



LEGAL ADVICE FOR HEALTH PLANS

HEALTH LAW ALERT

December 17, 2013

HHS Formally Changes Exchange Enrollment Dates Amendments Implement Previously Announced Decision

The Department of Health and Human Services formally published today amendments to rules to allow individuals an extra eight days to enroll in a Qualified Health Plan through a State or Federally Facilitated Exchange and still qualify for coverage on January 1, 2014. The amended rules change the deadline for enrolling for a January 1 effective date from December 15 to December 23. Policies sold outside of the Exchanges are not affected by the amendments. According to the Department, the later date was necessary because of “unforeseen barriers to enrollment [through] the Exchanges.”

The amendments also require Qualified Health Plans offered through a Federally Facilitated Exchange (but **not** a State Exchange) to establish the date by which an individual who enrolls during the initial enrollment period (October 1, 2013 – March 31, 2014) must make a premium payment in order to qualify for coverage on the applicable effective date. That date must be no earlier than the day before the coverage effective date (*e.g.*, January 31 for February 1 coverage) and the date must be applied consistently to all applicants in a non-discriminatory manner.

The final rules are published at 78 *Federal Register* 76212 ([click here](#)). [Click here](#) for my compilation of Selected Federal Health Insurance Provisions incorporating the standards (*see* Volume I and Volume II of “Requirements Related to Health Care Access (Federal Insurance Provisions)” under “Compiled Rules”) (or see the “Resources” page at tbixbylaw.com).

The amendments revised the following provisions:

- 45 C.F.R. § 147.104(b)(1);
- 45 C.F.R. § 155.410(c)(1); and
- 45 C.F.R. § 156.265(d).

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