premiums.

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can select a QHP from that issuer. In these situations, the issuer may not apply any premium payment made for the new coverage to any outstanding debt from any previous coverage, and must accept the enrollment under the guaranteed availability requirements in 45 CFR §147.104. Like other enrollees, the QI will be required to pay the first month's premium to have coverage effectuated, and the QHP issuer must return either an 834 confirmation/effectuation or a cancellation transaction to the Marketplace, as applicable.

In other cases, an enrollee's three consecutive month grace period that started during the enrollee's current coverage year might expire after the close of annual OEP for 2016. In these situations, per 45 CFR §156.270 and §155.430, if the enrollee has not paid all outstanding premiums, or an amount within the tolerance of any applicable premium payment threshold, by the end of the grace period, the QHP must terminate the enrollee's coverage retroactively to the last day of the first month of the grace period, and the individual will not be able to enroll in the Marketplace until the next annual OEP, unless he or she qualifies for an SEP.

During the OEP, enrollees may decide not to renew their coverage and instead may make an active plan selection to enroll in a plan other than one to which they are assigned under the auto-renewal hierarchy and/or with a different issuer for coverage for the upcoming plan year. In these cases, the QHP issuer would not be able to attribute any payment from the enrollees toward any outstanding debt that may exist between the enrollees and that issuer, and would be required to accept the enrollment under guaranteed availability rules.,

In cases where either the FFM-assigned subscriber ID changes, or if the first five characters of the QHP ID changes (if the HIOS ID for that policy changes), issuers would need to send an enrollment confirmation transaction, once the enrollment has been effectuated upon collection of the binder payment.

Examples

Example 6H: An enrollee, who receives APTCs, is enrolled in QHP C. The QHP C issuer does not utilize a premium payment threshold policy. The enrollee has paid premiums in full throughout 2016, but fails to pay the December 2016 premium by the December 1, 2016 due date, and enters a three consecutive month grace period that would end on the last day of February 2017. The enrollee does not actively select a plan for Plan Year 2017, and the FFM sends an auto-renewal transaction. The QHP issuer must accept the enrollment. The renewed coverage continues into 2017, subject to the existing grace period. The enrollee does not pay all outstanding premiums by February 28, 2017, and the QHP retroactively terminates the enrollee's coverage, effective December 31, 2016. The consumer is no longer covered for Plan Year 2017. Since the annual OEP has ended, the consumer cannot enroll through the Marketplace until the next annual OEP, unless the consumer qualifies for an SEP.

Example 6I: Same facts contained in Example 6H except the enrollee fails to pay the November premium by the November 1, 2016, due date, and enters a three consecutive month grace period that would end on the last day of January 2017. During the OEP, on December 4, 2016, the enrollee logs into HealthCare.gov, updates his or her application for the upcoming plan year, and

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is determined eligible for coverage. The enrollee actively renews coverage in QHP C for January 1, 2017, and pays the first month's premium by the due date. Because the enrollee decided to renew his or her coverage in the same product, which is considered a renewal, the QHP may apply the January premium payment to the November non-payment. Because the enrollee is still within the three consecutive month grace period, the issuer may not refuse to renew the enrollment. However, if the enrollee does not pay all outstanding premiums by January 31, 2017, the QHP must retroactively terminate the enrollee's coverage, effective November 30, 2016. The enrollee would no longer be covered for Plan Year 2017 and the QHP issuer must send the FFM a termination transaction for the 2016 plan, effective November 30, 2016, and a cancellation transaction for the 2017 plan, effective January 1, 2017.

6.5.3 Grace Periods Ending December 31

In some cases, an enrollee's grace period may be due to expire on December 31. Because the enrollee will still be covered in December, the enrollee may reenroll, either through an active plan selection or through the FFM auto-reenrollment process described above.

If an 834 transaction is sent to renew enrollment in a plan with the same issuer under which the enrollee is currently covered or pursuant to the auto-reenrollment hierarchy as part of BAR,²⁸ and the enrollee has not paid all outstanding premium amounts, or an amount within the tolerance of any applicable premium payment threshold due in accordance with the applicable grace period requirements, the QHP or QDP has the option to accept or reject the renewal. With regard to accepting renewals, the QHP or QDP issuer may not discriminate based on health status or other prohibited bases, and should apply the same policy consistently for all consumers in the same circumstances.

If the enrollee has decided not to renew coverage and, instead, makes an active plan selection to enroll in a plan other than the one to which they are assigned under the auto-reenrollment hierarchy, and/or with a different issuer for 2017/2016 coverage, the QHP or QDP issuer must accept the enrollment under guaranteed availability rules. The QI will be required to pay the first month's premium in accordance with 45 CFR §155.400(e) to have coverage effectuated, and the issuer must return either an 834 confirmation/effectuation or a cancellation transaction to the Marketplace, as applicable. The issuer would not be able to attribute any payment related to the new enrollment toward any outstanding debt that may exist between the QI and that issuer and then refuse to enroll the QI or terminate the QI's enrollment based on failure to pay premiums.

²⁸ See Footnote 15.

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Examples

Example 6J: An enrollee who does not receive APTCs is enrolled in QHP D, whose issuer does not utilize a premium payment threshold, fails to pay the December premium, due December 1, 2016. Because the enrollee is not receiving APTCs, the issuer would be able to terminate the enrollee's coverage, subject to state grace period requirements, assumed for this example to be one month. Therefore, the enrollee enters into the grace period on December 1, 2016, and the grace period expires December 31, 2016. The consumer does not actively select a plan for 2016 coverage by the deadline for January 1, 2016 coverage. Because the enrollee remains enrolled through December 31, 2016, and has not taken action to update his or her enrollment, and because QHP D will continue to be offered in the upcoming year, the Marketplace sends an auto-renewal transaction to the QHP issuer before December 31, 2016.

The enrollee does not pay all outstanding premiums by December 31, 2016, so QHP issuer terminates the enrollee's coverage for non-payment and rejects the renewal, returning an 834 cancellation transaction to the Marketplace. Subsequently, the former enrollee logs into HealthCare.gov during the OEP on January 5, 2017, updates his or her eligibility information, and is determined eligible for coverage. The QI selects QHP D again for coverage starting February 1, 2017, and pays the first month's premium by the due date. The QHP issuer is not permitted to apply the new enrollment binder payment to the unpaid premium that led to the December termination. The QHP issuer must accept the enrollment. The QHP issuer sends the Marketplace an 834 confirmation/effectuation transaction.

Example 6K: An enrollee who receives APTCs is enrolled in QHP E, whose issuer does not utilize a premium payment threshold, and has been paying premiums in full since January 2016, but fails to pay the October premium, due October 1, 2016. The enrollee therefore enters the three consecutive month grace period on October 1, 2016, which expires December 31, 2016. During the OEP, on December 10, 2016, the enrollee logs into HealthCare.gov, updates his or her application for the upcoming plan year, and is determined eligible for coverage. The enrollee actively selects to renew coverage in QHP E starting January 1, 2017, and pays the first month's premium by the due date.

Since the enrollee actively selected to renew 2017 coverage into the same plan, the QHP issuer may apply the January premium payment to the unpaid October premium. If the enrollee does not pay all outstanding premiums due for the grace period ending December 31, 2016, the enrollee's coverage during Plan Year 2016 will be terminated with a retroactive effective date of October 31, 2016, leaving the enrollee with a gap in coverage for November and December, and his or her Plan Year 2017 coverage will be cancelled, effective January 1, 2017. Subsequently, the QI whose coverage was terminated logs into HealthCare.gov during the OEP on January 10, 2017, and selects QHP E again for coverage starting February 1, 2017, and pays the first month's premium by the due date. The QHP issuer is not permitted to apply the binder payment for new coverage effective February 1, 2017, to the unpaid premium that led to the October termination.

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The QHP issuer must accept the enrollment and send the Marketplace an 834 confirmation/effectuation transaction.

6.6 OVER-BILLED PREMIUMS

QHP and QDP issuers may correct any over-billed premium amount, which is when an issuer bills an enrollee or enrollees for an erroneously high premium amount, according to their own policies and consistent with applicable state law. Issuers must, within a reasonable time of the discovery of the over-billing, credit the over-billed premium to the enrollees' accounts, refund the over-billed amount to the enrollees, or use a combination of both solutions.

QHP and QDP issuers must reduce the APTC amount in their systems if the total amount of APTCs applied to an enrollee's account exceeds total plan premium. Any resulting APTC discrepancies would be addressed during enrollment reconciliation.

6.7 UNDER-BILLED PREMIUMS

The term "under-billed premium" refers to a circumstance where an issuer bills an enrollee an erroneously low premium amount (or does not bill the enrollee at all). In a state where CMS directly enforces the Marketplace rules, CMS will consider exercising enforcement discretion to allow issuers to forego collection of under-billed premium on a case-by-case basis. In a state that has retained primary enforcement authority of the Marketplace rules, CMS generally defers to the relevant state authority. Therefore, the relevant state authority may direct or permit an issuer to forego the collection of any under-billed portions of premiums. Such action alone does not constitute a failure to substantially enforce premium-related requirements, as long as state policies are applied consistently and in a non-discriminatory fashion. Should any issuer forego collection of any under-billed premium, either under an exercise of CMS enforcement discretion or at the direction of the applicable state authority, the issuer must characterize the uncollected premiums as realized/earned premium for purposes of medical loss ratio (MLR), risk adjustment (RA) data submission, and risk corridors (RC) reporting.

Examples

Example 6L: On January 5, 2016, Enrollee A completes an application for enrollment through an FFM, makes a plan selection, and enrolls in QHP A with an effective date of February 1, 2016. Enrollee A pays his or her first month's premium on time, and the enrollee's coverage is effectuated for February 1, 2016. Enrollee B (who lives in the same state as Enrollee A) completes an application for enrollment through the same FFM, makes a plan selection, and also enrolls in QHP A with an effective date of February 1, 2016. Enrollee B pays his or her first month's premium on time, and the enrollee's coverage is effectuated for February 1, 2016. The issuer bills Enrollee A and Enrollee B for premiums in March and April 2016. Enrollee A and Enrollee B pay in full. While generating the May 2016 billing invoices, the issuer's billing system malfunctions, causing the issuer to bill Enrollee A for May's premium while failing to bill Enrollee B. Enrollee A pays his or her premium for May 2016 coverage, but Enrollee B does

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not, since he or she did not receive a bill. The next month, the same malfunction occurs; Enrollee A pays the June 2016 premium and Enrollee B does not. The issuer realizes the billing problem while generating invoices for July 2016. Both Enrollee A and Enrollee B reside in State Z, which has retained primary enforcement authority. The State Z Department of Insurance instructs the issuer to forego collection of Enrollee B's under-billed premium. As long as this policy is applied consistently and in a non-discriminatory manner, the issuer can forego collection of the under-billed premium related to Enrollee B's account, but it must report such uncollected premium to CMS as being earned/realized income for purposes of MLR, RC, and RA.

6.7.1 Collections and Grace Periods for Non-Payment of Under-Billed Premium

When an issuer identifies an amount of premium that has been under-billed, and attempts to collect such amounts, issuers are highly encouraged to allow affected enrollees a reasonable amount of time in which to pay such premium amounts, and should take steps to ensure that the time for repayment is adequate in light of the consumer's regularly-billed monthly premium amounts. QHP and QDP issuers are permitted to allow enrollees to pay under-billed premium in equal installments, in accordance with applicable state law. If a QHP or QDP issuer chooses to allow an enrollee to pay under-billed premium in equal installments, the issuer should provide the enrollee with documentation that clearly defines the amount of under-billed premium that the issuer will add to the regularly-billed monthly premium, as well as guidance informing the enrollee that if he or she does not pay all under-billed premium installments (as well as all regularly-billed monthly premiums) by the prescribed due dates, he or she will enter the applicable grace period.

The non-payment of under-billed premium amounts due is treated the same as the non-payment of regular monthly premium amounts with regard to grace periods and premium payment thresholds. Therefore, if an enrollee fails to pay any outstanding under-billed premiums to the QHP or QDP issuer by the date such amounts are due, he or she enters into the applicable grace period specified by 45 CFR §155.430 and 45 CFR §156.270. Upon triggering the grace period, the entire amount of outstanding under-billed premium can become due, if permitted by state law.

Examples

Example 6M: On January 5, 2016, an enrollee completes an application for enrollment through an FFM, makes a plan selection, and enrolls in QHP A, whose issuer does not utilize a premium payment threshold with an effective date of February 1, 2016. The enrollee is eligible for, and elects to receive, APTCs. The portion of the monthly premium for which the enrollee is responsible is \$100. The enrollee pays his or her first month's premium, and his or her coverage is effectuated for February 1, 2016. While generating the March 2016 billing invoices, the issuer's billing system malfunctions, causing the issuer to fail to bill the enrollee for that month. The enrollee does not pay the March 2016 premium, since the enrollee did not receive a bill. The same malfunction occurs during the generation of the April, May, and June 2016 premium

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invoices; the enrollee does not pay the monthly premium for any of those months. The issuer uncovers the billing problem while generating invoices for July 2016 and informs the enrollee that the he or she owes \$400 (the under-billed premiums for the months of March, April, May, and June 2016), in addition to his or her normal monthly premium payment of \$100 for July. The enrollee resides in State X, where the Department of Insurance directs the issuer to recoup the enrollee's under-billed premiums, starting with the July payment. The issuer allows the enrollee five months to repay the under-billed premiums, billing the enrollee \$180 (\$100 regular premium, plus \$80 under-billed premium installment) for each of July, August, September, October, and November 2016. The enrollee pays \$180 to the issuer each month from July 2016 through November 2016, and the issuer resumes billing the normal monthly premium amount (\$100) for December 2016.

