

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Emergency Regulation 22-E-17

CONCERNING ESTABLISHING A SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS CURRENTLY ENROLLED IN PLANS OFFERED BY BENEFYTT TECHNOLOGIES

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Section 1 Authority

This emergency regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7)(a), (7)(b)(III), 10-1-109(1), 10-16-105(2)(b), 10-16-105.7(3)(a)(II)(G), 10-16-105.7(3)(b)(II)(F), 10-16-108.5(8), and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this emergency regulation is to establish a special enrollment period (SEP) that allows Colorado residents enrolled in Benefytt Technologies the opportunity to enroll in an individual health benefit plan from September 6, 2022 through November 10, 2022.

The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as allowing individuals who choose to terminate their enrollment in Benefytt Technologies the opportunity to enroll in a health benefit plan in order to receive coverage is imperative to preserve the health of residents of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

Section 3 Applicability

This regulation shall apply to all carriers offering individual health benefit plans subject to the insurance laws of Colorado and the requirements of the Patient Protection and Affordable Care Act.

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.

- B. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- C. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- D. "Special enrollment period" or "SEP" shall mean, for purposes of this regulation only, a period during which an individual who meets the requirements under Section 5.B. may enroll in a health benefit plan outside the annual open enrollment periods.

Section 5 Special Enrollment Period Requirements

- A. A carrier offering a health benefit plan in this state shall establish a SEP that:
 - 1. Begins on September 6, 2022 and extends through November 10, 2022; and
 - 2. Ensures a coverage effective date on the first day of the month following plan selection.
- B. Application and Verification requirements
 - 1. Only individuals who elect to terminate their Benefytt Technologies coverage are eligible for the SEP established under Section 5.A. To access this SEP, individuals must also be otherwise eligible for enrollment in the individual health benefit plan for which they are applying and must not already be enrolled in a health benefit plan.
 - 2. Individuals may apply for the SEP provided under Section 5.A. by contacting Connect for Health Colorado (the Exchange), a producer, an assister, or the carrier directly to determine eligibility and enrollment.
 - 3. To verify eligibility, individuals shall attest that they have a Benefytt Technologies policy effective in 2022. Verbal attestation is sufficient for purposes of determining eligibility for this SEP.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease-and-desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This emergency regulation shall be effective September 6, 2022.

Section 9 History

Emergency regulation effective September 6, 2022.