

February 2023

Re: Special Enrollment Periods Related to the COVID-19 Public Health Emergency and Medicaid Continuous Coverage Unwinding

Dear NAME:

The undersigned organizations, representing thousands of patients and consumers across STATE who face serious, acute, and chronic health conditions, are committed to ensuring that every person has continuous access to quality and affordable healthcare coverage. In light of that commitment, our organizations urge you to implement a Special Enrollment Period (SEP) in [Exchange/Marketplace?] that matches the temporary SEP in the Federally-Facilitated Marketplace (FFM) announced by CMS on January 27, 2023. This SEP would allow individuals who attest to having lost Medicaid or CHIP coverage between March 31, 2023 and July 21, 2024 to enroll in an exchange plan at any time during that same period.<sup>1</sup>

As a result of Congressional action in December, states are beginning the process of conducting eligibility redeterminations and potential disenrollments for Medicaid enrollees. This is part of the process of “unwinding” continuous coverage requirements in Medicaid, which resulted from provisions of the Families First Coronavirus Response Act (FFCRA) during the COVID-19 Public Health Emergency (PHE).

Since December 2019, Medicaid enrollment has grown by 27%, amounting to roughly 20 million new enrollees.<sup>2</sup> As a result, Medicaid has become the single-largest provider of health coverage in the nation – covering approximately one in every four people in the country. The process of contacting every one of those enrollees and determining whether or not they remain eligible for Medicaid is a monumental task, and even under the most optimistic scenarios, millions of enrollees are predicted to lose coverage during the unwinding process.

In recognition of this significant shift in the health coverage landscape, on January 27<sup>th</sup>, the Centers for Medicare and Medicaid Services (CMS) announced a new temporary SEP for the Healthcare.gov Marketplace. This new SEP exists during a 16-month window from March 31, 2023 through July 31, 2024. This covers the period of time during which individuals may lose their coverage as a result of the unwinding process. During those 16 months, any individual who attests to having lost Medicaid or CHIP coverage at any date within the SEP window will be eligible for a 60-day SEP, beginning from the date of their Marketplace application, to enroll in Marketplace coverage.

CMS notes in their announcement of the new SEP that, as a result of the pause in Medicaid redeterminations since March 2020, enrollees may be confused about their change in eligibility status. Enrollees who have moved or who have different contact information than what was provided at the

---

<sup>1</sup> Center for Medicare and Medicaid Services, “Temporary Special Enrollment Period (SEP) for Consumers Losing Medicaid or the Children’s Health Insurance Program (CHIP) Coverage Due to Unwinding of the Medicaid Continuous Enrollment Condition– Frequently Asked Questions (FAQ).” Released January 27 2023. Available at: <https://www.cms.gov/technical-assistance-resources/temp-sep-unwinding-faq.pdf>

<sup>2</sup> Tolbert, J and Ammula, M. “10 Things to Know About the Unwinding of the Medicaid Continuous Enrollment Provision.” Kaiser Family Foundation, January 2023. Available at: <https://www.kff.org/medicaid/issue-brief/10-things-to-know-about-the-unwinding-of-the-medicaid-continuous-enrollment-provision/>

time of their enrollment may miss contact attempts from their state Medicaid agency, and as a result of the sheer volume of redeterminations taking place during the unwinding, those agencies may be unable to provide rapid or timely responses to consumer inquiries about their Medicaid status during the unwinding process. These are some of the reasons CMS cites for providing enhanced enrollment flexibility for the duration of the unwinding through this new SEP.

We urge you to create an SEP that matches that announced by CMS, in order to ensure that residents in your state have the same enrollment opportunities and flexibilities as those available to residents in all 33 FFM states. If you have questions or would like to discuss further, please contact [your name and contact].

Sincerely,

The Leukemia & Lymphoma Society  
National Multiple Sclerosis Society  
American Kidney Fund  
Hemophilia Federation of America  
National Hemophilia Foundation  
National Organization for Rare Disorders  
Epilepsy Foundation  
American Lung Association  
The AIDS Institute  
American Cancer Society Cancer Action Network  
Immune Deficiency Foundation  
American Heart Association  
Cystic Fibrosis Foundation  
National Psoriasis Foundation