



State of New Jersey

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BULLETIN NO. 21-03

TO: ALL NEW JERSEY HEALTH INSURANCE COMPANIES; HEALTH SERVICE CORPORATIONS; HEALTH MAINTENANCE ORGANIZATIONS; DENTAL SERVICE CORPORATIONS; DENTAL PLAN ORGANIZATIONS; AND OTHER INTERESTED PARTIES

FROM: MARLENE CARIDE, COMMISSIONER

RE: COVID-19 SPECIAL ENROLLMENT PERIOD

As part of New Jersey's ongoing response to the COVID-19 pandemic, the Department of Banking and Insurance ("Department") is issuing this bulletin to advise carriers and other interested parties that an emergency COVID-19 Special Enrollment Period ("SEP") will be in effect beginning at the end of the annual open enrollment period, on February 1, 2021 and extending through May 15, 2021. Creating this SEP helps to ensure that New Jersey residents have access to quality affordable health insurance during this critical time in which the need to protect public health is paramount. Specifically, the SEP will make sure that individual market coverage is available to uninsured individuals during the pandemic. It also aligns New Jersey with the recently announced federal Special Enrollment Period which runs through May 15, 2021.

Pursuant to P.L.2019, c.141, codified at N.J.S.A. 17B:27A-57 to -59, the Department operates Get Covered New Jersey, New Jersey's official health insurance Marketplace. In addition, the Department coordinates Get Covered New Jersey with the operations of the New Jersey Individual Health Coverage Program. Federal regulations set forth a range of circumstances in which Qualified Health Plans ("QHPs") offered through the Marketplace must permit qualified individuals, as well as dependents, to receive special enrollment periods ("SEPs") to enroll in the Individual Exchange. 45 CFR §§ 155.420(d), 155.725 (j), and 155.726(c). These federal rules also permit Exchanges to define "exceptional circumstances" for SEPs. See 45 C.F.R. §§ 155.420(d)(9), 155.725(j), and 155.726(c). The federal guidance associated with these regulations advises that States may establish additional SEPs to supplement those described in the regulations as long as the SEPs are more consumer protective than those contained in the regulations and otherwise comply with applicable laws and regulations. See Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2016 80 Fed. Reg. 10750, 10798 (Feb. 27, 2015).

During this COVID-19 emergency SEP, individuals that are not already enrolled in an individual health benefits plan can apply for coverage through Get Covered New Jersey or directly through carriers. No additional information or documentation is required to be eligible for the

SEP. Similar to applicable existing SEPs, which remain in place, through this COVID-19 SEP individuals already enrolled in a health benefits plan who are seeking to replace current coverage with a different health benefits plan may do so. Individuals enrolled under this COVID-19 SEP will have coverage effective no later than the first of the next month after their date of enrollment. Earlier effective dates for coverage available under SEPs initiated by other triggering events also remain available, as applicable. The Department is making all operational and programmatic changes that are necessary to make this SEP available after open enrollment ends on January 31, 2021 and is directing carriers in the individual market to do the same.

Should you have any questions regarding the content of this Bulletin, please contact the Department's Office of Regulatory Affairs at legsregs@dobi.nj.gov.

01/29/2021
Date



Marlene Caride
Commissioner

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