

## Special Enrollment Period Verification

### SUMMARY

In September 2013, Covered California adopted, through its eligibility and enrollment regulations, a policy of self-attestation of qualifying life events that provide a special enrollment period for an individual to enroll in a Covered California qualified health plan outside of the open enrollment period. Concerns were raised by health plans in April 2014 about this policy, and Covered California staff committed to review the policy and related regulations. Staff presented a policy at the Covered California Board meeting on May 22, 2014 that would provide for verification of a subset of qualifying life events during which 90 days of conditional eligibility would be granted to the applicant to provide supporting documentation of the qualifying life event. Due to current staffing limitations and the need to dedicate IT resources to address Medi-Cal and Covered California renewal functionality, Covered California cannot implement a special enrollment verification process at this time. Staff propose to operationalize a verification process for the 2015 plan year.

### ISSUE

Federal and state law requires that Exchanges provide open enrollment periods and special enrollment periods during which individuals can enroll in and/or change qualified health plans. During open enrollment periods, Exchanges must verify eligibility criteria (i.e., SSN, citizenship/lawful presence, incarceration, residency, eligibility for employer-sponsored coverage or other minimum essential coverage, family size, household income, tax filing status, and age/certificate of exemption for enrollment in a catastrophic QHP). Covered California has elected to accept self-attestation for certain eligibility criteria and uses electronic data sources whenever available to enable a real-time verification of other eligibility criteria.

Special enrollment periods are triggered when an individual experiences a qualifying life event. Qualifying life events are defined in federal and state regulations and include events that are common in insurance coverage such as marriage, birth of baby, loss of employer coverage, moving to a new area, as well as other events that result from errors in the eligibility and enrollment process. Covered California elected to allow individuals to self-attest to their qualifying life event during special enrollment periods. While self-attestation is accepted for the qualifying life event, Covered California uses its verification process described above to verify other eligibility information provided on the application as required by federal regulations as mentioned above. Because Covered California adopted a self-attestation policy, the online eligibility system does not currently have electronic data verifications in place to verify qualifying life events.

### *Federal Requirements and Flexibility*

Federal regulations require Exchanges to verify eligibility information provided on the application during both open enrollment and special enrollment. Federal regulations also require Exchanges to provide a conditional eligibility period during which an individual can reconcile any differences between the eligibility information they provided on their application

and electronic data the Exchange received through its electronic verification process. However, the federal regulations do not explicitly require this reconciliation period for verification of the special enrollment qualifying life events that do not directly align with the criteria to establish eligibility for coverage through the Exchange. Early analysis of the federal regulations appears to allow for verification of qualifying life events prior to enrollment during special enrollment periods.

### *Stakeholder Perspectives*

Covered California has received stakeholder comments which are attached to this document. Consumer groups have expressed opposition to requiring documentation and support continued reliance on self-attestation until electronic data sources become available. The California Association of Health Plans and several member plans have requested that Covered California change the current self-attestation policy to require documentation and verification of the qualifying life event prior to allowing enrollment into a qualified health plan. Among the concerns raised by plans is that by allowing self-attestation for special enrollment, Covered California is out of step with the off-Exchange individual market which could disadvantage Covered California premium prices over time by allowing ineligible individuals to get coverage through Covered California.

### **NEXT STEPS**

Due to current staffing limitations and the need to dedicate IT resources to address Medi-Cal and Covered California renewal functionality, Covered California cannot implement a special enrollment period verification process at this time. However staff propose to operationalize a verification process for the 2015 plan year. The process may include a 30 to 90 day pended or conditional eligibility period and will apply to the following qualifying life events:

1. Marriage or entry into domestic partnership;
2. Loss of MEC due to death of the employee or the primary subscriber;
3. Loss of MEC due to divorce or dissolution of domestic partnership;
4. Loss of MEC due to termination of employment or reduction in the number of hours of employment; or
5. Permanent move into or within the State that results in gaining access to new QHPs.

The specific period of pended eligibility and the qualifying life events that would require verification would be the subject of amended regulations to be added on in the fall.

**REFERENCE MATERIAL AND STAKEHOLDER COMMENTS**

AAPR, American Cancer Society, et al. June 17, 2014. Available [here](#).

California Association of Health Plans. June 4, 2014. Available [here](#).

Children Now, PICO, et al. June 10, 2014. Available [here](#).

Consumers Union, Health Access, et al. May 20, 2014. Available [here](#).

Kaiser Permanente. June 6, 2014. Available [here](#).