

836-053-0432 (T)

Special Enrollment Period for Exceptional Circumstances

(1) For purposes of this rule:

(a) “Affected enrollee” means an enrollee in a health benefit plan issued by a health benefit plan insurer subject to an exceptional circumstance.

(b) “Exceptional circumstance” includes:

(A) A circumstance resulting from an order of supervision of a health benefit plan issuer by the Director under ORS 743.043 or an order of rehabilitation, liquidation, or conservation under ORS chapter 734; or

(B) Exceptional circumstances established under 45 CFR § 155.420(d)(9) or provided in guidance issued by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services under 45 CFR §155.420(d)(9).

(c) “Marketplace” means the health insurance exchange described in ORS chapter 741.

(d) “Special enrollment period” has the meaning given to the term in 45 CFR § 155.420.

(2) The director may designate a special enrollment period for affected enrollees after finding that an exceptional circumstance exists. In determining whether an exceptional circumstance exists, the director shall consider:

(a) The ability of an affected enrollee to maintain existing coverage or obtain continuous, replacement coverage;

(b) The existence of reasonable alternatives to a special enrollment period;

(c) The capacity and capability of health benefit plan insurers to enroll individuals through the special enrollment period; and

(d) The impact of an exceptional circumstance on the stability of the health benefit plan market in Oregon.

(3) If the director designates a special enrollment period:

(a) The special enrollment period shall be effective for a period determined by the director as necessary to facilitate an orderly, stable transition from current health benefit plans to future health benefit plans for affected enrollees and health benefit plan insurers, consistent with the requirements of 45 CFR § 155.420(c)(3).

(b) The special enrollment period shall be available for health benefit plan coverage both on and off the Marketplace.

(c) All other terms and conditions of the special enrollment period must otherwise be established in a manner consistent with 836-053-0431.

(4) During a special enrollment period under this rule, the director may require a health benefit plan insurer to credit to an affected enrollee the amounts the affected enrollee paid toward the deductible or maximum out of pocket expenses under coverage issued by a health benefit plan insurer subject to an order of supervision, rehabilitation, liquidation, or conservation.

Stat. Auth.:

Stat. Implemented:

Hist.: New.