Example 6N: Same facts as Example 6L, except the enrollee is not eligible for APTCs as of July 1, 2016. Without APTCs, the enrollee's monthly premium is \$200. The enrollee pays \$280 for July 2016 coverage, but pays only \$200 for August 2016 coverage. Pursuant to State X's rules, because the enrollee underpaid by \$80 for August, he or she enters into a one-month grace period and termination of his or her coverage for non-payment of premiums would be retroactive to the last day his or her account was in good standing (July 31, 2016, in this example). To avoid termination of his or her coverage, the enrollee must pay the entire outstanding amount of under-billed premium (\$320) before the end of State X's grace period. The enrollee pays the issuer \$320 on August 28, 2016, and the issuer begins normal monthly premium billing for September 2016.

Example 6O: On January 5, 2016, an enrollee completes an application for enrollment through an FFM, makes a plan selection, and enrolls in QHP A, whose issuer does not utilize a premium payment threshold, with an effective date of February 1, 2016. The enrollee is eligible for, and elects to receive, APTCs, and his or her portion of the monthly premium for which he or she is responsible is \$100. The enrollee pays the first month's premium, and coverage is effectuated for February 1, 2016. The issuer bills the enrollee normally for coverage in March 2016. The enrollee pays his or her \$100 monthly premium in full. While generating the invoices for April 2016, the issuer realizes that the enrollee's premium has been rated incorrectly and that the proper monthly premium is \$120. While the enrollee may be eligible for an SEP based on the error, he or she decides to remain enrolled in QHP A. The enrollee's new premium goes into effect with QHP A's April 2016 billing cycle. The enrollee resides in State Y, which directs the issuer to recoup the under-billed premium.

The issuer informs the enrollee of the discrepancy and, beginning with the April 2016 billing, allows the enrollee to pay two monthly installments of \$20 in addition to the corrected premium payments of \$120 to pay the under-billed premium and bring the account into good standing. The enrollee sends the issuer \$120 for April 2016 coverage, but does not include a \$20 under-billed premium installment. Although the enrollee paid the new regular monthly premium for April 2016 (\$120), the enrollee did not pay the first under-billed premium installment. He or she enters into a three consecutive month grace period on April 1, 2016, and must pay all additional regular

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monthly premium billed during the grace period (\$120 for May 2016, and \$120 for June 2016), and the outstanding under-billed premium amount (\$40) by the expiration of the grace period to avoid termination for non-payment of premium. During the grace period, the enrollee pays the issuer a total of \$240. At the end of the three consecutive month grace period, the enrollee still owes the issuer \$40, since although he or she made sufficient payments to satisfy all regular monthly premiums billed during the grace period (\$360), the enrollee did not remit the under-billed premium amount (\$40). The issuer terminates the enrollee's coverage, retroactive to the last day of the first month of the grace period (April 30, 2016), for non-payment of premiums. The issuer will receive the enrollee's APTC for April 2016, and it may retain the premium the enrollee paid for April 2016, but it must return the APTCs paid on his or her behalf for May and June 2016, and refund the enrollee the premium he or she paid for May and June 2016 (\$240).

Example 6P: Same facts as Example 6M, except the enrollee is not eligible for APTCs as of April 1, 2016. Here, the enrollee's monthly premium is \$200. If the enrollee pays only \$200 for April 2016 coverage, failing to include \$20 for the under-billed premium installment, the enrollee enters a one-month grace period, starting on April 1, 2016, as determined by the rules of State. He or she must pay the amount of outstanding under-billed premium (\$40) before the expiration of the grace period to avoid termination of his or her coverage. During the grace period, the enrollee makes no further payments. Although the enrollee paid the regular monthly premium of \$200 for April 2016, the enrollee failed to pay the under-billed premium in full by the expiration of the grace period. As a result, the issuer may terminate his or her coverage.

6.7.2 Voluntary Termination of Coverage During Repayment of Under-Billed Premium

If an enrollee voluntarily terminates his or her coverage during the time he or she is paying under-billed premium installment payments, the enrollee's current QHP and/or QDP issuer can, if permitted by state law, accelerate payment by converting remaining installments, if any, into a lump sum payment due no earlier than the date the voluntary termination will take effect.

Examples

Example 6Q: On January 5, 2016, an enrollee completes an application for enrollment through an FFM, makes a plan selection, and enrolls in QHP A with an effective date of February 1, 2016. The enrollee is eligible for, and elects to receive, APTCs, and the portion of the monthly premiums for which he or she is responsible is \$100. The enrollee pays his or her first month's premium and coverage is effectuated for February 1, 2016. While generating the March 2016 billing invoices, the issuer's billing system malfunctions, causing the issuer to fail to bill the enrollee for that month. The enrollee does not pay the March 2016 premium, since he or she did not receive a bill. The same malfunction occurs in April, May, June, July, and August 2016; the enrollee does not pay the monthly premiums for any of those months. The issuer uncovers the billing problem while generating invoices for September 2016. The enrollee, who is a resident of State W, owes the issuer \$600 of under-billed premiums in addition to his or her normal monthly premium payments of \$100. State W instructs the issuer to recoup the under-billed premiums,

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beginning with the September 2016 billing cycle. The issuer allows the enrollee three consecutive months to repay the under-billed premiums. The issuer informs the enrollee that it will bill the enrollee \$300 (normal monthly premium of \$100 plus an under-billed premium installment payment of \$200) for September, October, and November 2016 coverage. The enrollee pays the issuer \$300 for coverage in September 2016. On September 14, 2016, the enrollee informs the issuer that he or she wishes to terminate coverage effective September 30, 2016. The issuer, in accordance with its billing policies and with the rules of State W, immediately bills for the remaining under-billed premiums (\$400) in one lump sum, due on September 30, 2016, the date the voluntary termination will take effect. The enrollee receives the accelerated repayment schedule and pays the outstanding under-billed premiums.

Example 6R: Same facts as Example 6Q, but when the issuer bills the enrollee \$400 for the under-billed premiums, due on September 30, 2016, the date the voluntary termination will take effect, the enrollee sends payment of \$200 and makes no further payments. Since the enrollee's payment is insufficient to satisfy the outstanding amount of under-billed premiums, the issuer can pursue all options allowed under State W's laws to collect the remaining \$200 from the enrollee.

6.8 TERMINATION OCCURING DURING A GRACE PERIOD

45 CFR §155.430 generally allows an enrollee voluntarily to terminate his or her coverage as of a date at least 14 days from the date he or she notified the Marketplace of his or her request to terminate coverage. If an enrollee seeks to voluntarily terminate coverage while he or she is in a grace period due to non-payment of premiums, the effective date of termination is the earlier of: (1) the enrollee's voluntary termination date, or (2) the date the enrollee's coverage is terminated for non-payment of premiums (involuntary termination date) if the enrollee fails to pay all outstanding premiums or an amount within the tolerance of any applicable premium payment threshold, before the end of the applicable grace period.

Examples

Example 6S: An enrollee, who is enrolled in QHP A, whose issuer does not utilize a premium payment threshold, is receiving APTCs and enters a grace period on August 1, 2016, due to his or her non-payment of premiums. The grace period extends until October 31, 2016, and if the enrollee does not pay his or her outstanding premiums in full by that date, his or her coverage will terminate effective August 31, 2016, the last day of the first month of the grace period for enrollees receiving APTCs. On September 9, 2016, the enrollee contacts the FFM to voluntarily terminate his or her coverage because the enrollee has become eligible for and will begin receiving MEC through his or her employer effective October 1, 2016. Although he or she could request a termination date as early as 14 days from the date of his or her termination request, the enrollee requests a termination date of September 30, 2016. On September 9, 2016, the FFM sends an 834 transaction to the issuer with a termination effective date of September 30, 2016. The enrollee makes no further payments to the issuer. By the end of his or her grace period

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(October 31, 2016), he or she has not paid all outstanding premiums to the issuer. On November 1, 2016, the issuer sends an 834 termination transaction to the FFM, changing the enrollee's effective date of termination to the date of involuntary termination for non-payment of premiums (August 31, 2016), instead of the voluntary termination date the enrollee requested (September 30, 2016). The issuer can reject any claims arising from medical service provided after August 31, 2016, and must return any APTCs paid on the enrollee's behalf for the period after August 31, 2016.

Example 6T: An enrollee, who does not receive APTCs, enters a grace period for non-payment of premium on August 1, 2016. The law in the enrollee's state allows a one-month grace period to pay all outstanding premiums. If the enrollee does not pay all outstanding premiums, or an amount within the tolerance of any applicable premium payment threshold, during that one-month grace period, the issuer may terminate his or her coverage effective July 31, 2016, the last day the enrollee's account was in good standing. On August 10, 2016, the enrollee accesses the FFM to voluntarily terminate his or her coverage, effective August 24, 2016, because he or she will be receiving MEC through his or her employer. On August 10, 2016, the FFM sends an 834 transaction to the issuer, with a termination date of August 24, 2016. On the last day the enrollee's grace period, August 31, 2016, he or she has not paid the outstanding premium owed to the issuer. On September 1, 2016, the issuer sends an 834 to the FFM changing the enrollee's termination date to July 31, 2016, the date his or her coverage is being involuntarily terminated for non-payment of premiums.

6.8.1 Involuntary Termination Due to a Citizenship/Immigration Status Inconsistency Expiration During a Grace Period

An enrollee who receives coverage during a citizenship/immigration status inconsistency period, and who does not pay monthly premiums, will enter the applicable grace period pursuant to 45 CFR §155.430 and 45 CFR §156.270. If the inconsistency expires during the grace period, the enrollee's coverage termination date will be the earlier of: (1) the date of the inconsistency expiration, or (2) the termination date associated with the applicable grace period.

Examples

Example 6U: An enrollee, who receives APTCs, is in a citizenship/immigration status inconsistency period that expires June 30, 2016, unless it is resolved earlier. The enrollee is also in a grace period ending on June 30, 2016, because he or she did not pay his or her April 2016 premium in full. As of June 30, 2016, the enrollee's inconsistency has not been resolved. Additionally, as of June 30, 2016, the enrollee has not paid the outstanding premium, and his or her coverage terminates effective April 30, 2016, per 45 CFR §155.430 and 45 CFR §156.270. The earlier of the two coverage expiration dates (termination for non-payment retroactive to April 30, 2016) applies.

6.8.2 Termination of APTCs during a Grace Period

If an enrollee receives APTCs and is delinquent on premium payments, the enrollee will receive a three consecutive month grace period, pursuant to 45 CFR §156.270(d). If such an enrollee becomes ineligible for APTCs during the three consecutive month grace period, the APTCs will terminate according to normal Marketplace operations, but the enrollee will have until the end of the three consecutive month grace period to pay all outstanding premium, or an amount within the tolerance of any applicable premium payment threshold. If the enrollee does not make sufficient payment to avoid termination for non-payment, the enrollee's termination date would adhere to the rules for an APTC grace period stated in 45 CFR §155.430(d)(4).

Examples

Example 6V: An enrollee, who is receiving APTCs and is subject to an annual household income inconsistency, enters a grace period on August 1, 2016, due to his or her non-payment of premium. The grace period extends until October 31, 2016. On August 31, 2016, the enrollee's income inconsistency expires and the APTCs are adjusted to \$0 by the FFM. Although the FFM will terminate the enrollee's APTCs effective September 1, 2016, the enrollee will have until October 31, 2016, to make full payment of all outstanding premium to avoid his or her coverage being terminated effective August 31, 2016, the last day of the first month of the grace period.

Example 6W: Same facts as Example 6V, but on September 14, 2016, after the enrollee's APTCs were terminated, the enrollee becomes eligible for an SEP, pursuant to 45 CFR §155.420(d)(6), because he or she has become newly eligible for APTCs. The enrollee re-enrolls in QHP A, the same plan in which he or she was enrolled before and during the grace period. . The enrollee makes a timely premium payment on September 14, 2016, the FFM sends an M834 transaction to the issuer. Because this is considered a continuous enrollment, if the enrollee does not pay all outstanding premiums for August and September 2016, or an amount within the tolerance of any applicable premium payment threshold, before October 31, 2016, the QHP A issuer will submit a termination transaction for non-payment, ending the enrollee's coverage on August 31, 2016. The issuer may pursue any collection methods allowed in the enrollee's state to collect any outstanding premium from the first month of the grace period from the enrollee's previous enrollment.

6.8.3 Premium Paid to an Issuer Through a Third-Party

Any contract between an issuer and a third-party under which the third-party collects premium payments from enrollees and routes them to issuers is governed by state law. When the third-party payment vendor charges fees for its service, such as processing fees, in addition to the premium amount collected, issuers may not consider such fees to be part of the premium, and may not consider an enrollee's failure to pay the fees to be a non-payment of premium.

