

STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
INSURANCE DIVISION

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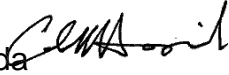
COLIN M. HAYASHIDA
INSURANCE COMMISSIONER

DAVID Y. IGE
GOVERNOR
JOSH GREEN
LIEUTENANT GOVERNOR

February 26, 2021

MEMORANDUM 2021-1H

TO: All Health Insurance Companies, Mutual Benefit Societies, and Health Maintenance Organizations Authorized to Write Health Insurance in Hawaii

FROM: Colin M. Hayashida 
Insurance Commissioner

SUBJECT: Voluntary Participation in Special Enrollment Period for Off-Marketplace Health Plans

Pursuant to President Biden's January 28, 2021 Executive Order, the Centers for Medicare and Medicaid Services (CMS) will reopen the federal HealthCare.gov marketplace for a 90-day Special Enrollment Period (SEP)¹ to permit individuals to enroll in comprehensive health insurance coverage under the Affordable Care Act (ACA).

The Insurance Division encourages insurers offering ACA-compliant off-marketplace health plans to implement a SEP beginning in Hawaii on March 1, 2021 through May 15, 2021. The SEP must be open to all similarly situated individuals without discrimination and comply with all state and federal laws.

Insurers deciding to provide a parallel SEP offering health plans outside the marketplace should submit a SERFF informational filing with a letter and documents as required by the Commissioner.

¹ "Executive Order on Strengthening Medicaid and the Affordable Care Act" (January 28, 2021) available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/28/executive-order-on-strengthening-medicare-and-the-affordable-care-act/>.

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Please contact the Insurance Division at ihealth@dcca.hawaii.gov or (808) 586-2790 if you have any questions on this matter.