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BULLETIN NO. 24-03

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

FROM: JUSTIN ZIMMERMAN, ACTING COMMISSIONER

RE: EXPANSION OF UNWINDING SPECIAL ENROLLMENT PERIOD; SIX-MONTH GUARANTEED ISSUE RIGHT FOR MEDICARE SUPPLEMENT PLANS

The purpose of this Bulletin is to advise all New Jersey health insurance companies; health service corporations; health maintenance organizations; dental service corporations; dental plan organizations (collectively, "carriers") that the Department of Banking and Insurance ("Department") is supplementing Bulletin No. 23-02 to provide a special enrollment period for individuals who lose NJ FamilyCare coverage at any time during the March 31, 2023 through July 31, 2024 Unwinding Period. The Department is also requiring carriers that offer Medicare Supplement plans to provide qualified individuals who were disenrolled from NJ FamilyCare a six-month guaranteed issue right from the date of enrollment in Medicare Part B to apply for Medicare Supplement plans.

On March 18, 2020, the Federal government passed the Families First Coronavirus Response Act ("FFCRA") in response to the COVID-19 pandemic, which included a condition that permitted states to provide continuous enrollment for Medicaid enrollees through the end of the Federal Public Health Emergency ("PHE"). On December 29, 2022, the Federal government modified this timeline, passing legislation which ends the Medicaid continuous coverage requirement on March 31, 2023.¹ During the PHE, NJ FamilyCare permitted residents to maintain their coverage, consistent with the continuous enrollment condition of the FFCRA.

Expansion of Unwinding SEP

On March 31, 2023, the Department issued Bulletin No. 23-02, which advised carriers that qualified individuals and their families who lost Medicaid or Children's Health Insurance Program

¹ <https://www.medicaid.gov/federal-policy-guidance/downloads/cib010523.pdf>

("CHIP") (together referred to as "NJ FamilyCare") coverage when the continuous enrollment condition ended are eligible to apply for coverage during the 120-day Unwinding SEP. The Unwinding SEP applied to qualified individuals and their families who were disenrolled from NJ FamilyCare coverage between March 31, 2023 until July 31, 2024 and expanded the loss of coverage SEP from 60 days to 120 days from the last day of NJ FamilyCare coverage. This Bulletin supplements Bulletin No. 23-02 and provides that all qualified individuals who lose NJ FamilyCare coverage between March 31, 2023 and July 31, 2024 who submit a new application or update an existing application for coverage through Get Covered New Jersey wherein they attest that they have lost coverage between the same time period, are eligible for this SEP at any time during this period and without restriction. Consumers are not required to submit documentation of a qualifying life event to receive the Unwinding SEP.

Six-Month Guaranteed Issue Right for Medicare Supplement Plans

In addition, carriers are advised that qualified individuals who were otherwise eligible for enrollment in Medicare Part B during the PHE that did not apply for a Medicare Supplement policy between March 31, 2023 and July 31, 2024 are entitled to apply for a Medicare Supplement policy on a guarantee issue basis.² This is consistent with existing state regulations, which entitles eligible individuals who enroll in Medicare Part B a six-month period, measured from the date of enrollment in Medicare Part B, in which to apply for a Medicare Supplement policy on a guaranteed issue basis. Those who enrolled in Medicare while remaining on NJ FamilyCare during the PHE were unable to purchase Medicare Supplement plans because, under federal law, carriers are prohibited from selling Medicare Supplement policies to individuals on Medicaid. See 42 U.S.C. § 1395ss(d)(3)(B)(iii). The six-month guaranteed issue period to purchase a Medicare Supplement plan has closed or will soon close for these individuals.

Accordingly, the Department directs carriers marketing Medicare Supplement plans in the Under 50 market, the 51 – 64 market and the 65+ market to provide a six-month guaranteed issue period from the date of enrollment in a Medicare Part B plan to apply for a Medicare Supplement plan.

This Bulletin applies to qualified individuals disenrolled from NJ FamilyCare between March 31, 2023 and July 31, 2024.

Questions regarding this bulletin may be directed to legsregs@dobi.nj.gov.

3/25/24
Date


Justin Zimmerman
Acting Commissioner

AR Extending Unwinding SEP and Med Supp/Bulletins

² See N.J.A.C. 11:4-23A.6(a)1, N.J.A.C. 11:4-23B.3, and N.J.A.C. 11:4-23.9.