



State of New Jersey

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF THE COMMISSIONER

PO Box 325

TRENTON, NJ 08625-0325

TEL (609) 292-7272

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

MARLENE CARIDE
Commissioner

BULLETIN NO. 20-35

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

FROM: MARLENE CARIDE, COMMISSIONER

RE: PREGNANCY QUALIFYING LIFE EVENT AND SPECIAL ENROLLMENT PERIOD

Pursuant to P.L.2019, c.141, codified at N.J.S.A. 17B:27A-57 to -59, the Department of Banking and Insurance ("Department") has created New Jersey's State-based Exchange, Get Covered New Jersey, which is New Jersey's official health insurance Marketplace, where individuals and families can easily shop for and buy coverage. In addition to operating New Jersey's health insurance Marketplace, the Department is authorized to coordinate the operations of Get Covered New Jersey with the operations of the New Jersey Individual Health Coverage Program and the New Jersey Small Employer Health Benefits Program, as the Commissioner of the Department ("Commissioner") deems appropriate. This law also authorizes the Commissioner to require that plans offered through Get Covered New Jersey conform with standardized plan designs that provide for standardized cost-sharing for covered health services. See N.J.S.A. 17B:27A-58(c).

Federal regulations set forth a range of circumstances in which Qualified Health Plans ("QHPs"), offered through the Exchange, must permit qualified individuals, as well as qualified employees and dependents, to receive special enrollment periods ("SEPs") to enroll in the Individual Exchange or Small Business Health Options Program ("SHOP") marketplaces outside the Open Enrollment Period. 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).

The purpose of this Bulletin is to advise carriers and other interested parties that the Department has identified a situation where an “exceptional circumstances” SEP is necessary. Therefore, the Department will implement a new SEP that will be available for individuals, and their dependents, to enroll in an individual or SHOP market QHP, if that individual is pregnant, as confirmed by a health care provider. The triggering event for this new SEP is the date of confirmation of pregnancy by the health care provider. Moreover, the effective date of coverage is either of the following dates, at the option of the individual: (1) the first of the month in which the individual receives confirmation of pregnancy from a health care provider; or (2) the first of the month following the date the individual makes a plan selection. When an individual enrolls dependents via this SEP, the dependents receive the same effective date selected by the individual.

The Department is making all necessary operational and programmatic changes that are necessary to make this SEP available after open enrollment ends on January 31, 2021 and is directing health plans 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.

10/9/2020
Date



Marlene Caride
Commissioner

Pregnancy QLE Bulletin/Bulletins