

MHBE's 2027 Open Enrollment Period (OEP)

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Ken Buerger, Director of Policy and Plan Management

Recent Federal Regulation and Litigation on Open Enrollment Periods (OEPs)

- CMS' 2025 Marketplace Integrity and Affordability rule attempted to shorten the permissible OEPs.
 - State-based marketplaces must have OEPs that begin no later than November 1 and end no later than December 31 and not be longer than 9 weeks in duration.
- In July 2025, a coalition of cities and advocacy groups sued CMS in Federal District Court (*City of Columbus et al. v. Kennedy et al.*), challenging that various provisions of the rule were arbitrary and capricious, including the shortening of the permissible OEP.
- In June 2026, the district court granted summary judgment to the plaintiffs on a number of challenged provisions and vacated them, including the shortened OEPs.
- It is unclear whether CMS will appeal the district court's grant of summary judgment.

Recommendations for MHBE's OEP

- Maintain MHBE's current OEP
 - COMAR 14.35.07.11B(3) already specifies that the annual OEP for the Individual Exchange in Maryland (for plan years 2022 and after) is November 1 through January 15.
 - No Board action required to effectuate this OEP for 2027.
- Monitor for potential appeals by CMS
 - CMS could seek appellate relief of the district court's decision.
 - It is possible, though unlikely, that an appellate court could stay the district court's decision and require a shortened OEP for 2027.
 - Consider a vote at a future Board meeting to shorten Maryland's OEP as necessary