

OUTLINE OF PROPOSED REGULATIONS

Chapter 07: Eligibility for Enrollment in a QHP or Catastrophic Plan through Individual Exchange

- .01 Scope - eligibility standards for enrollment in QHPs, APTC, and cost-sharing reductions
- .02 Definitions
- .03 Applying for Coverage through the Individual Exchange
 - forms of application permitted; information required from applicants and non-applicants
- .04 Notice Requirements
 - notices of eligibility and verifications needed to applicants and employers
- .05 Eligibility Requirements for Enrollment in Qualified Health Plan (QHP)
 - citizenship/legal status; residency; not incarcerated
- .06 General Eligibility Requirements - Citizenship and Immigration Status
 - definitions of citizen and lawfully present (e.g. alien admitted for permanent residence, refugee, etc.)
- .07 General Eligibility Requirements - Residency in Exchange Service Area
 - Service area defined as State of Maryland;
 - requirements for adults and minors, members of same tax household, spouses, impact of temporary absence, etc.
- .08 Eligibility Requirements for Advance Payments of Premium Tax Credit (APTC)
 - income requirements (100% to 400% FPL); not eligible for Minimum Essential Coverage;
 - eligibility for individuals lawfully present and not eligible for Medicaid/MCHP;
 - allocation of APTCs when household members enrolled in multiple QHPs;
 - tax filing and APTC reconciliation requirements;
 - method of calculation;
 - requirements regarding tax dependents;
 - effective dates for changes in eligibility due to changes in household .
- .09 Eligibility Requirements for Cost-Sharing Reductions
 - income requirements (between 100-150% FPL; 151-200% FPL; 201-250% FPL);
 - eligibility for more than one individual;
 - silver-level QHP enrollment required;
 - special rules for Indians.
- .10 Eligibility Requirements for Enrollment in a Catastrophic Plan
 - QHP eligibility; under 30 years old; exemption from personal responsibility requirement

- .11 Enrollment in a QHP or Catastrophic Plan
 - open enrollment periods; coverage effective dates;
 - requirements regarding MHBE's transmission of enrollment files to carriers;
 - enrollee's obligation to pay first month's premium for coverage effectuation;
 - first month's payment due dates; carrier's ability to set premium threshold policy.

- .12 Special Enrollment Periods (SEP) - Loss of Minimum Essential Coverage (MEC)
 - SEP eligibility for loss of employer-sponsored coverage because of divorce, job loss, change of residence, *etc.*;
 - SEP eligibility for exhaustion of COBRA coverage, loss of pregnancy-related coverage; medically needy coverage, and decertification of coverage;
 - Exceptions to SEP eligibility, *e.g.* failure to pay premiums; carrier's valid rescission;
 - reporting requirements, length of SEP and effective dates of coverage.

- .13 Special Enrollment Periods - Change in Family Status
 - SEP eligibility for marriage, birth, adoption, court order, *etc.*
 - length of SEP and effective dates of coverage.

- .14 Special Enrollment Period - Error, Misrepresentation, or Inaction
 - eligibility for SEP when Exchange error resulted in unintentional enrollment or non-enrollment;
 - notification required within 30 days with 30 day SEP;
 - Exchange determination of coverage effective date; no earlier than date would have been effective absent error.

- .15 Special Enrollment Period - Misconduct
 - SEP eligibility for carrier violation of contract, as determined by MHBE with MIA, that resulted in erroneous enrollment or non-enrollment, or failure to receive APTC or cost-sharing reductions;
 - notification within 30 days with 30 day SEP;
 - Exchange determination of coverage effective date; no earlier than date would have been effective absent violation.

- .16 Special Enrollment Period - Violation of Material Provision
 - SEP eligibility for carrier violation of contract, as determined by MHBE with MIA;
 - notification within 30 days with 30 day SEP;
 - Exchange determination of coverage effective date; no earlier than date would have been effective absent violation.

- .17 Special Enrollment Period - Exceptional Circumstances
 - SEP eligibility upon MHBE determination that individual meets other exceptional circumstances that prevented enrollment during open enrollment, including serious medical condition, domestic abuse, spousal abandonment, or natural disaster;

- notification within 30 days with 30 day SEP;
- Exchange determination of coverage effective date; no earlier than date would have been effective absent exceptional circumstances.

.18 Special Enrollment Period - Permanent Move

- SEP eligibility upon permanent move, which includes release from incarceration but not temporary move;
- 60 day SEP and effective dates.

.19 Special Enrollment Period - Other

- SEP eligibility if newly eligible for APTC or CSR; newly gained citizenship or lawful presence; or Indian choosing to change plans up to once a month;
- 60 day SEP and effective dates.

.20 Exemptions

- MHBE's delegation of exemption from personal responsibility requirements to federal government

.21 Authorized Representative

- applicant's ability to designate authorized representative for purposes of MHBE interactions

Chapter 14: Termination, Cancellation and Reinstatement of QHP or Catastrophic Plan through the Individual Exchange

.01 Scope - events that may result in the termination, cancellation or reinstatement of the enrollment of an individual in a QHP or catastrophic plan through the Individual Exchange

.02 Definitions

- Distinction between “cancellation” and “termination” - cancellation is entirely retroactive, as if coverage never existed, termination means ending coverage that did take effect for some period of time

.03 Terminations - In General

- Termination of individual does not impact other household/family members
- Carriers must choose method to continue accumulators when policyholder’s coverage is terminated either by: For 2017 - (1) move policyholder from primary enrollee to position of responsible adult but retains policyholder position, (2) allow policyholder to assign contract to continuing enrollee in household, or (3) begin new contract but apply all accumulators to new contract; For 2018 – (1) same as 2017 option 1, (2) same as 2017 option 2, or (3) same as 2017 option 3 but may only be used in cases of divorce and when plan must move to a child only plan

.04 Enrollee-Initiated Terminations – In General

- Carrier only required to directly accept and process whole household termination requests without Exchange’s initiation; if single enrollee in household requests termination must request termination with Exchange not carrier
- Effective dates of terminations:
 - if enrollee terminates voluntarily, must give 14 days notice, unless carrier agrees to shorter time-frame
 - if enrollee dies and representative gives notice, coverage ends on date of death on enrollee

.05 Enrollee-Initiated Terminations – Due to Error, Misconduct or Enrollment Without Consent

- If enrollee was enrolled due to error, misconduct or without consent may request retroactive termination

.06 Termination by the Exchange

- When Exchange will terminate consumer – i.e. at request, no longer eligible
- Carrier must comply with Exchange directive to terminate
- Effective dates of termination action

.07 Termination by Authorized Carrier

- When carrier may terminate consumer – i.e. nonpayment, directed by Exchange

- Limitations on termination for non-payment of premium
- timing of termination when result of non-payment of premium

.08 Cancellation

- Upon request of enrollee, notice before due date of premium
- By carrier for non-payment of first month's premium

.09 Reinstatement

- Will happen due to error as determined by carrier, MHBE or Court of Law
- If Carrier finds error, shall reinstate before being told to by Exchange