

## SPECIAL ENROLLMENT

**Note:** This section updates UnitedHealthcare's voluntary special enrollment opportunity that was offered in response to COVID-19. The opportunity took place starting on March 23, 2020, was extended to April 13, 2020, and expired on Nov. 15, 2020.

The United voluntary special enrollment opportunity applied to fully insured group health plans but not self-funded group health plans. In the case of self-funded customers that did offer a special enrollment opportunity, UnitedHealthcare stop loss policies do not cover claims paid for members enrolled during a customer's voluntary special enrollment period. Self-funded customers with other stop loss vendors should discuss coverage for any changes with their stop loss vendor before adopting any changes.

**May a fully insured group that missed UnitedHealthcare's special enrollment period in response to the COVID-19 National Emergency still offer a voluntary special enrollment? Update 11/16**

- No. UnitedHealthcare sponsored a voluntary Special Enrollment Period (SEP) for our fully insured customers with employees seeking to change their benefit election in response to COVID-19. The SEP, however, is no longer available.
- The SEP took place March 23, 2020, was extended to April 13, 2020, and expired on Nov. 15, 2020. It created the opportunity for many individuals that previously waived coverage to enroll, and for others to revoke their existing election and/or make a new health coverage decision.
- UnitedHealthcare stopped offering its voluntary SEP effective Nov. 15, 2020. The SEP has sunset because it had been in place for several months, which allowed ample time for individuals who had previously waived coverage prior to COVID-19 to enroll in coverage. In addition, many of our fully insured customers are now engaged in their annual open enrollment periods. Thus, the voluntary period is no longer needed.

**Does the expiration of the UnitedHealthcare voluntary SEP affect the rights of individuals to enroll under HIPAA when certain life events take place or other group health plan coverage is lost? Update 11/16**

No. The expiration of the UnitedHealthcare Voluntary SEP does not affect rights an individual has to enroll under the HIPAA portability special enrollment provisions. Individuals are provided with special enrollment rights when certain family, job or other events take place so long as they meet applicable portability requirements.

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Some of our products and networks have different features and as a result different guidelines and protocols are applicable to them. Please contact your UnitedHealthcare account representative for additional details.

Last updated 11/16/2020

- Under HIPAA portability, an individual is provided with special enrollment rights when one of the following special life events occurs.
  - A member is allowed special enrollment when there is a:
    - Birth of newborn
    - Legal Adoption
    - Placement for Adoption
    - Marriage
  
- Special enrollment is also available when there is a:
  - Loss of coverage due to:
    - Job Change
    - Reduction of hours
    - Loss of employment (not due to gross misconduct or failure to pay premiums)
    - Loss of Spouse coverage
    - Dropping of coverage due to stop of employer contributions to coverage
  - Loss of Medicaid, CHIP eligibility or when an individual becomes eligible for state premium assistance.

**Did the DOL/IRS Extensions of Certain Timeframes regulation expand special enrollment opportunities? Update 11/16**

No. The “Extensions of Certain Timeframes” regulation (85 Fed Reg 26351, May 4, 2020) gave members additional time within which to request special enrollment under the HIPAA portability provisions. For example, the 30-day time frame for requesting special enrollment in the case of a marriage, birth, adoption or placement for adoption does not apply until 60 days after the Outbreak Period announced by the President expires. Thus, the Extensions give members more time to request special enrollment for certain life events but does not create additional opportunities to special enrollment.

Those opportunities can be found at: <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/hipaa>

Importantly, members seeking special enrollment are still required to demonstrate that a life event or loss of other coverage, for example, took place in order to enroll.

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## Does the expiration of the UnitedHealthcare voluntary SEP affect the rights of employees may have to change their section 125 cafeteria plan election under IRS Notice 2020-29? **Update 11/16**

No. Under IRS Notice 2020-29, employers may amend their cafeteria plans to permit employees to make new elections under the plan, revoke existing elections and make certain other changes.

The IRS Notice, however, is permissive and only permits employers to adopt those changes as part of their cafeteria plans. Employers are not required to permit those changes. In addition, the IRS notice only addresses an employee's ability to make choices between electing cash and tax qualified benefits under the cafeteria plan. The Notice does not require that a group health plan or insurer allow for these mid-year changes. The Notice only governs cafeteria plan elections when an employer wishes to permit mid-year changes.

## Was there a voluntary special enrollment period in response to the COVID-19 National Emergency? **Updated 11/16**

*Yes. The SEP opportunity took place starting on March 23, 2020, was extended to April 13, 2020, and expired on Nov. 15, 2020.*

- UnitedHealthcare stopped offering its voluntary SEP effective Nov. 15, 2020. The SEP has sunset because it had been in place for several months, which allowed ample time for individuals who had previously waived coverage prior to COVID-19 to enroll in coverage.
- In addition, most of our fully insured customers are now engaged in their annual open enrollment periods. Thus, the voluntary period is no longer needed.

## Are Small Business Customers subject to material modification rules?

No, employers are allowed to pass on the 60-day rule for material modification, through the COVID emergency order during this time of need.

## Can self-funded customer set their own dates on a special enrollment?

If the self-funded customer wanted to open their own SEP during a different time frame, or submit the enrollment late, UnitedHealthcare will be able to process the enrollment based on the dates determined by the self-funded customer.

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*United stop loss policies do not cover claims paid for members enrolled during a customer's voluntary special enrollment period. Self-funded customers with other stop loss vendors should discuss coverage for any changes with their stop loss vendor before adopting any changes.*

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