Life Events that Create a Special Enrollment Period

What is a Special Enrollment Period (SEP)?

In certain situations, an individual, and/or their dependents, may be allowed a Special Enrollment Period (SEP). During a SEP, an individual can newly enroll in a qualified health plan (QHP) offered through the Marketplace, or change their current enrollment in a QHP.

Who may participate in a SEP?

Generally, both a qualifying individual and any of their dependents can make changes to their enrollment during a SEP. In some specific circumstances, indicated below, only consumers who are already enrolled in a QHP can participate in a SEP.

When can a consumer get a SEP? How long does it last?

In the Marketplace, a SEP lasts for 60 days, starting from the date of the "life event" or change in a consumer's circumstances that creates a need to modify coverage.

Life events or changes in circumstances that trigger a SEP

1. An individual (either previously enrolled or not) ***gains or becomes a dependent***, through:
   - **marriage**
   - **birth**
   - **adopting**, or placing a child for adoption
   - **placement in foster care**

2. An individual or dependent that ***has health insurance coverage but then loses it*** due to:
   - **job loss, reduction of work hours, or quitting a job,** which ends their access to employer sponsored insurance (ESI)
   - a **change in job location or residence** that puts a person outside the service area of their HMO; if ESI, no other health insurance plan is offered by their employer
   - a **change in an ESI plan's eligibility** or a significant change in plan options
   - a **change to an ESI plan** so that it no longer meets "affordability" and "minimum value" standards
   - **death, divorce or legal separation** from a spouse, which ends access to coverage
   - **loss of eligibility for Medicaid or CHIP** (e.g. child ages out of CHIP; or a change in income or household status makes an individual or dependent not eligible for Medicaid)
   - **losing coverage on a parent's plan** if a dependent both 1) turns 26 (or older under some state laws) *AND* 2) is no longer a "dependent" under the plan rules
   - **a health plan is decertified** and no longer a Qualified Health Plan (QHP)
   - **expiration of COBRA** coverage (which usually lasts 18 months)
   - loss of eligibility for, or expiration of **a student health plan**

Important exceptions to loss of coverage events

An individual or dependent that loses their health coverage does **not** get a SEP if it:

- is due to failure to pay their premiums for ESI, CHIP, COBRA or a QHP
- is for health coverage that does not meet the minimum essential coverage (MEC) standard (e.g. dental-only benefits plan) See https://federalregister.gov/a/2013-21157
- is due to cancellation of coverage because the enrollee committed fraud (but not a mistake) on their application

3. An individual ***becomes newly eligible for the Marketplace*** due to:

- **a permanent move or relocation to a new area** with access to different QHPs
- newly **gaining legal status** as a **"citizen, national, or lawfully present individual"** if the person did not previously have any such status
- **an increase in income, reduction in household, or other change of circumstances** that ends a **hardship exemption** that was previously granted by the Marketplace
    - **Note**: In states that did not expand Medicaid, people who fall into the Medicaid gap only qualify for SEP when their income changes if they previously filed for and received a hardship exemption
- a **change in income or household status** makes an enrollee newly eligible or ineligible for advance premium tax credits (APTCs) or Cost Sharing Reductions (CSRs) **only** when 1) the individual was already enrolled in a QHP and 2) if a dependent, the dependent is enrolled in the same QHP as the enrollee
- an **increase in employee contributions,** or a **change in employee household or income** that makes ESI coverage no longer meet the "affordability" standard
- **an ESI plan year ends,** which gives any retiree, employee or dependent already covered by the ESI plan a SEP, starting 30 days before the ESI plan-year ends
- **release from incarceration** (but not for a person who was only incarcerated or held pending the disposition of charges, such as being held pending bail, or held during trial)

Special Circumstances that can allow a SEP

An individual or dependent will get a SEP if ***the Marketplace determines*** that***:***

- an individual's or dependent's enrollment (or their failure to be enrolled) was due to any **error, misrepresentation, or inaction by the Marketplace**, or by enrollment assisters
- a non-Exchange entity that assists with enrollment (such as a Navigator or broker, or CAC) **committed misconduct** that resulted in an individual or their dependents either: 1) not being enrolled, 2) not being enrolled in the QHP that they selected, or 3) not receiving APTCs or CSRs that they are eligible for
- the **QHP significantly violated their contract** with an enrollee or their dependent
- the person's **exceptional circumstances** warrant a SEP, such as domestic violence, medical emergencies, or other hardships that prevented participation in enrollment

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