



October 13, 2020

Seema Verma, Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Cc: Randy Pate, Deputy Administrator and Director
Center for Consumer Information and Insurance Oversight
Centers for Medicare & Medicaid Services
Department of Health & Human Services

Submitted electronically via: www.regulations.gov

RE: 2021 Open Enrollment

Dear Administrator Verma:

The Association for Community Affiliated Plans (ACAP) and the Alliance for Community Health Plans (ACHP) respectfully request that CMS extend the 2021 Open Enrollment period for the Exchanges.

ACAP is a national trade association representing 77 not-for-profit Safety Net Health Plans (SNHPs). Collectively, ACAP plans serve more than 20 million people through Medicaid, Medicare, the Exchanges, and other publicly-supported coverage programs. Our mission is to support our member plans' efforts to improve the health and well-being of people with low incomes and with significant health care needs. Sixteen of our plans serve members in the Exchanges, and one more will enter the Exchanges in 2021.

ACHP is a national leadership organization bringing together innovative health plans and provider groups that are among America's best at delivering affordable, high-quality coverage and care. The non-profit, provider-aligned health plans that are ACHP members provide coverage in all lines of business for more than 22 million Americans across 35 states and the District of Columbia. Nineteen ACHP members offer plans on the Exchanges in 2020 with three more entering the Exchanges in 2021. ACHP covers more than 1.4 million Americans on the Exchanges.



The COVID-19 pandemic has strained America's health care system in unprecedented ways. In the health insurance Exchanges, ACAP and ACHP's community-based plans have worked tirelessly to provide care to their consumers, support their communities and adjust to the rapidly changing pandemic.

The economic impact of COVID-19 has caused many Americans to lose their jobs and their employer-sponsored health insurance; meanwhile, ACAP and ACHPs member plans, along with other Exchange plans nationwide, continue to devote significant resources to combatting the pandemic and supporting their enrollees. However, the sheer volume of consumers who have lost their coverage during the COVID-19 pandemic is unprecedented. One recent report found that 5.4 million consumers became uninsured between February and May, while another report showed that from late April/early May through July another 3 million consumers lost employer-sponsored insurance and 2 million became uninsured.¹ For many, this will be their first time looking for individual market coverage, and their financial and employment situation may well still be in flux. **As the effects of the pandemic continue to affect the Exchanges, we urge CMS to extend the 2021 Open Enrollment period through January 2021 or create a special enrollment period to allow consumers impacted by this situation to enroll in coverage in early 2021.**

Extending the Open Enrollment period will offer the additional time consumers need to select and enroll in the right plan for them and their circumstance. Our health plans are concerned that the pandemic has significantly inhibited educational and shopping opportunities critical to informing consumers of their options. Not only will consumers need additional time to make informed decisions during the public health emergency, we are expecting an increase in the number of uninsured seeking to enroll.² Even if plans are prepared to onboard more consumers, we anticipate that due to the high uninsured numbers there will be an increased demand on navigators and other organizations that assist in the enrollment process.

Additionally, we anticipate significant coverage losses for 2021 that will take place *after* the end of open enrollment, an unintended consequence of delayed grace periods for nonpayment of premiums. Specifically, many of our member plans delayed grace periods in order to provide an extra level of financial security for consumers struggling during the COVID-19 crisis. As the grace periods begin October 1, this ensures consumers paying premiums will have access to coverage through the end of the year. Consumers unable to pay premiums by the end of the 90-day grace period will ultimately be terminated retroactively to the start of the grace period and thus removed from any BAR (batch auto-reenrollment) files for passive reenrollment.

¹ https://familiesusa.org/wp-content/uploads/2020/07/COV-254_Coverage-Loss_Report_7-17-20.pdf And <https://www.urban.org/sites/default/files/publication/102852/as-the-covid-19-recession-extended-into-the-summer-of-2020-more-than-3-million-adults-lost-employer-sponsored-health-insurance-coverage-and-2-million-became-uninsured.pdf>
² <https://www.kff.org/policy-watch/what-we-do-and-dont-know-about-recent-trends-in-health-insurance-coverage-in-the-us/> And https://www.urban.org/sites/default/files/publication/102157/how-the-covid-19-recession-could-affect-health-insurance-coverage_0.pdf



Should CMS choose to create a new Special Enrollment Period, this would accomplish the same goal in a more targeted and narrow manner. This could be done by either non-enforcement of the exception for nonpayment of premiums under the loss of coverage SEP or the extenuating circumstances SEP.

Accordingly, tens of thousands of consumers may have their coverage terminated after the end of open enrollment, many of whom have relied on passive reenrollment in the past and will be caught unaware. To prevent any consumer unnecessarily becoming uninsured, it is important that consumers who are terminated on December 31 be able to actively choose coverage in January 2021 rather than remaining uninsured whether this happen through an extended Open Enrollment period or a new Special Enrollment Period. Increasing uncompensated care is a large driver of health care system costs; extending the open enrollment period would improve the opportunity for early intervention, particularly as COVID-19 exacerbated Americans health and financial statuses, reducing the potential for uncompensated and avoided care.

Beginning 2021 smoothly and reducing the number of uninsured consumers nationwide is critical to the continued fight against the pandemic. Accordingly, we urge you to consider extending the 2021 open enrollment period or establishing a new Special Enrollment Period.

ACAP and ACHP appreciate your consideration of the aforementioned issues. We welcome additional opportunities to engage with the Administration to ensure robust and competitive Exchanges that provides coverage options for all. If you have any questions or need for additional information, please contact:

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Alliance of Community Health Plans
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Sincerely,

A handwritten signature in black ink that reads "Margaret Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Margaret Murray, CEO
ACAP

A handwritten signature in black ink that reads "Ceci Connolly". The signature is cursive and elegant, with a prominent loop at the end.

Ceci Connolly, CEO and President
ACHP