Accordingly, if an enrollee's premium payment is routed to the issuer, the issuer cannot trigger applicable grace periods or terminate the enrollee's coverage for non-payment of fees. Rather, relationships between issuers and third-parties should be designed much like relationships in



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other commercial arenas where consumers may make in-person payments to vendors who will deliver their payment to a utility or other creditor, and require the consumer to pay any processing or transaction fee directly to the third-party before the third-party transmits the payment to the ultimate recipient. CMS encourages issuers to require that processing fees be delineated separately from the premium payment on any receipt or other evidence of the transaction.

7. TERMINATIONS (APPLICABLE TO THE INDIVIDUAL MARKET FFM, SBM-FP, QHP/QDP)

A termination is the end of an enrollee's coverage or enrollment in a QHP or QDP through a Marketplace occurring after their coverage effective date. A termination may be either voluntary (i.e., initiated by the enrollee or the employer) or involuntary (i.e., initiated by the QHP/QDP or the FFM). Issuers must notify the Marketplace of involuntary terminations. If an enrollee's coverage or enrollment through a Marketplace is terminated, the QHP or QDP must cover the enrollee and the covered services that the enrollee received, from the coverage effective date until the termination date.

The QHP/QDP issuer, or an FFM, can initiate an involuntary termination of an enrollee's coverage or enrollment through an FFM. A termination can be effective in the future (e.g., for a termination requested by the enrollee), or retroactively (e.g., if the enrollee died, or failed to pay premiums due by the end of a grace period). When an enrollee changes QHPs/QDPs, the termination of the enrollment through the Marketplace in the initial QHP/QDP is effective the day before coverage in a different QHP/QDP becomes effective, even in cases of retroactive enrollment.

A Marketplace may establish operational standards for QHP and QDP issuers for implementing terminations, cancellations, and reinstatements. See 45 CFR §155.430 regarding terminations of enrollment through an individual market Marketplace, and 45 CFR §155.735 regarding terminations of enrollments through a SHOP, which are discussed above, in Section 3.11, Terminations. The following are operational standards for the FFM and SBM-FPs. For details regarding termination for non-payment of premiums, please refer to Section 6.3, Terminations for Non-Payment of Premium.

7.1 ENROLLEE REQUESTED TERMINATIONS

In accordance with 45 CFR §155.430(b)(1), enrollees have the right to terminate their coverage or enrollment in a QHP/QDP through a Marketplace provided they give adequate notice to both the FFM and the QHP/QDP. Enrollees must request a voluntary termination of their coverage or enrollment through an FFM. An enrollee who voluntarily terminates coverage or enrollment through a Marketplace may select an effective date of termination at least 14 calendar days from the present date or at a later date within the plan year. However, after the termination is requested, the enrollee may contact the issuer to request that it effectuate termination sooner than 14 calendar days per 45 CFR §155.430(d)(2)(iii). The issuer has the discretion to grant the enrollee's request to terminate coverage or enrollment through the Marketplace sooner than 14 days. CMS expects that the issuer's policy in this regard be applied uniformly to all enrollees. If an issuer is unable to accommodate the enrollee's request, the issuer should communicate that information to the consumer accordingly.

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Currently, a consumer enrolled in both a QHP and QDP cannot terminate through the Marketplace his or her QDP without terminating his or her QHP as well. An enrollee may request to terminate their QDP in three ways:

- Directly with the issuer (at the issuer's discretion);
- Through the Marketplace Call Center; or
- Through Regional Caseworkers.

Until the system allows enrollees to terminate QDPs separately, QDP issuers need to terminate enrollees' QDPs in the issuers' systems when requested by an enrollee. QDP issuers must reflect the termination in reconciliation with the Marketplace.

This guidance was previously shared with issuers via RegTap
https://www.regtap.info/uploads/library/ENR_QDPTerms_060115_v5_5CR_111615.pdf

If an enrollee receiving APTCs who has effectuated coverage requests to terminate his or her coverage or enrollment in a QHP/QDP through a Marketplace during a three month grace period and fails to pay all outstanding premiums in full (or payment within the premium payment threshold if the issuer utilizes such a threshold) by the end of the three month grace period, the termination date should be the earlier of the requested termination date or the termination date applicable under the grace period.

7.2 TERMINATION OF AN ENROLLEE IN THE FFM DUE TO DEATH

Consumers who are enrolled through the FFM or who are application filers should report the death of an enrollee through their HealthCare.gov account or by calling the Marketplace Call Center. This is important because the FFM conducts redeterminations of eligibility consistent with 45 CFR §155.330 for the remaining members of the household. If a consumer or representative contacts the issuer directly, the issuer should provide the following directions:

- The termination of an enrollee's coverage due to death may be reported by an application filer. If the person taking action to terminate the deceased's coverage is the person who filed the application, he or she can do so online through HealthCare.gov and then contact the Marketplace Call Center at 1-800-318-2596 (TTY: 1-855-889-4325) to report the date of death (otherwise the termination will be prospective only). Alternatively, an application filer can contact the Marketplace Call Center to both initiate the termination and report the date of death simultaneously. If the application filer does not have access to the online account, the termination of the deceased's coverage can only be initiated through the Marketplace Call Center. A consumer who meets the definition of an application filer, as described in 45 CFR §155.20, is allowed to update the application for the remaining members of the household if the deceased filed the application.
 - If the consumer reporting the death is not an application filer, he or she must submit documentation of death to the FFM. Consumers in this circumstance should submit documentation directly to the FFM. Documentation may include a death certificate,
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obituary, power of attorney, proof of executor, or proof of estate. The documentation, or an attached cover note, should provide the following information:

- Full name of the deceased;
- Date of birth of the deceased;
- FFM application ID (if known) of the deceased;
- SSN (if known) of the deceased; and
- Contact information for the person submitting the documentation, including:
 - Full name;
 - Address; and
 - Phone number.

All documentation should be mailed to:

Health Insurance Marketplace ATTN: Coverage Removal
Dept. of Health and Human Services
465 Industrial Blvd.
London, KY 40750-0001

The Marketplace Call Center will attempt to contact the consumer who submits documentation of death regarding the termination of the deceased and reenrollment of any remaining enrollment group members. The remaining QIs or enrollees may need to update tax filing status, financial information, or other information on their FFM applications. These additional changes may qualify the remaining enrollees for an SEP.

When an enrollee's coverage is being terminated due to death, the issuer receives the appropriate 834 enrollment transaction. The effective date generated by the FFM system will be prospective. The Marketplace Call Center will open a case in HICS, and assign the case to the issuer for retroactive enrollment of the remaining QI so there is no lapse in coverage.

The consumer who reports the death should contact the issuer regarding any applicable premium refunds or adjustments. Issuers should process premium refunds or adjustments in accordance with applicable law and existing industry practice.

7.3 AGING-OFF TERMINATIONS

Section 2714 of the Public Health Service Act, implemented at 45 CFR §147.120, states that a group health plan or a health insurance issuer offering group or individual health insurance coverage that makes available dependent coverage of children must make such coverage available for children until the attainment of 26 years of age. A state may not have a rule that conflicts with this standard. However, some states have more generous rules that allow certain individuals to remain covered as dependents beyond age 26 if additional criteria are met. Examples include place of residence, student status, disabled veteran status, marital status, or financial dependence. Information on specific states that extend the age limit beyond 26 is not included in this manual and must be obtained directly from the state's regulatory authority. The FFM is only operationally capable of applying the maximum adult dependent age rules on its own initiative during the OEP or an SEP. The FFM does not initiate removal of child dependents

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who reach the applicable maximum age from their original enrollment group until the end of the plan year, or until an SEP. Issuers may not terminate a dependent for attaining the maximum age.

7.4 TERMINATIONS FOR FRAUD

Under 45 CFR §155.430(b)(2)(iii), the Marketplaces or the QHP or QDP issuer may terminate an enrollee's coverage if it is rescinded in accordance with §147.128. In such cases, a QHP or QDP issuer may terminate an enrollee's coverage through the Marketplaces if an enrollee (or a person seeking coverage on behalf of the enrollee) performs an act, practice, or omission that constitutes fraud, or makes an intentional misrepresentation of material fact in connection with the enrollee's coverage, with at least 30 days advance written notice to each primary subscriber affected by the intended termination. In addition, issuers are expected to notify the Marketplaces of the rescission because of the effect it may have on an enrollee's subsidies. The issuer should also notify its CMS Account Manager if it suspects that an agent or broker affiliated with the issuer may have engaged in fraud, or in abusive conduct that may cause imminent or ongoing consumer harm using personally identifiable information of an Exchange enrollee or applicant or in connection with an Exchange enrollment or application.

In cases of rescission, the effective date of the termination may be retroactively applied if allowed by state law. Further, if state law allows, the QHP or QDP issuer may deny medical or dental claims not yet received but incurred after the retroactive effective date of termination and reverse any paid medical or dental claims incurred after the retroactive effective date of termination. The QHP or QDP issuer must return any premiums paid by the enrollee for the period after the retroactive effective date of termination; CMS recoups any APTCs or CSR paid for that period, as well. In accordance with 45 CFR §156.270(b), the QHP or QDP issuer must provide the enrollee with proper notice of the termination. If a QHP issuer rescinds coverage in accordance with 45 CFR §147.128, and the enrollee subsequently elects to enroll with issuer through the OEP or an SEP, the issuer generally must accept the enrollment under guaranteed availability requirements.

8. RETROACTIVITY (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP/QDP)

Retroactive transactions could have either an enrollment or a termination outcome. Retroactive effective dates can result from unforeseen life events, such as death; from FFM or issuer error, such as incorrect data being manually entered from a paper application; or from an administrative process, such as an eligibility appeal decision. Many of the events and circumstances that result in retroactivity are addressed within regulatory rules on terminations (45 CFR §155.430(d)), SEPs (45 CFR §155.420(b)), redeterminations (45 CFR §155.330(f)), and appeals of eligibility determinations for exchange participation and insurance affordability programs (45 CFR §155(F)). For more information on these topics please refer to Section 2.9, Redeterminations and Renewals in the FFM, and Section 7, Terminations.

The retroactive enrollment or termination effective dates for these triggering events and circumstances are outlined in the respective sections of the regulations. There are exceptional circumstances that are not specifically addressed in the regulations. For example, if a consumer fulfilled all enrollment requirements, but, for some reason, the FFM or QHP/QDP issuer was unable to process the enrollment for the required effective date, the FFM (or designee) will process a retroactive enrollment effective date. If an enrollment was never processed, or if a valid termination request was properly made, but not processed or acted on by the FFM or the QHP/QDP, the FFM (or designee) will grant retroactive terminations. Those circumstances will be addressed on an individual basis, and determinations of outcomes will be decided by the FFM in collaboration with issuers, when needed.

In most cases, issuers will receive an 834 transaction from the Marketplace, which communicates the correct retroactive enrollment or termination effective dates. However, in some cases (e.g., an eligible enrollee opts for retroactive effect of the appeal decision), CMS notifies the issuer(s) using HICS, which specifies the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts.

Unlike a reinstatement, which is a correction of records to “erase” an action, a retroactive enrollment is an action to enroll a QI into a QHP or QDP for a new time period. Reasons and effective dates for retroactive enrollments and terminations are outlined in Exhibit 30 and Exhibit 31. In some limited cases, CMS may determine that a consumer is eligible for an SEP due to an extraordinary circumstance beyond the consumer’s control and may also permit retroactive enrollment and termination as necessary.

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Exhibit 30 – Retroactive Enrollment Reasons and Dates

| Reason | Effective Date |
|--|--|
| Birth, Adoption, Placement for Adoption, or Placement in Foster Care | Date of Event |
| FFM or QHP/QDP Issuer Error | Original Effective Date |
| Exceptional Circumstances | Date To Be Determined (TBD) by the FFM |
| Eligibility Appeals Outcome | Date TBD by Appeal Outcome |

Exhibit 31 – Retroactive Termination Reasons and Dates²⁹

| Reason | Effective Date |
|--|---|
| Death | Date of Event |
| Rescission | Projected Effectuation Date |
| Exhausted Three Consecutive Month Grace Period | Last Day of First Month of Grace Period |
| Retroactive Medicaid/CHIP/Medicare/MEC | No sooner than 14 days from the date the enrollee’s request is made at the FFM [Note: Issuers have the discretion, at the consumer’s request, to provide a termination date as early as the date that the request is made at the FFM.] If the enrollee is newly eligible for Medicaid, CHIP, or the BHP, if a BHP is operating in the service area of the Marketplace, the last day of QHP coverage is the day before the consumer is determined eligible for Medicaid, CHIP, or the BHP. |
| FFM or QHP/QDP Issuer Error | No sooner than 14 days from the date the request is made at the FFM [Note: Issuers have the discretion, at the consumer’s request, to provide a termination date as early as the date that the request is made at the FFM.] ³⁰ |
| Exceptional Circumstances | Date TBD by the FFM |

²⁹ This is not an exhaustive list.

³⁰ The effective date is consistent with 45 CFR §155.430(b)(1)(iv)(A).

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| Reason | Effective Date |
|-----------------------------|---|
| Eligibility Appeals Outcome | Prospective or the Date the Incorrect Eligibility Decision was Made |

Exhibit 32 provides examples related to retroactivity.

