



Title: FAQ on Compliance Safe Harbor for Issuers Affected by the Extension of the Enrollment Deadline to December 19, 2016

Date: December 23, 2016

Does the September 16, 2016, Safe Harbor FAQ apply to issuers that experience temporary operational challenges as a result of the deadline extension to December 19, 2016, for coverage effective January 1, 2017?

Yes. On September 16, 2016, the Centers for Medicare & Medicaid Services (CMS) released an FAQ that described a compliance safe harbor for issues attributable to a substantial increase in enrollment for plan year 2017.¹ The FAQ stated that CMS will not use formal enforcement remedies for non-compliance with the casework standards under 45 CFR 156.1010 or other customer service standards when qualified health plan (QHP) issuers that participate in the Federally-facilitated Marketplaces (FFMs) have experienced a substantial increase in enrollment and make reasonable efforts to address concerns in an appropriate time frame.

The extension of the HealthCare.gov enrollment deadline to December 19, 2016, for coverage effective January 1, 2017, may have presented additional temporary operational challenges that have prevented QHP issuers participating in the FFMs from complying with certain FFM standards. To address this concern and recognize reasonable issuer efforts, CMS is extending the compliance safe harbor to cover issues attributable to any substantial increase in enrollment as a result of the December 19, 2016, extension. CMS will continue to provide technical assistance to QHP issuers participating in the FFMs experiencing operational challenges, including through account manager support and accelerated resolution of issues.

¹ Available at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/FAQ-on-Compliance-Safe-Harbor.pdf>.