



*Administrator*

Washington, DC 20201

September 1, 2020

The Honorable Gretchen Whitmer  
State of Michigan  
Office of the Governor  
Lansing, Michigan 48909

Dear Governor Whitmer:

Thank you for your letter to the Secretary of Health and Human Services (HHS) regarding establishing a special enrollment period (SEP) for uninsured individuals in response to the Coronavirus Disease 2019 (COVID-19) pandemic and corresponding national public health emergency. I am responding on behalf of the Secretary, and we appreciate hearing from you about this issue.

The Trump Administration has taken bold action to respond to this pandemic and to support Americans affected by the virus. This includes taking steps to ensure people who are uninsured at this time can access testing and treatment for COVID-19, as well as taking steps to make it easier for people who have lost job-based coverage to gain coverage through HealthCare.gov. In addition, for people who have coverage through Medicaid, Medicare or through private insurance, we have worked to remove barriers so that cost is not an obstacle to getting tested for COVID-19. Our top priorities are protecting the health and safety of the Americans we serve and ensuring access to health care services.

The President, in collaboration with Congress, is working to make sure that uninsured patients will not face bills related to their testing and related treatment for COVID-19. The Families First Coronavirus Response Act (FFCRA), enacted on March 18, 2020, appropriated \$1 billion to HHS's Public Health and Social Services Emergency Fund for COVID-19 testing for uninsured individuals. In addition, the Coronavirus Aid, Relief, and Economic Security (CARES) Act Provider Relief Fund provided \$100 billion to the same fund for certain COVID-19-related healthcare expenses and provider lost revenue that are not eligible for reimbursement from other sources. A portion of the Provider Relief Fund will be used to reimburse healthcare providers, generally at Medicare rates, for treatment related to positive diagnoses of COVID-19 for the uninsured. Additionally, in the Paycheck Protection Program and Health Care Enhancement Act, Congress added \$100 billion more to the Public Health and Social Services Emergency Fund, \$75 billion of which can be used to reimburse providers for COVID-19-related healthcare expenses that are not eligible for payment from other sources and up to \$1 billion may be used for COVID-19 testing for the uninsured.

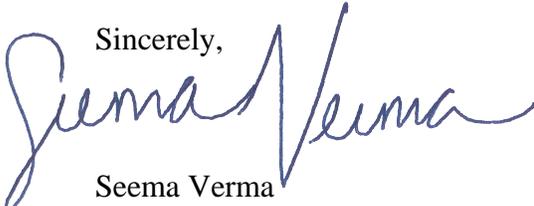
In April, HHS, through the Health Resources and Services Administration (HRSA), launched a new COVID-19 Uninsured Program Portal, allowing health care providers who have conducted

COVID-19 testing or provided treatment for uninsured COVID-19 individuals to submit claims for reimbursement.<sup>1</sup> I would direct you to HRSA for further information about this program.

While we have not opened a special SEP at this time for uninsured individuals who did not timely enroll during the previous Open Enrollment Period or a previous SEP, we continue to consider the issue and how best to protect the health and safety of Americans during the pandemic. We note that all existing SEPs remain available for people who need coverage due to experiencing a qualifying life event. This includes SEPs for individuals who may have lost their job-related coverage or for current Exchange enrollees who experienced a change in income that affects their eligibility for premium support. In addition, any consumers who qualified for an SEP but missed the deadline as a result of the COVID-19 pandemic—for example, if they were sick with COVID-19 or were caring for someone who was sick with COVID-19—may also be eligible for another SEP.<sup>2</sup>

To further support people during this crisis, CMS updated HealthCare.gov to make it easier for consumers to find important information on how to best take advantage of existing SEP opportunities in light of COVID-19. This includes the addition of a webpage on HealthCare.gov specifically designated for COVID-19 information as it relates to Health Insurance Exchange coverage. Along with helping people determine whether they are eligible for advance payments of premium tax credits to help lower the cost of Exchange coverage, HealthCare.gov also helps people assess if they or their family members may qualify for coverage from Medicaid or the Children’s Health Insurance Program (CHIP). Those who may have experienced a loss of coverage or change in household income during the COVID-19 public health emergency should visit HealthCare.gov to see if they may qualify for a special enrollment period for qualified health plan coverage or if they may qualify for Medicaid/CHIP coverage. Please visit the new COVID-19 webpage for updates: <https://www.healthcare.gov/coronavirus/>.

Thank you for your letter regarding this issue as we continue to respond to the COVID-19 pandemic. Please share this response with the co-signers of your letter.

Sincerely,  
  
Seema Verma

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<sup>1</sup> Available at: <https://www.hrsa.gov/coviduninsuredclaim>.

<sup>2</sup> In 2018, CMS, through guidance, provided that an exceptional circumstances SEP authorized under 45 CFR 155.420(d)(9) would be available for individuals who were prevented from enrolling in Exchange coverage during another SEP or during an OEP by an event that the Federal Emergency Management Agency (FEMA) declared a national emergency or major disaster. *See* CMS Guidance dated August 9, 2018, available at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/8-9-natural-disaster-SEP.pdf>. FEMA has recognized COVID-19 as a national emergency and major disaster in every state, territory, and the District of Columbia. *See* FEMA, Disaster Declarations by Year, 2020, available at: <https://www.fema.gov/disasters/year/2020>. As a result, this “FEMA SEP” is available for individuals who were prevented by the impacts of COVID-19 from enrolling in coverage through an Exchange using the HealthCare.gov platform during an otherwise available special enrollment period.