Exhibit 32 – Retroactivity Examples

| Family Composition | Action | Outcome |
|--|--|--|
| Subscriber, Spouse, and Two Dependent Children | Twin dependent children born on August 1. Newborn dependents are enrolled retroactively into the family's current QHP. | The FFM sends enrollment information for the group to the issuer. The issuer receives the transactions and confirms receipt of the transactions by sending an acknowledgement to the FFM. The issuer makes updates to their system. Coverage is effective August 1. |
| Subscriber and Spouse | Subscriber contacts FFM to inform them of spouse's sudden death three weeks prior. | The FFM terminates the deceased enrollee's coverage with a prospective termination date. The FFM then assigns a Category Two HICS case to the issuer requesting a retroactive termination date to be the effective date of death. The issuer may require additional steps to process the refund in accordance with state law. |
| Subscriber Only | Issuer sends termination transaction to FFM on October 31 for non-payment of premium for a subscriber that is receiving APTCs. | The FFM sends termination information for the subscriber to the issuer. The issuer receives the transaction and confirms receipt of the transaction by sending an acknowledgement to the FFM. The issuer makes updates to its system. The FFM then sends a notice to the subscriber regarding the termination of coverage. The retroactive termination date is August 31, the last day of the first month of the grace period. |

Examples

Example 8A: An enrollee contacts the FFM on September 25 to inform the FFM of the birth of twins on September 1. The FFM redetermines eligibility of the enrollment group. The FFM

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sends an 834 change transaction to the selected QHP adding the newborn children with a coverage effective date September 1.

Example 8B: An enrollee, who is the subscriber in the enrollment group, contacts the FFM on August 7, to report that his wife died three weeks earlier on July 14. As a result of his wife's death, the FFM representative informs the consumer that he now qualifies for an SEP. The FFM confirms the date of death and assigns the issuer a Category Two HICS case requesting a retroactive termination date of July 14 for the coverage of the wife.

Example 8C: An enrollee receiving APTCs fails to fully pay his or her portion of the monthly premium due for August coverage (or fails to pay within the premium threshold if the issuer utilizes such). The three consecutive month grace period commences August 1. The enrollee fails to make any payments during the three months of the grace period. After October 31, the QHP issuer sends the FFM an 834 termination transaction for non-payment. Pursuant to the policy for retroactive terminations due to an exhausted three consecutive month grace period, the retroactive termination effective date for this QHP is August 31, the last day of the first month of the grace period.

8.1 PREMIUM BILLED FOR A RETROACTIVE EFFECTIVE DATE

8.1.1 Effectuation with a Retroactive Coverage Effective Date

Pursuant to 45 CFR §155.400(e)(1)(iii), a QI seeking coverage with a retroactive effective date must pay the all premium due through the first prospective month of coverage, subject to any applicable issuer's payment threshold policy before the applicable due date to effectuate coverage. The deadline for payment of all premium due must be no earlier than 30 calendar days from the date the issuer receives the enrollment transaction. Except in cases of retroactive terminations and re-enrollments requested by an enrollee pursuant to an SEP, such as an SEP granted due to an error of the exchange (45 CFR §155.420(d)(4)), if the QI pays only the premium for one month of coverage, only prospective coverage should be effectuated, following regular coverage effective date rules. For example, if the date of the 834 transaction is on or before the 15th of the month, the enrollee's coverage effective date would be the first day of the month following the date of the 834 transaction. If the date of the 834 transaction is on the 16th day of the month or later, the coverage effective date would be the first day of the second month following the date of the 834 transaction.

The retroactive coverage effective date is conveyed to the issuer via an 834 transaction

If a QI's retroactive coverage effective date is contained in an 834 transaction, the issuer must bill the QI for all premiums, including premiums for both retroactive and prospective coverage, in accordance with the effectuation rules enumerated in 45 CFR §155.400(e)(1)(iii). If the QI makes a payment sufficient to pay all premium due (all retroactive premium plus any regularly-billed prospective premium, or an amount within the tolerance of any applicable premium payment threshold), the QI effectuates coverage for the retroactive effective date and is

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considered current for prospective coverage as well. If the QI makes a payment that is sufficient to pay all outstanding retroactive premium, but insufficient to pay all monthly premium, or an amount satisfying the issuer's premium payment threshold (if applicable), the issuer must effectuate the QI's coverage with the earlier coverage date. However, the enrollee would enter into the applicable grace period and the enrollee would be required to pay all outstanding premiums due, or an amount within the tolerance of any applicable premium payment threshold, before the expiration of the grace period to avoid termination for non-payment, which would be effective in accordance with the applicable grace period requirements.

Examples

Example 8D: On June 10, 2016, the enrollee contacts the Marketplace Call Center to request an SEP pursuant to 45 CFR §155.420(d)(4). The enrollee informs the Marketplace Call Center that although he or she was enrolled in QHP B with a coverage effective date of January 1, 2016, he or she should have been enrolled in QHP A instead. The Marketplace Call Center sends his or her case to a member of the FFM casework team, who finds that the enrollee was enrolled in the wrong QHP. On July 1, 2016, the FFM sends the QHP B issuer a retroactive cancellation transaction. The QHP B issuer reverses the enrollee's submitted claims and refunds the premiums he or she paid for 2016 coverage. Also on July 1, 2016, the FFM sends the QHP A issuer an 834 transaction enrolling the enrollee with a coverage effective date retroactive to January 1, 2016. The enrollee's share of premium after applying his or her APTCs is \$100 per month. The QHP A issuer receives the 834 transaction on July 1, 2016, and, pursuant to 45 CFR §155.400(e)(1)(iii), bills the enrollee for all prospective and retroactive premiums (\$700 of premiums for retroactive coverage and \$100 of premiums for August 2016), with a payment due date 30 calendar days from the date the issuer received the 834 transaction. Before the payment due date, the issuer receives payment of \$800 from the enrollee, and effectuates his or her coverage retroactive to January 1, 2016.

Example 8F: Same facts as Example 8D, but before the due date, the enrollee pays the QHP A issuer \$100 and makes no further payment. Since the QHP A issuer received the 834 enrollment transaction on July 1, 2016, the issuer effectuates the enrollment effective August 1, 2016, but not January 1, 2016.

A prospective coverage effective date is conveyed to the issuer via an 834 transaction, but the retroactive coverage date is conveyed in an associated HICS case.

When a QI enrolls with a retroactive effective date, a prospective coverage effective date may be conveyed to the issuer via an 834 transaction and the retroactive coverage date via HICS. Based on timing of the receipt and processing of the associated HICS case, the issuer may have already billed the QI for the first month's premium for prospective coverage in accordance with 45 CFR §155.400(e)(1)(i). If the QI pays the first month's premium, subject to the issuer's payment threshold policy, if applicable, the QI's enrollment would be effectuated for prospective

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coverage. If the QI does not make such a “binder payment,” coverage would not be effectuated, either retroactively or prospectively.

Upon receipt of a HICS case directing an issuer to give an enrollee with effectuated coverage a retroactive coverage effective date, the issuer is expected to process the HICS case within a reasonable amount of time (CMS expects such processing to take no longer than 10 business days), and to bill the enrollee in compliance with state rules. In the absence of more generous state regulations, CMS encourages issuers who have already billed for and collected the premium for a prospective month of coverage to allow enrollees at least one full billing cycle in which to pay all outstanding retroactive premiums, or an amount within the tolerance of any applicable premium payment threshold. If the issuer receives and processes the HICS case within a short time after receipt of the 834 transaction, and the QI has not been billed, the issuer is encouraged to include the retroactive and prospective premium amounts on the same bill as though all information was conveyed to the issuer on an 834 transaction.

Examples

Example 8G: On March 10, 2016, enrollee contacts the Marketplace Call Center to request an SEP pursuant to 45 CFR §155.420(d)(4) after he or she successfully appealed a previous determination, made on January 3, 2016, that he or she was not eligible for coverage. The enrollee selects QHP A, and an 834 transaction, with a coverage effective date of April 1, 2016, is sent to the QHP A issuer. The issuer bills the enrollee for April 2016 coverage (his or her premium is \$100 after his or her APTCs are applied), the enrollee pays in full before the issuer’s due date, and his or her coverage is effectuated for April 2016. After the FFM sends the issuer the 834 transaction, the FFM sends a HICS case to the issuer instructing the issuer to give the enrollee a coverage effective date of February 1, 2016, the date he or she would have received coverage if his or her initial eligibility determination had been correct. The issuer promptly processes the HICS case and bills the enrollee \$200 (premium for February and March 2016). The enrollee pays in full before the issuer’s due date. The enrollee’s coverage effective date is changed from April 1, 2016, to February 1, 2016.

Example 8H: Same facts as in Example 8G, but here the enrollee does not make a payment sufficient to satisfy the premiums owed for retroactive coverage for February and March 2016. Although the enrollee effectuated prospective coverage for April 2016, he or she will not receive the earlier coverage effective date of February 1, 2016.

Example 8I: Same facts as in Example 8G, but here the issuer received and processed the HICS case soon after receiving the 834 transaction and before the enrollee has been billed. The issuer should bill the enrollee \$300 (\$200 in premiums for February and March 2016 and \$100 in premium for April 2016). The enrollee pays in full before the issuer’s due date. His or her coverage is effectuated for February 2016, and his or her account is in good standing.

9. REINSTATEMENTS (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP/QDP)

A reinstatement is the undoing of a termination or cancellation, and results in restoration of an enrollment to the original coverage effective date with no break in coverage. Some common reasons for reinstatements are:

- Erroneous Termination/Cancellation of an Enrollment by an Issuer;
- Erroneous Termination/Cancellation of an Enrollment Initiated by an A/B;
- Erroneous Death Notification;
- Marketplace Error;
- Assister Error; and
- Enrollee Cancellation of a New Enrollment.

9.1 REINSTATEMENTS IN THE FFM

The FFM does not have functionality to transmit 834 reinstatement transactions to the issuer in an automated fashion. To reinstate an enrollment record, the issuer must submit the reinstatement through the dispute process to the Enrollment Resolution & Reconciliation (ER&R) contractor. The issuer reactivates the enrollment as if it were never terminated or cancelled, and provides coverage based on the original effective date, maintaining all out-of-pocket accumulators. The issuer should submit the reinstatement to the ER&R contractor as soon as possible after they determine that the member was erroneously terminated. See Section 10.2 for more information on this process.

The ER&R contractor provides the Marketplace Call Center with reports flagging consumers for whom issuers have submitted reinstatement disputes. The Marketplace Call Center representative advises an impacted enrollee that he or she is still enrolled in the plan and that CMS is working to correct the status in HealthCare.gov. If the impacted member has had a change in circumstance (CIC) and is seeking to update the FFM, the Marketplace Call Center representative will process as follows, depending on whether the CIC triggers SEP:

- If the CIC triggers an SEP, the Marketplace Call Center representative processes the CIC via an 834 enrollment with a prospective date, by updating the application. Routine overlap clean-up runs eliminate the duplicate coverage, providing the original eligibility for the segment of the enrollment starting January or later, and the post-CIC eligibility for the policy segment going forward.
 - If the CIC does not trigger an SEP, the Marketplace Call Center representative will process the CIC by creating a HICS message that will state, *“Reinstatement is pending, so CIC is sent via HICS. HICS case may be closed after issuer processes the CIC.”*
-

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CMS regularly sends reinstatement requests from consumers to issuers via HICS. CMS expects issuers to review these matters and determine if issuer error occurred warranting a reinstatement. Also, occasionally a consumer will seek to terminate only his or her QDP, but in error, also terminate his or her QHP. In these circumstances, HICS cases may be needed to direct issuers to reinstate their enrollee.

CMS:

- The ER&R contractor provides the Marketplace Call Center with reports flagging consumers for whom issuers have submitted reinstatement disputes.
- The Marketplace Call Center representative can then advise the consumer that he or she is still enrolled in the plan and that the Marketplace is working to correct the status in HealthCare.gov.
- Enrollees get processed two different ways depending on whether the change in circumstance (CIC) triggers an SEP:
 - SEP CIC, via 834 enrollment with a prospective date – the Marketplace Call Center updates the application and completes enrollment. Routine overlap clean-up runs eliminate the duplicate coverage, providing the original eligibility for the January + segment of the enrollment, and the post-CIC eligibility for the policy segment going forward; or
 - Non-SEP CIC, via HICS Case – The Marketplace Call Center updates the application and creates related HICS message that will read, “Reinstatement is pending, so CIC is sent via HICS. HICS case may be closed after issuer processes the CIC.”

9.1.1 Premium Payment for Reinstatements

Since reinstatements are not initial enrollments, binder payments are not required by the FFM. Issuers are encouraged to allow at least 10 working days after receipt of the 834 transaction for payment of all outstanding premiums.

9.1.2 Reinstatements Due to Mistaken Disenrollment Due to Issuer Error

When an erroneous termination or cancellation is the result of issuer error, the issuer must reinstate the enrollment group and restore the enrollment in its records. In these circumstances, the issuer can reinstate the enrollment group’s enrollment through the Marketplace without Marketplace approval or intervention.

9.1.3 Reinstatements Due to Mistaken Disenrollment Due to A/B Error

When an erroneous termination or cancellation is the result of A/B error, CMS encourages the issuer to reinstate the enrollment group’s enrollment through the Marketplaces. In these circumstances, the issuer can reinstate the enrollment group’s enrollment through the Marketplaces without Marketplace approval or intervention.

