

Marketplace Stakeholder Technical Assistance Tip Sheet on the Monthly Special Enrollment Period for Advance Payments of the Premium Tax Credit – Eligible Consumers with Household Income at or below 150% of the Federal Poverty Level

The technical assistance referenced in this document is applicable to all Exchanges, and provides specific operational details for enrollees in Exchanges using the federal eligibility and enrollment platform. It does not replace or revise previously issued technical assistance, and it references current federal regulation at 45 CFR 155.420(d)(16), and the statute at section 9661 of the American Rescue Plan Act of 2021. This technical assistance describes this new SEP for consumers and operations for plan year 2022 for Exchanges using the federal eligibility and enrollment platform.

This technical assistance tip sheet talks about the monthly Special Enrollment Period (SEP) for advance payments of the premium tax credit (APTC) eligible consumers with a household income at or below 150% of the Federal Poverty Level (FPL). These questions and answers are designed to help stakeholders, including Marketplace consumers, assisters, agents, brokers, enhanced direct enrollment (EDE) partners, and traditional direct enrollment (DE) partners, better understand this SEP.

Q1: What’s the Centers for Medicare & Medicaid Services (CMS) announcing today?

A1: Today, CMS is announcing that in response to more opportunities for certain low-income consumers created under the American Rescue Plan Act of 2021 (ARP), and consistent with the regulation at 45 CFR 155.420(d)(16), CMS will offer a time-limited, monthly Special Enrollment Period (SEP) for APTC-eligible consumers with a projected household income at or below 150% of the FPL (herein referred to as the “150% SEP”). This SEP will be available to consumers in states that operate under the Health Insurance Marketplace® and use HealthCare.gov. State-based Marketplaces (SBMs) that operate their own eligibility and enrollment platforms also have the option to offer this SEP. Consumers can use the SEP Screener tool at [HealthCare.gov/screener/](https://www.healthcare.gov/screener/) for help determining if they are eligible for the 150% SEP.

Q2: When can consumers access this 150% SEP?

A2: From March 18, 2022 through December 31, 2022, APTC-eligible consumers with expected household incomes at or below 150% of the FPL can get the 150% SEP by submitting a new application or updating an existing one themselves online at HealthCare.gov, or with the help of an enhanced direct enrollment (EDE) partner, a traditional direct enrollment (DE) partner that supports SEPs, or the Marketplace Call Center. November 30, 2022 is the last day to confirm having an expected household income at or below 150% FPL and select a plan for plan year 2022 coverage that starts December 1, 2022.

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The information provided in this tip sheet is intended only to be a general informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, or formal policy guidance upon which it is based. This tip sheet summarizes current policy and operations as of the date it was presented. We encourage readers to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information.

Q3: How long can consumers select a plan?

A3: Unlike most other life event based SEPs, the 150% SEP doesn't have a deadline. In other words, consumers qualify as long as they're APTC-eligible and have an expected household income that does not exceed 150% FPL. However, consumers must select a plan before the end of the calendar month they submit or update their application for their coverage to start on the first of the next month. For example, no matter if a consumer submits a new or updated application on April 1 or April 16, they'll have until April 30th to choose a plan for coverage that starts May 1st.

Q4: How can consumers get this new 150% SEP?

A4: In Marketplaces that use HealthCare.gov, APTC-eligible consumers with a household income at or below 150% FPL can submit a new application, or update an existing application online themselves or with the help of an EDE partner, a DE partner that supports SEPs, or the Marketplace Call Center. The application automatically determines consumers' eligibility for the 150% SEP. Throughout plan year 2022, consumers eligible for this SEP are also generally eligible for free or low-cost plans with very low deductibles and out-of-pocket costs.

Q5: Will consumers have to go through the SEP pre-enrollment verification process or submit additional documents to qualify for the 150% SEP?

A5: No. Consumers who qualify for the 150% SEP don't need to submit documentation to confirm their SEP eligibility. CMS notes that consumers with open or new data matching issues (DMI) are still required to submit documentation to the Marketplace to keep their financial help. Finally, as eligibility for the 150% SEP requires that consumers be APTC-eligible with a projected household income at or below 150% of the FPL, CMS notes that it is important that consumers return to their application as soon as possible to report any changes in their household or income as it may impact their 150% SEP eligibility.

Q6: Can a consumer change plans more than once under the 150% SEP?

A6: Yes, once per month, as long as the consumer maintains APTC-eligibility and a projected household income at or below 150% FPL. While consumers may change plans monthly during this opportunity, they (and their household), may be subject to certain plan category limitations. Also, CMS notes that it may cost consumers more to change plans more than once during the current 2022 plan year because their annual deductible amounts, cost-sharing, or other out-of-pocket expenses may reset.

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Q7: Does this announcement of the new monthly 150% SEP for plan year 2022 also apply to State-Based Marketplaces (SBMs) that operate their own eligibility and enrollment platforms?

A7: SBMs that operate their own eligibility and enrollment platforms can offer this monthly SEP for their enrolled populations per federal regulation at 45 CFR 155.420(d)(16). Consumers in SBM states should check with their state to find out if they're offering this SEP and any next steps.

Q8: What will issuers and direct enrollment partners need to do to appropriately process the consumers through this new 150% SEP?

A8: Issuers should be prepared to support the processing of enrollment transactions, known as “834” transactions, for this SEP. These enrollment transactions contain the SEP reason code of “FC.” Direct enrollment partners (both EDE and DE Classic Partners) may also have additional preparation activities in place related to consumer screener questions and consumer plan display pages.

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