9.1.4 Reinstatements Due to Mistaken Disenrollment Due to Erroneous Death Notification

When a termination or cancellation is the result of erroneous death notification, the issuer is encouraged to reinstate the enrollment group's enrollment through the Marketplace, but this action requires Marketplace approval. The issuer receives approval for reinstatement from the Marketplace via a HICS case, Account Manager, or other means, when the Marketplace determines the termination based on death was in error. The issuer should then reinstate the enrollment group's enrollment through the Marketplace based on the guidance provided by the Marketplace.

If the enrollee calls the issuer to state they are not deceased and their enrollment through the Marketplace was terminated in error, the enrollee must call the Marketplace for assistance to have coverage through the Marketplace reinstated. The issuer cannot reinstate the enrollee's enrollment through the Marketplace for erroneous death at the request of the enrollee directly.

9.1.5 Reinstatements Due to Mistaken Disenrollment Due to Marketplace or Assister Error

When an erroneous termination or cancellation is the result of a Marketplace or assister error, the Marketplace notifies the issuer that the termination or cancellation was erroneous and instructs the issuer to reinstate the enrollment group's enrollment through the Marketplace. The issuer is encouraged to reinstate the enrollment group's enrollment through the Marketplace based on the guidance provided by the Marketplace. If enrollees call an issuer to state their enrollment through the Marketplace was terminated in error, the issuer should work with its CMS Account Manager or Lead Caseworker to obtain approval to reinstate the enrollment record.

9.1.6 Reinstatements Due to Mistaken Disenrollment Due to Enrollee Cancellation of a New Enrollment

In cases where an enrollee's enrollment is terminated because the enrollee selected a different plan, but then the enrollee cancels the selection of the new plan and the enrollee wants to remain in the previous QHP, the enrollee may want to have the enrollee's enrollment reinstated. If the enrollee contacts the previous issuer requesting reinstatement, the issuer must confirm that the enrollee successfully cancelled the enrollment in the new QHP by requesting confirmation from the enrollee. If the enrollee is unable to provide evidence of the cancellation, the issuer should work with its CMS Account Manager or Lead Caseworker to verify successful cancellation of the enrollment in the new plan. Once the cancellation is confirmed, the issuer is encouraged to reinstate the enrollee's enrollment through the Marketplace.

Exhibit 33 summarizes the above guidance pertaining to reinstatements.

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Exhibit 33 – Summary of Reinstatements in the FFM

| Reason for Reinstatement | Marketplace Approval Needed? | Outcome |
|--|--|--|
| Issuer Error | No | Issuer must reinstate enrollment group and restore enrollment. |
| A/B Error | No | Issuer can reinstate enrollment group and restore enrollment. |
| Erroneous Death Notification | Yes. Issuer cannot reinstate enrollee for erroneous death notification at the request of enrollee directly. If enrollee calls issuer to state they are not deceased and enrollment was terminated in error, enrollee must call the Marketplace for assistance. | Issuer will receive approval for reinstatement when the Marketplace determines the termination based on death was in error. Issuer should reinstate enrollment group and restore enrollment based on guidance provided by the Marketplace. |
| Marketplace/Assister Error | Yes. If enrollee calls issuer to state enrollment was terminated in error, enrollee should be directed to the Marketplace Call Center. | Issuer should reinstate the enrollee’s enrollment when the Marketplace determines that the termination or cancellation was erroneous and sends instruction to the issuer. |
| Enrollee Cancellation of New Enrollment | Yes. The enrollee should contact the Marketplace to have coverage reinstated. | Issuer is encouraged to reinstate the enrollee’s enrollment when the issuer determines enrollee successfully cancelled enrollment in “new” QHP. |
| Consumer Error When Attempting to Cancel QDP-Only | Yes | Issuer will receive a HICS case with direction. Issuer should reinstate enrollment group and restore enrollment based on guidance provided by the Marketplace. |

CMS expects QHP issuers to be enrollees’ first point of contact for many types of issuer-related matters. As such, when CMS has promulgated policy or guidance, such as in this document, issuers can follow that policy to advise or assist the consumer as appropriate, and note the necessary changes in their internal contact management and enrollment systems. Consumers should only be directed to the Marketplaces for matters the issuer is unable to or not permitted to address without Marketplace action.

10. ENROLLMENT RECONCILIATION (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP/QDP)

Pursuant to 45 CFR §155.400(d), the FFM is required to reconcile enrollment records with all participating issuers on a monthly basis. Reconciliation ensures that QHP issuers, QDP issuers, and the Marketplaces have equivalent enrollment information. Accurate enrollment information allows CMS to make correct payments for APTCs and CSR, and to assess FFM user fees. It also prevents multiple enrollments by one individual and ensures that the data used for analytics and metrics are accurate.

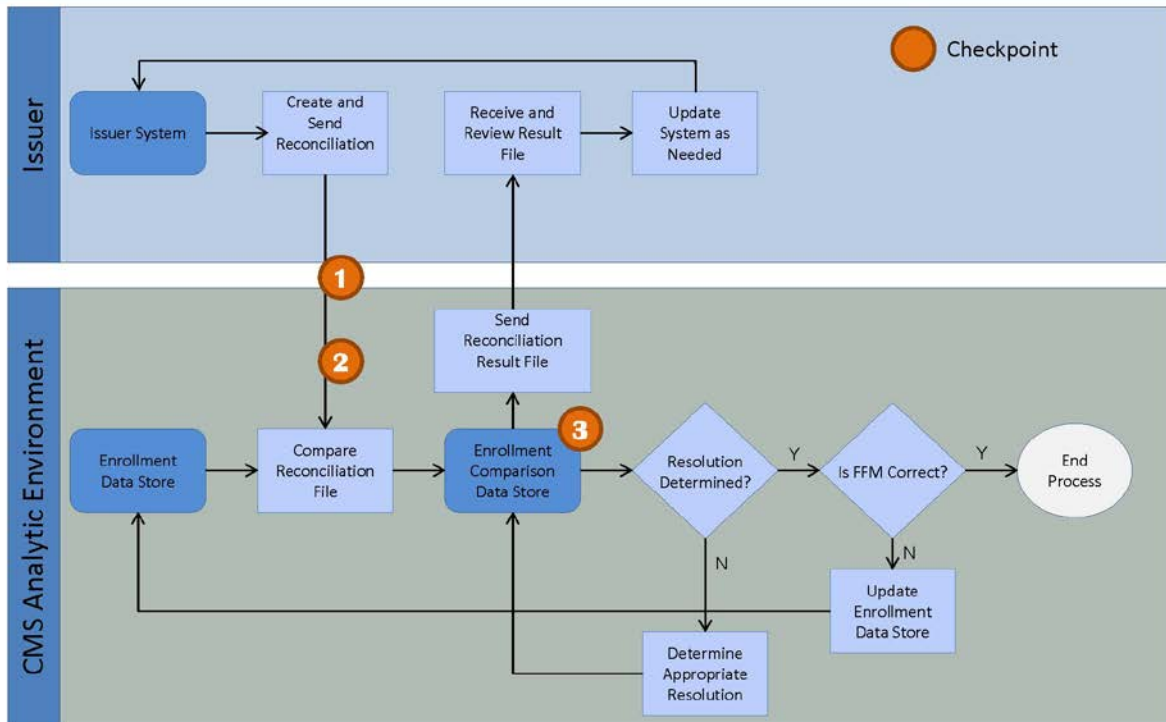
10.1 ENROLLMENT DATA RECONCILIATION PROCESS

When QIs enroll in coverage through an FFM or make changes to their coverage, the FFM sends an enrollment transaction to the relevant issuer. To ensure the accuracy and completeness of the information transmitted and to maintain consistent information between issuers and the FFM, a process called enrollment data reconciliation is used. At least monthly, issuers and the FFM exchange enrollment and financial data files to verify the integrity of the enrollment transaction processing and resulting records. The FFM employ an automated monthly reconciliation process comparing certain data fields with issuer data.

Exhibit 34 provides a high-level overview of the process involved to complete monthly enrollment data reconciliation between QHP and QDP issuers and the FFM.

Exhibit 34 – High-level Reconciliation Approach

High-Level Reconciliation Approach



10.1.1 Pre-Audit File

At least monthly, the FFM sends issuers a “snapshot” of their current enrollment data in the form of a pre-audit file. Issuers use the pre-audit files to compare the information in their systems with the FFM data and identify any missing enrollments.

Enrollment reconciliation begins with the pre-audit extract. A pre-audit extract is performed to create a pre-audit file showing at that point in time all the enrollments in the FFM ascribed to a particular issuer. At least monthly, the FFM will send issuers a pre-audit file. The primary purpose of the pre-audit file is to facilitate enrollment reconciliation, including the identification and processing of FFM “orphaned” enrollments:

- FFM Orphans – Active enrollments in the FFM enrollment data store that have not been sent to the issuer via EDI 834 files

A finder file called a ‘MISC’ file is sent to issuers along with the pre-audit file find those only FFM orphaned enrollments. Each pre-audit file is distinctly defined by plan year. For example,

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2016 pre-audit files only contain data pertaining to enrollments effective 1/1/2016 – 12/31/2016. This includes both effectuated and uneffectuated enrollments.

As part of each iteration of the enrollment pre-audit, CMS extracts all current policy records from the FFM policy folder; identifies and removes any duplicates; confirms correct file format and contents; aggregates extracts by Trading Partner ID; and distributes files to issuers via EFT. Issuers receive these files in the same way EDI 834 traffic is received. Enrollment pre-audit files is identified by the function code AUDYY in the filename, where YY is the 2-digit year (e.g. [TPID].AUDYY.D141205.T010000000.P).

The pre-audit file is not in the EDI 834 format; it is a pipe delimited file which issuers will need to convert into a usable format (such as Excel). The pre-audit file does not stop, interrupt, or replace the ongoing process of issuers receiving 834 enrollment transactions at 6 pm ET daily. Issuers do not immediately receive regenerated 834s for orphaned enrollments; these members should be enrolled (or terminated) using the information contained in the pre-audit file. The date of the pre-audit file is published so that issuers can coordinate the extract with their own data.

Issuer Use of Pre-Audit File

Upon receipt of an enrollment pre-audit file, the issuer should:

- Compare the enrollment pre-audit file to enrollment data in the issuer's system;
- Process any enrollments from the pre-audit file that are missing in the issuer's system; and
- Start customer outreach and effectuation.

Issuers should not disenroll anyone simply based upon absence from the issuer's pre-audit file. Additionally, issuers should document data issues that prevent enrollment and report via the CMS Help Desk as quickly as possible using the pre-audit data issues template. CMS evaluates the data issue reports and determine corrective action.

10.1.2 Submission of Issuer Audit Files to the FFM

Issuers create inbound reconciliation files (RCNI) with their enrollment data to submit to the FFM. The RCNI file includes information about current enrollees, cancelled enrollment records, and terminated enrollments. The RCNI files include both enrollment and financial data elements.

An analytics contractor compares the RCNIs to the data in the FFM through an automated process. The automated process matches records based on a unique collection of field information and resolves and determines any discrepancies between the issuer and the FFM. This process also uses the current enrollment policy rules to determine if the discrepancy needs to be resolved in the FFM or by the issuer. If the issuer disagrees with the decision made by the automated process or needs to resolve a discrepancy identified by the issuer, they may submit the dispute to the ERR contractor for resolution.

10.2 RESOLUTION OF ENROLLMENT DISCREPANCIES

The ER&R contractor is responsible for resolving issuer initiated discrepancies that cannot be resolved through the automated reconciliation process.

ER&R applies automated and manual rules to ensure disputes are resolved in accordance to approved enrollment guidelines. Following the resolution of any ER&R discrepancies, the ER&R contractor submits changes to the FFM or notifies issuers to update their respective data. Issuers see updates to the FFM reflected on the pre-audit file within 1-2 payment cycles.

ER&R accepts and resolves disputes from issuers on a flow basis through March 31 of the plan year following the end of the enrollee's coverage period. Issuers are strongly encouraged to submit disputes as soon as possible upon identification of a discrepancy, and in no case later than the March 31 deadline, to allow the FFM to issue an accurate Form 1095-A to consumers in advance of the tax filing deadline. To permit past year updates due to retroactive appeals determinations, ER&R also accepts past year disputes through 5-day dispute submission windows available on a quarterly basis. Issuers receive a past year pre-audit file reflecting the FFM updates roughly 6 weeks subsequent to the dispute submission window close.

Note: The first 5-day dispute submission window occurs on July 25-29, 2016.

10.2.1 Updating Incorrect Enrollment Data

Depending on the results of the automated reconciliation process or the ER&R contractor work, there are instances where the FFM records are updated through a Batch Utility Update (BUU) process or data clean-up, and other times when the issuer is expected to update its records. Every update sent to the FFM through the BUU process is validated by an independent quality assurance contractor. Every BUU run is performed in a replicated production environment and results are evaluated prior to execution in production. Additionally, data clean-up scripts are validated in replicated production environment where possible prior to execution in production. CMS makes a formal go/no-go decision for any BUU or clean-up run prior to execution in production.

Through the reconciliation process, APTCs, advance CSR amounts, and their effective dates are compared and expected to match. The Policy Based Payment process was implemented in January 2016. Starting in 2016, issuers are paid APTC, CSR and user fees are determined based on the data in the FFM. Any adjustments that will impact APTC, CSR, or User fees through the monthly recon or dispute process will be processed and adjusted in the payment to issuers within 1-2 payment cycles from when the FFM was updated.

11. FORM 1095-A GENERATION AND CORRECTIONS (APPLICABLE TO INDIVIDUAL MARKET FFM, QHP ONLY)

Section 36B(f)(3) directs Marketplaces to report to the IRS and to tax filers certain information necessary to reconcile the PTC with APTC and to administer PTC generally. The FFM furnishes this information to enrollees using Form 1095-A—a prepopulated tax form (like a W-2) which the Marketplace sends to each tax filer (as defined under 45 CFR §155.300), or responsible adult on a FFM policy on or before January 31 of the year following the calendar year of coverage. IRS also receives the information included on Form 1095-A from the Marketplace via the Federal Data Services Hub (DSH).

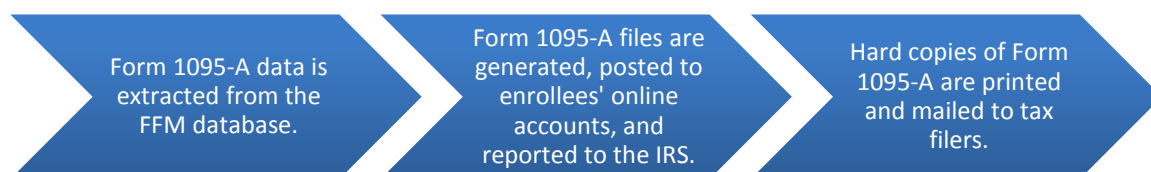
The quality of FFM data that is used to populate Form 1095-As is dependent upon reconciliation with issuers, therefore timeliness of issuer reconciliation with the FFM is paramount to accurate reporting to enrollees and IRS. The section below provides details about the timing of reconciliation and its impact on Form 1095-A data.

11.1 FORM 1095-A INITIAL GENERATION PROCESS

Throughout January each year, the FFM generates and sends initial Form 1095-As to tax filers who enrolled in a QHP through the Marketplace during the prior year. Form 1095-A data is populated from the FFM database, and initial generation occurs on a rolling, state by state basis, which leads to:

- Form 1095-As being generated electronically, and posted to enrollee’s online accounts;
- Hard copies being printed and mailed to tax filers; and
- Form 1095-A data being reported to the IRS.

Exhibit 35 - Form 1095-A Generation Process Overview



Issuer participation in the ER&R process (discussed in Section 10 of this manual) is an essential part of ensuring accuracy of Form 1095-A data. CMS performs enrollment data reconciliation with issuers to ensure FFM records match QHP issuers’ records. If the data is not correct, there are important tax implications, such as enrollees receiving Form 1095-As with incorrect coverage data that can impact their APTC/PTC reconciliation. Please note the FFM does not send Form 1095-As to consumers only enrolled in catastrophic coverage.

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Timeliness of issuer reconciliation is also critical. The initial Form 1095-A generation process typically begins in early January each year and leverages the data captured in the FFM up through the current month when 1095-A's are generated. As such, all issuer data should be reconciled each year by the end of December to ensure Form 1095-A data is accurate on initial Form 1095-As.

If Form 1095-A data is updated in the FFM database between December and March (i.e., during tax season) the current month when Form 1095-A's are generated), corrected and/or voided Forms 1095-As are automatically generated and mailed to enrollees. This can lead to enrollee confusion, since enrollees are likely not expecting to receive one. As such, CMS provides the following guidance to avoid enrollee confusion; stemming from 2015 enrollment data updates during tax season via the current month when 1095-A's are generated

CMS strongly recommends that *issuers reconcile enrollment data by December to limit enrollees receiving Form 1095-As with incorrect coverage data that can impact their APTC/PTC reconciliation.*

After March, when tax season and reconciliation for the prior year is over, issuers can make updates to prior year enrollment data by notifying enrollees of the data discrepancies, and directing enrollees to request the data updates through the Marketplace Call Center. Issuers are strongly encouraged to contact each affected enrollee even if a large volume of data discrepancies for prior year policies is identified.

Examples

Example 11A: Before April 2016, CMS or an issuer identifies an enrollment data inconsistency that effects a high volume of policies for a particular HIOS ID.

Recommended issuer action: Since prior year reconciliation cycles are not yet complete, updates can be made via reconciliation but should only be submitted after a briefing with the CMS enrollment team. Once reconciliation is complete, updated/corrected Form 1095-As will be automatically generated during the next Form 1095-A correction cycle and sent to affected enrollees.

- Note, if this scenario occurs after prior year reconciliation cycles are completed, issuers are strongly encouraged to contact each affected enrollee and direct him or her to call the Marketplace Call Center to initiate an update.

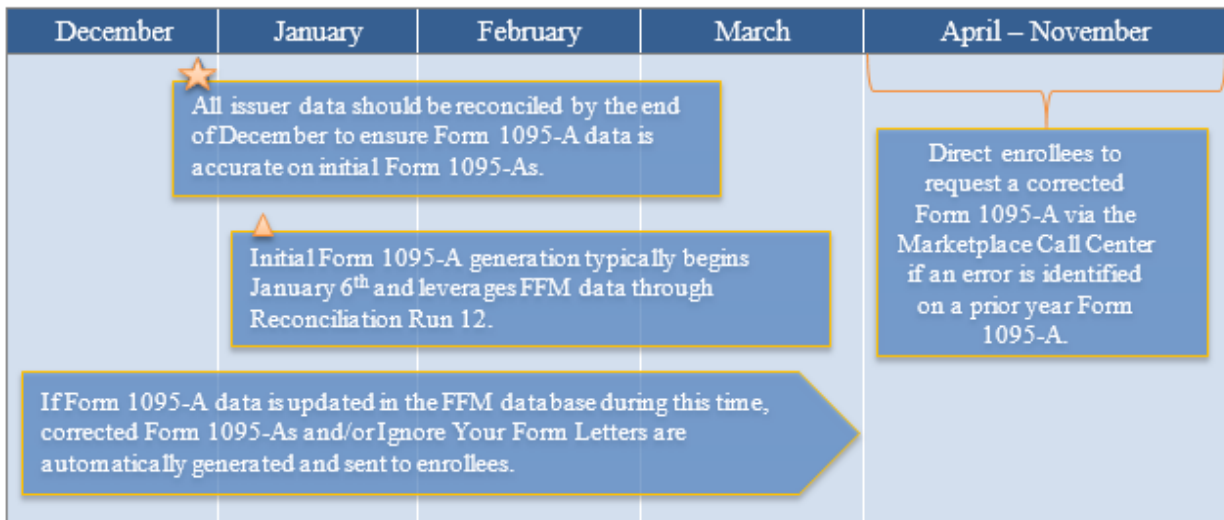
Example 11B: In March 2016, CMS or an issuer identifies a single 2015 policy that requires coverage date changes.

Recommended issuer action: CMS recommends the issuer reach out to the affected enrollee and encourage him or her to contact the Marketplace Call Center. The FFM record will be updated once the consumer's request is processed via the Form 1095-A casework process.

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Exhibit 36 – Timeline of Issuer Reconciliation and its Impact on FORM 1095-A Data

Timeline of issuer reconciliation and its impact on Form 1095-A data



11.2 HOW ISSUERS SHOULD ANSWER ENROLLEE QUESTIONS ABOUT FORM 1095-A

Issuers may hear from enrollees who have concerns about the Form 1095-A. Enrollees may call with basic questions about the form or tax filing, or concerns about the data on the Form 1095-A. Responses to basic enrollee questions will depend on the type of issue, and may include:

- Addressing the enrollees question directly;
- Directing enrollee to call the IRS; and
- Directing the enrollee to call the appropriate FFM or SBM.

Issuers may answer certain basic Form 1095-A questions, such as:

- What is this form I received?
- What is Form 1095A?
- Where can I find more information or instructions?
- Can I find my form online?

Enrollee questions that should be directed to the IRS include:

- Do I qualify for the PTC?
- What are the requirements for the individual shared responsibility provision?
- How do I report health care coverage on my income tax return?
- Will IRS verify that enrollees had MEC?
- I received a Form 1095-A. How should I report this on my income tax return?
- Can you help me complete my income tax return?

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- How do I use the Form 1095-A to fill out my Form 8962?
- Can I get a copy of the Form 8965 or 8962?
- What happens if I don't file my income tax return?
- I can't file/can't pay my tax liabilities by April 15. What should I do?

Enrollee questions that should be directed to the Marketplace include:

- Why did I receive this Form 1095-A?
- I never received a Form 1095-A. How can I get the form or the information I need?
- Where can I find Form 1095-A in my online account?
- What do I need to do with this Form 1095-A?
- What does this information on the Form 1095-A mean?
- I think my Form 1095-A may have gone to the wrong address. What should I do?
- Why did I get more than one Form 1095-A?
- This information does not look correct. How can I change it?

In addition to the background provided in the section above, issuers can direct enrollees to find answers to tax questions about Form 1095-A on HealthCare.gov/taxes and/or IRS.gov. If they do not find answers, enrollees should contact the Marketplace Call Center at 1-800-318-2596 (TTY: 1-855-889-4325).

11.3 FORM 1095-A BASICS FOR ASSISTING QHP ENROLLEES

The following background information can be used when addressing and triaging basic enrollee questions.

Tax filers receive Form 1095-As if they or a member of their household were enrolled in a QHP through the Marketplace for any months in the coverage year, with or without receiving APTC. Form 1095-As will not be generated for enrollees:

- Enrolled in a catastrophic plan, (since they are not eligible to receive APTC, nor can they claim the PTC on their tax return);
- Who received an exemption and were not enrolled in a QHP throughout the year at any point; and/or
- Enrolled in a plan outside of the Marketplace.

Each Form 1095-A is specific to a plan year, and is not necessarily comprehensive. Just as some tax households receive multiple W-2s if individuals have multiple jobs, some tax filers will get multiple Form 1095-As if they were covered under different plans or made changes to their tax household during the year. There are several reasons why a tax filer may receive more than one Form 1095-A:

- If members of the household were enrolled in more than one health plan through the Marketplaces;
-

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- If enrollees kept the same policy, but changed their name or address, removed or added a member to their policy, or reported a change in income;
- If enrollees chose a new plan during the year, (e.g., because of marriage, adoption, birth, change in Indian status, or loss of minimal essential coverage); and
- If there are more than five individuals covered by a policy:
 - The additional Form 1095-As will continue Part II information.
 - Parts I and III will be left blank. The extra pages will come in the same envelope, all together.

Enrollees need the information on Form 1095-A to complete Form 8962, which they must file with their tax return if they want to claim PTC or if they received premium assistance through APTC. Form 1095-A lists the individuals who were enrolled in a QHP, the QHP premium, and any APTC that was paid on the enrollee's behalf to the issuer. It is important to note that premium amounts reported on Form 1095-As are not the amount that enrollees are used to seeing on their monthly insurance bill, because they are:

- Reduced for premiums allocated to benefits exceeding essential health benefits (EHBs);
- Increased by premiums for a stand-alone dental plan (QDP) allocated to pediatric dental benefits;
- Not adjusted for the tobacco surcharge; and
- Not reduced for applied APTC.

11.3.1 Form 1095-A Reprints and Corrections

If enrollees want another copy of their Form 1095-A, issuers should direct them to log into their online Marketplace account and print their form in the "Tax Forms" section. If enrollees do not have online accounts, they can create one to view their Form 1095-A. Reprint requests that originate from the Marketplace Call Center are automatically generated and sent on a weekly basis. Enrollees should expect to receive a hard copy of their Form 1095-A in the mail within approximately two weeks.

Despite CMS' data quality efforts, in some cases, FFM information about enrollees may be incorrect. Enrollees can request corrections be made to their Form 1095-A information in writing or by phone, but are strongly encouraged to make requests by calling the Marketplace Call Center at 1-800-318-2596 (TTY: 1-855-889-4325). Issuers can also respond to certain FFM enrollee Form 1095-A data concerns; *however, issuers can no longer use the issuer dispute form to submit corrections requests on behalf of enrollees.*

When enrollees request demographic information changes via the Marketplace Call Center, they may be able to make the appropriate changes on their Form 8962 and to update their current year's application/account with the correct information.

When enrollees request a change of address or a change in coverage information via the Marketplace Call Center, a HICS case is opened and placed in the corrections casework queue.

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Corrections caseworkers then process the change, the FFM database is updated, and the HICS case is closed. Finally, the FFM sends issuers IPA's and 834 transactions accordingly.

- **Issuer Assistance:** If enrollees reach out to their issuers first, and have questions about policy start or end date, covered consumer start or end date, or APTC or premium amount, issuers should check issuer records against the Form 1095-A (as reported by the enrollee) and enrollee's understanding of the correct data. If issuer records match information on Form 1095-A (as reported by the enrollee) but not the enrollee's records of coverage, notify the enrollee and direct them to the Marketplace Call Center if they have additional questions.

As outlined in more detail below, the FFM evaluates enrollees' assertions that information on Form 1095-As is incorrect, updates incorrect data, and generates initial, corrected Form 1095-As, or Voided Form 1095-As) accordingly.

When appropriate, CMS leverages a recurring bi-monthly corrections process to update the FFM database and generate Form 1095-As and notices. At the conclusion of each cycle, initial and corrected Form 1095-As and Voided Form 1095-As are generated and sent to tax filers and the IRS to ensure all parties have accurate information.

Enrollees who want to request updates to their Form 1095-As should call the Marketplace Call Center by early March to maximize the likelihood that they get an update before the tax filing deadline.

11.3.2 Form 1095-A Corrections Process: Additional Information

When calling the Marketplace Call Center representatives they will leverage available resources (e.g., standard operating procedures [SOPs], frequently asked questions [FAQs], scripts) to try and address enrollees' concerns.

Research: If enrollees' concerns are not resolved, Marketplace Call Center representatives will triage the case accordingly and conduct research to evaluate the information in question. CMS research includes:

- Review of FFM data (EDBO Data, RCNO Data, FFM Extracts, Pre-Audit Files);
- Review of the enrollee's Form 1095-A data (via MIDAS extract);
- Outreach to issuers via HICS email/phone to confirm if issuers' records match data on Form 1095-A, as needed; and
- Outreach to enrollees to obtain additional information, as needed.

Enrollee Outreach: If research concludes that data is incorrect (i.e., data on Form 1095-A does not match FFM data sources, and enrollee requests are approved), corrections caseworkers call enrollees to tell them their request was approved and close the HICS case. The updated data is submitted to the next corrections cycle, and Form 1095-As are generated and sent to enrollees.

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If research concludes that data is correct (i.e., data on Form 1095-A matches FFM data sources, and enrollees' requests are denied), corrections caseworkers call enrollees to tell them their request was denied. If enrollees are satisfied with CMS' decision, the HICS case is closed and a denial letter is sent to the enrollee for their records. The enrollee should file his or her taxes with their existing Form 1095-A if they received one.

However, if enrollees are not satisfied with CMS' decision, they may request that their case be reconsidered. In such cases, CMS Regional Office caseworkers review the corrections caseworker's decision, including collection of additional input from the enrollee and/or issuer as needed, and make a recommendation to the corrections caseworker to approve the enrollees' request or uphold the denial. The corrections caseworker will again follow up with the enrollee by phone regarding approval or denial of the reevaluated decision, and will close the HICS case.

Correction Cycle Fallout: In some cases, Form 1095-A files fail to generate successfully (i.e., "fallout") due to errors. CMS conducts research to resolve errors, and resubmits the Form 1095-A file back into the next correction cycle or manually generations the form (if automatic generation is not possible).

- This process adds 2-4 weeks to the average case resolution time. Some Form 1095-A fallout will lead to scenarios where the Form 1095-A's are not available in enrollees' MyAccount.

Summary:- After requesting a correction, enrollees can expect:

- To get a phone call from a corrections caseworker within 2 weeks;
- To receive a hard copy of their Form 1095-A in the mail within approximately 2-4 weeks (add an additional 2-4 weeks for "fallout" when applicable); and
- To receive a denial notice in the mail within:
 - Approximately 2-3 weeks for cases denied without escalation; or
 - Approximately five weeks for cases denied and escalated for a second review.

By law, CMS is required carry to carry out this process, and furnish accurate Form 1095-A's for enrollees, for up to seven years (e.g., through 2022 for 2015 Form 1095-A's).

11.4 IMPACT OF PRIOR YEAR APPEALS

Prior year eligibility appeal decisions from the Marketplace Appeals Center present a specific challenge to producing an accurate Form 1095-A for enrollees (or appellants) who receive an appeal decision in their favor and choose to have their decision implemented retroactively.

The Office of Hearing and Inquiries sends the Marketplace Appeals Center communicates appeal decisions that yield policy level updates to issuers via HICS. Appeal decisions implemented after March of the subsequent year (once data reconciliation and IC834 transaction have concluded for prior year coverage) require additional handling and care because there is no direct process for issuers to update data in the FFM. As a result, no updated Form 1095-A will be generated

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representing the outcome of the appeal. This is problematic because a corrected Form 1095-A is necessary for an enrollee to amend or file their tax return with the correct information. The process below sets forth a solution for this issue so that these enrollees will receive a Form 1095-A with the correct coverage information.

If issuers identify prior year coverage issues after a HICS case is closed, issuers should send the HICS ID to the RO mailbox (New1095AForms@cms.hhs.gov) and the CMS Form 1095-A corrections casework mailbox (1095ACasework@cms.hhs.gov). Issuers should follow the steps below for prior year appeal adjudications.

The information below is updated from a previously released Section 8.1 of Bulletin #17-Effectuation Eligibility Appeal Decisions and Related Enrollments in the Federally-facilitated Marketplaces (FFM).

Steps to Follow for Prior Year Appeal Adjudications:

Upon receipt of a HICS case instructing an issuer to implement a prior year appeal decision, the issuer should follow the directions in the HICS case narrative.

Issuers should send a list of HICS case IDs to New1095AForms@cms.hhs.gov for enrollees who need a new Form 1095-A to be generated due to an appeal.

Note: Issuers should not send HICS case IDs to their lead caseworker or account manager nor should issuers include questions or personally identifiable information (PII) in their email.

After sending the appropriate HICS case IDs to CMS, issuers should close the HICS case and advise enrollees they will receive Form 1095-As in the mail in 2 - 4 weeks. Exhibit 37 provides examples of appeals outcomes and the corresponding issuer communication.

Exhibit 37 – Appeals outcome examples and corresponding issuer communication

| Appeals Outcome | Issuer Communication |
|--|--|
| <p>Scenario: An appellant receives an appeal decision finding that the contested eligibility determination was incorrect and the appellant is eligible for APTC and CSR. The appellant is not enrolled in a QHP and opts to have the decision</p> | <p>The appellant selects a silver level QHP and contacts the Marketplace Appeals Center to request a retroactive effective date.</p> <p>The issuer receives an 834 enrollment transaction with a prospective coverage effective date.</p> <p>A HICS case is generated with a retroactive coverage effective date, and retroactive application of the monthly APTC amount and CSR level.</p> <p>Upon receiving the HICS case, the issuer applies the retroactive effective date and the APTC and CSR, as provided in the HICS case, to the appellant’s enrollment from the 834 transaction, collects premiums, if applicable, for all months of retroactive coverage, and processes claims submitted by the enrollee or the enrollee’s care providers for services furnished on or after the retroactive enrollment effective date.</p> <p>If the case affects a prior plan year’s enrollment information, the issuer</p> |

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| Appeals Outcome | Issuer Communication |
|--|--|
| <p>implemented retroactively.</p> | <p>must correct their records, notify the enrollee a new form will be generated and received within 2-4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee's Form 1095-A.</p> <ul style="list-style-type: none"> • In most cases, issuers will receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS will notify the issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts. |
| <p>Scenario: An appellant who was initially determined eligible for APTC and CSR receives an appeal decision finding that the contested eligibility determination was incorrect and that the appellant should have been determined eligible for a higher level of APTC and CSR. The appellant is currently enrolled in a silver level QHP, and wishes to have the decision applied retroactively in the same QHP.</p> | <ul style="list-style-type: none"> • The appellant requests through the Marketplace Appeals Center a retroactive effective date. • A HICS case with a retroactive coverage effective date and monthly APTC amount and CSR level is generated to the issuer. • Upon receiving the HICS case, the issuer applies the retroactive effective date and corrected APTC and CSR, as provided in the HICS case, to the appellant's enrollment, refunds or credits to the enrollee any excess premiums paid, reprocesses claims to account for the application of the higher level of CSR, and refunds to the enrollee any excess cost sharing paid in accordance with state law. • If the case affects a prior plan year's enrollment information, the issuer must correct their records, notify the enrollee a new form will be generated and received within 2-4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so CMS may update the FFM and take the necessary action related to the enrollee's Form 1095-A. • In most cases, issuers receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS notifies the issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts. |
| <p>Scenario: An appellant who was initially not determined eligible for APTC or CSR receives an appeal</p> | <ul style="list-style-type: none"> • The appellant selects a silver level QHP offered by the same issuer and requests through the Marketplace Appeals Center a retroactive effective date. The issuer receives an 834 enrollment transaction with a prospective coverage effective date for the gaining QHP. The issuer receives an 834 termination transaction with a prospective |

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| Appeals Outcome | Issuer Communication |
|--|--|
| <p>decision finding that the contested eligibility determination was incorrect and that the appellant should have been determined eligible for APTC/CSR. The appellant is currently enrolled in a non-silver level QHP and wishes to enroll retroactively in a silver level QHP offered by the same issuer.</p> | <p>termination effective date for the former QHP.</p> <ul style="list-style-type: none"> The issuer terminates the appellant’s coverage under the former QHP. Two HICS cases are generated: one for the gaining QHP, which provides the retroactive enrollment effective date and APTC and CSR, and one for the former QHP, which provides the retroactive termination effective date. <p>The issuer reprocesses any claims submitted for services furnished to the enrollee, reversing the claims from the former QHP and processing them with the enrollee’s corrected CSR level under the gaining QHP. This should be done as if the claims had initially been submitted to the gaining QHP. We also encourage the issuer to apply any out-of-pocket costs incurred toward the gaining QHP deductible and maximum out-of-pocket costs.</p> <p>The issuers collect from the enrollee any premiums owed or refunds or credits to the enrollee any excess premiums or cost-sharing paid in accordance with applicable state law.</p> <p>If the case affects a prior plan year’s enrollment information, the issuer must correct their records, notify the enrollee a new form will be generated and received within 2 to 4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee’s Form 1095-A.</p> <p>In most cases, issuers will receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS will notify the issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts.</p> |
| <p>Scenario: An appellant who was initially not determined eligible for APTC or CSR receives an appeal decision finding that the contested eligibility determination was incorrect and that the appellant should have been</p> | <ul style="list-style-type: none"> The appellant selects a QHP offered by a different issuer and requests through the Marketplace Appeals Center a retroactive effective date. The gaining issuer receives an 834 enrollment transaction with a prospective coverage effective date. The former issuer receives an 834 termination transaction with a prospective termination effective date. Two HICS cases are generated: one to the gaining issuer, which provides the retroactive enrollment effective date and APTC/CSR amounts, and one to the former issuer, which provides the retroactive termination effective date. The former issuer terminates the appellant’s coverage as of the date specified in HICS, refunds premiums and reverses claims payments. The gaining issuer collects premiums for all months of coverage in |

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| Appeals Outcome | Issuer Communication |
|---|---|
| <p>determined eligible for APTC/CSR. The appellant is currently enrolled in a QHP and wishes to enroll retroactively in a silver level QHP offered by a different issuer.</p> | <p>accordance with 45 CFR §155.400(e), effectuates coverage, and processes claims submitted by the enrollee, or the care provider, for services furnished on or after the retroactive enrollment effective date, accounting for the application of APTC/CSR.</p> <ul style="list-style-type: none"> • If the case affects a prior plan year’s enrollment information, the issuer must correct their records, notify the consumer a new form will be generated and received within 2-4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee’s. • In most cases, issuers will receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS will notify the issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts. |
| <p>Scenario: An appellant who was initially not determined eligible for APTC or CSR receives an appeal decision finding that the contested eligibility determination was incorrect and that the appellant should have been determined eligible for APTC/CSR. The appellant is currently enrolled in a silver level QHP, and wishes to have the revised APTC/CSR amounts applied retroactively, and to enroll prospectively in another silver level</p> | <ul style="list-style-type: none"> • The appellant selects a QHP offered by the same issuer, and requests through the Marketplace Appeals Center a retroactive effective date for the revised APTC/CSR and a prospective effective date for the new QHP selection. The gaining QHP receives an 834 enrollment transaction and prospective coverage effective date. The former QHP receives an 834 termination transaction with a prospective termination effective date. Because the appellant chooses to have the corrected APTC/CSR amounts applied retroactively, a HICS case is generated to the former QHP providing the APTC/CSR amounts. The former QHP refunds or credits to the enrollee any excess premiums paid, accounting for the application of APTC, reprocesses claims with the enrollee’s corrected CSR level, and refunds to the enrollee any excess cost-sharing paid, in accordance with applicable state law. CMS also encourages the issuer to apply any out-of-pocket costs incurred toward the gaining QHP deductible and maximum out-of-pocket costs. • If the case affects a prior plan year’s enrollment information, the issuer must correct their records, notify the enrollee a new form will be generated and received within 2 to 4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee’s. In most cases, issuers will receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS will notify the |

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| Appeals Outcome | Issuer Communication |
|--|--|
| <p>QHP offered by the same issuer.</p> | <p>issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts.</p> |
| <p>Scenario: An appellant who was initially not determined eligible for APTC or CSR receives an appeal decision finding that the contested eligibility determination was incorrect and that the appellant should have been determined eligible for APTC/CSR. The appellant is currently enrolled in a silver level QHP, and wishes to have the revised APTC/CSR amounts applied retroactively, and to enroll prospectively in a silver level QHP offered by a different issuer.</p> | <ul style="list-style-type: none"> • The appellant selects a QHP offered by a different issuer and requests through the Marketplace Appeals Center a retroactive effective date for the revised APTC/CSR. • The gaining issuer receives an 834 enrollment transaction with a prospective coverage effective date and APTC/CSR amounts awarded on appeal. • The former issuer receives an 834 termination transaction with a prospective termination effective date. • The former issuer terminates the appellant’s coverage. • Because the appellant chooses to have the corrected APTC/CSR amounts applied retroactively, a HICS case is generated to the former issuer providing those corrected APTC/CSR amounts. • The former issuer reprocesses any claims submitted for services furnished to the enrollee, accounting for the corrected CSR level. • The former issuer refunds or credits to the enrollee any excess cost sharing or premiums paid, accounting for the corrected APTC/CSR amounts in accordance with applicable state law. • If the case affects a prior plan year’s enrollment information, the issuer must correct their records, notify the consumer a new form will be generated and received within 2- 4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee’s Form 1095 -A. |
| <p>Scenario: An appellant who was initially found eligible for enrollment in a QHP with APTC receives an appeal decision finding that the contested eligibility</p> | <ul style="list-style-type: none"> • The appellant requests through the Marketplace Appeals Center a retroactive termination effective date, and a HICS case is generated indicating the retroactive termination. • Upon receiving the HICS case, the issuer terminates the appellant’s QHP coverage. • The issuer reverses claims payments and refunds any premiums and cost sharing paid by the enrollee in accordance with applicable state law. • If the case affects a prior plan year’s enrollment information, the issuer |

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| Appeals Outcome | Issuer Communication |
|---|--|
| <p>determination was incorrect and that the appellant should have been determined eligible for Medicaid. The appellant wishes to terminate QHP retroactively.</p> | <p>must correct their records, notify the enrollee a new form will be generated and received within 2-4 weeks, note and close the HICS case. The issuer will then reassign the HICS case to CMS by using the RO email box (New1095AForms@cms.hhs.gov) so that CMS may update the FFM and take the necessary action related to the enrollee's Form 1095 -A.</p> <ul style="list-style-type: none"> • In most cases, issuers will receive an 834 transaction from the Marketplace. However, in the case of an appeal CMS will notify the issuer(s) using HICS, which will specify the effective date for the retroactive enrollment or termination and/or application of APTCs or CSR amounts. |
| <p>Scenario: An appellant who is enrolled with APTC/CSR reports a life change and is found ineligible for APTC/CSR. The appellant is contesting the redetermination that she is not eligible for APTC/CSR and chooses to continue receiving APTC/CSR during her appeal. She then requests to discontinue receiving APTC/CSR prior to receiving an appeal decision.</p> | <ul style="list-style-type: none"> • The appellant requests through the Marketplace Appeals Center to maintain her eligibility for APTC/CSR during the appeal. • A HICS case is generated indicating the APTC/CSR amounts that the issuer must extend to the appellant retroactive to the date of the eligibility determination that the consumer appealed. • The appellant requests through the Marketplace Appeals Center to discontinue her eligibility for APTC/CSR during the appeal. • The issuer receives a HICS case that ceases the provision of APTC/CSR effective the first day of the month following the month in which the appellant requests to discontinue her eligibility for APTC/CSR during the appeal. |

APPENDIX A – SAMPLE WELCOME LETTER



[Date]

[Insert name]
[Insert address]

Dear [Insert name],

Welcome to Birchwood Health Plan! This letter and package contain important information about your new health insurance coverage.

What’s in this package?

- **Summary of Benefits and Coverage/Member Handbook** – A summary of your plan’s coverage. It also includes information about your monthly premium and any out-of-pocket costs, like copayments, coinsurance, and deductibles.
- **Prescription Drug Benefits Formulary** – Provides information about medications we cover. You must use network pharmacies to obtain benefits, except under non-routine situations when you cannot reasonably use a network pharmacy.
- **Provider Directory**– Provides information on which providers are in our network. If you use a provider that is not in our network, your costs may be higher than if you use an in-network provider.
- **Information about other coverage (If applicable)** – Provides information about additional coverage such as dental or vision coverage, and health club membership discounts.
- **Member ID Card** – You will be asked to present this each time you get care. *(Included if card is not mailed separately.)*

When does my coverage start?

The table below shows who is covered under the Birchwood Health Plan and the start date of coverage. Other members of your household not listed in this table are not covered under this policy.

| Enrollee | Plan Name | First Day of Coverage |
|-----------------|-----------------------|------------------------------|
| [Insert name] | Birchwood Health Plan | [Date] |



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| Enrollee | Plan Name | First Day of Coverage |
|---------------|-----------------------|-----------------------|
| [Insert name] | Birchwood Health Plan | [Date] |

Benefits may change from year to year. You will be notified of these changes before the Open Enrollment Period (OEP). You can change plans during the OEP or if you qualify for a special enrollment period.

If Birchwood Health Plan stops offering coverage through the Marketplace for any reason in future years, you will receive a letter before the annual OEP informing you that the plan is no longer available for renewal.

Where can I find additional resources?

You can contact us by phone at the numbers listed below, or you can visit our website at www.birchwoodhealthplan.com. Our website has many tools and resources available to you, including:

- Online account to view an explanation of benefits (EOBs) or make your premium payment
- Electronic copy of prescription drug benefits formulary
- Electronic provider directory
- Quick reference guide
- Notice of privacy policy

You may request paper copies of these documents by calling the Birchwood Health Plan help desk number listed below.

How can I contact Birchwood Health Plan?

If you have any questions or think this letter contains inaccurate information, you can call the Birchwood Health Plan helpdesk at 1-xxx-xxx-xxxx, Monday through Friday from 8am – 8pm ET, and Saturday and Sunday from 9am-5pm ET.

If you need advice about where and when to get care, you can call our nurse advice line 24 hours a day at 1-xxx-xxx-xxxx.

If you need help finding mental health or substance use disorder care, please call 1-xxx-xxx-xxxx Monday through Friday from 8am – 8pm ET, and Saturday and Sunday from 9am-5pm ET.

If you need information in another language, please call our language line at 1-xxx-xxx-xxxx.

Birchwood Health Plan
23 West Drive, Suite 300
Jacksonville, FL 32202



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[Insert privacy disclosure language]

APPENDIX B – SAMPLE NON-PAYMENT NOTICE FOR THE INDIVIDUAL MARKET



[Date]

[Insert name]

[Insert address]

Dear [Insert name]:

Important information about your health coverage

This letter includes important information about your family's health insurance from Birchwood Health Plan. You may lose your health insurance coverage because you did not pay your monthly health insurance premium for [month] in the amount of [\$amount] by [the due date].

Because you are getting advance payments of the premium tax credit to help pay for your insurance, you have a 3-month grace period to pay your outstanding premium and any new premiums that accrue during this period before your insurance coverage will end. Your grace period starts on [date] and will end on [date].

What happens if I do not pay my premium?

If you do not pay your [month] premium by the end of the grace period (as well as any additional premiums that become due between now and when you pay), your enrollment in Birchwood Health Plan will be terminated back to [date]. If you wait until the final day to make to make any payment, the total amount will be due on that day.

What happens if my coverage ends?

If your coverage ends, you may be responsible for the cost of health services received after your last day of coverage, [date], and, if you are not eligible for a special enrollment period, you may not be able to enroll in another health insurance plan through the Marketplace until the next annual open enrollment period. Also, you or another taxpayer filer who claims you as a tax dependent may owe a penalty when filing an annual federal income tax return for the year, if you have gaps in qualifying health coverage of three months or more during the year or do not qualify for another exemption.



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When will I be able to enroll in another health insurance plan if I am disenrolled?

You can select a qualified health plan for enrollment through the Marketplace during the next annual open enrollment period.

If the information you included on your application to the Marketplace changes during the year, like your family size or circumstances (for example, if you marry, divorce, or have a child), your income, or if you move, you may be eligible for a special enrollment period to enroll in coverage before the annual open enrollment period. You will need to tell the Marketplace if you experience any changes, and they will tell you if you are eligible for a special enrollment period because of the changes. To do this, log into your Marketplace account on HealthCare.gov/marketplace or call 1-800-318-2596 (TTY: 1-855-889-4325). Other events can qualify you for a special enrollment period, too. For more information, visit www.HealthCare.gov.

How do I make a payment?

To make a payment, visit Birchwood Health Plan's website at www.birchwoodhealthplan.com, call member services and select option 2 to make a payment, or send a check with your account number written on it to:

Birchwood Health Plan
23 West Drive, Suite 300
Jacksonville, FL 32202

If you already mailed your payment for the amount you owe, please disregard this notice.

What if I think this is a mistake?

If you think this information in this letter is a mistake, you need to tell Birchwood Insurance as soon as possible by calling the Birchwood Health Plan help desk at 1-xxx-xxx-xxxx, Monday through Friday from 8am – 8pm ET, and Saturday and Sunday from 9am-5pm ET.

Sincerely,

Birchwood Health Plan
23 West Drive, Suite 300
Jacksonville, FL 32202

[Insert privacy disclosure language]

APPENDIX C – SAMPLE TERMINATION LETTER



[Date]

[Insert name]
[Insert address]

Dear [Insert name],

Important: Your health insurance coverage is ending

This letter includes important information about your family’s health insurance from Birchwood Health Plan. Sam Allen and Linda Allen will no longer have health insurance coverage from Birchwood Health Plan on August 31, 2016, because you requested that Birchwood terminate your insurance. You requested to terminate your insurance by calling our help desk on July 20, 2016.

The table below shows whose health insurance coverage will be terminated, the last day of coverage and why the insurance is ending. Any other members of your household not listed in this letter will not be affected.

| Enrollee | Plan Name | Last Day of Coverage | Reason for disenrollment |
|-----------------|-----------------------|-----------------------------|---------------------------------|
| Sam Allen | Birchwood Health Plan | August 31, 2016 | Requested to terminate coverage |
| Linda Allen | Birchwood Health Plan | August 31, 2016 | Requested to terminate coverage |

What happens when my coverage ends?

If you terminate your coverage and do not get other health coverage, you may be fully responsible for the cost of health services that you receive after you are disenrolled from your plan. If you are not eligible for a special enrollment period, you may not be able to enroll in another health insurance plan through the Marketplace until the next annual open enrollment period. Also, you or another taxpayer filer who claims you as a tax dependent may owe a penalty when filing an annual federal income tax return for the year if you have a gap in health coverage of three months or more during the year or do not qualify for another exemption.



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When will I be able to enroll in another health insurance plan?

You can select a qualified health plan through the Health Insurance Marketplace at www.HealthCare.gov during the next annual open enrollment period.

If the information you included on your application to the Marketplace changes during the year, like your family size or circumstances (for example, if you marry, divorce, or have a child), your income, or if you move, you may be eligible for a special enrollment period to enroll in coverage before the annual enrollment period. You need to tell the Health Insurance Marketplace if you experience any changes, and they will tell you if you are eligible for a special enrollment period because of the changes. To do this, log into your Marketplace account on HealthCare.gov/marketplace or call 1-800-318-2596 (TTY: 1-855-889-4325). For more information, visit www.HealthCare.gov.

What if I think there's a mistake?

If you think the information included in this letter is a mistake and you did not request termination of coverage, you need to tell Birchwood Insurance right away by calling the Birchwood Health Plan helpdesk at 1-xxx-xxx-xxxx, Monday through Friday from 8am – 8pm ET, and Saturday and Sunday from 9am-5pm ET.

Sincerely,

Birchwood Health Plan
23 West Drive, Suite 300
Jacksonville, FL 32202

[Insert privacy disclosure language]



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APPENDIX D – MANDATORY ATTESTATION

For each household identified as needing an attestation, the QHP issuer should use the following language:

Advance Payments of the Premium Tax Credit Attestations

Review the statements below for [tax filer(s) – household 1]

I understand that because advance payments of the premium tax credit will be paid on my behalf to reduce the cost of health coverage for myself and/or my dependents:

- I must file a federal income tax return in [coverage year +1] for the tax year [coverage year].
- If I'm married at the end of [coverage year], I must file a joint income tax return with my spouse, unless an exception applies.

I also expect that no one else will be able to claim me as a dependent on their [coverage year] federal income tax return.

- I'll claim a personal exemption deduction on my [coverage year] federal income tax return for any individual listed on this application as a dependent who is enrolled in coverage through this Marketplace and whose premium for coverage is paid in whole or in part by advance payments of the premium tax credit for which I am the applicable taxpayer. filer

If any of the above changes, I understand that it may impact my ability to get the premium tax credit.

I also understand that when I file my [coverage year] federal income tax return, the Internal Revenue Service (IRS) will compare the household income on my tax return with the household income on my application. I understand that if the household income on my tax return is lower than the amount of expected household income on my application, I may be eligible to get an additional premium tax credit amount. On the other hand, if the income on my tax return is higher than the amount of income on my application, I may owe additional federal income tax.

[Click "Agree" or "Disagree"]

Tax filer's signature(s)

[Name of Tax Filer(s)] Upon sending the enrollment transaction to the FFM, QHP issuers indicate the amount of APTC the household has selected and confirms that the tax filer has attested to the language above. Additionally, the QHP issuer is expected to maintain attestations for up to ten years.
