

## **Exceptional Circumstances Special Enrollment Period Guidance:**

Vermonters wishing to enroll in a qualified health plan (QHP) must do so during the annual open enrollment period (AOEP) or during a special enrollment period (SEP). SEPs are generally available to Vermonters who experience certain enumerated qualifying events, such as gaining dependents through birth or adoption or losing Medicaid or other minimum essential healthcare coverage. In addition, Health Benefits Eligibility and Enrollment Rule (HBEE) § 71.03(d)(9) provides a SEP for an individual, enrolled through Vermont Health Connect, who “meets other exceptional circumstances.”

The Department of Vermont Health Access (DVHA) interprets “other exceptional circumstances” as applying to certain *classes* of similarly situated individuals. When applying HBEE § 71.03(d)(9), DVHA looks to federal guidance to help identify those classes of similarly situated individuals whose circumstances qualify them for a SEP for “other exceptional circumstances.” Federal guidance specifies that “other exceptional circumstances” include instances when an individual is prevented during AOEP or another SEP from enrolling in or changing a QHP due to “a serious medical condition or natural disaster.” Additionally, the federal government provides a SEP for situations in which an individual is unable to enroll in or change a QHP due to a technical error, and Vermont classifies such a situation as an example of “other exceptional circumstances” under HBEE § 71.03(d)(9).

This document will be updated when appropriate and serve as publicly available guidance on the situations qualifying an individual for the SEP found at HBEE § 71.03(d)(9). This list will

include national events, which affect both Vermont and the applicant, that have been flagged by the federal government as qualifying for the “other exceptional circumstances” SEP as well as regional and/or state events, which affect the applicant, that are analogous to the types of events flagged by the federal government as qualifying for the “other exceptional circumstances”

The “other exceptional circumstances” SEP may extend *up to* sixty (60) calendar days from the triggering event. *See* HBEE § 71.03(c)(3). An individual may contact DVHA to see whether he or she qualifies for the “other exceptional circumstances” SEP. After reviewing an individual’s request, DVHA will make a decision about whether the individual has identified a situation that is consistent with the examples provided in guidance. If so, DVHA determines the applicable triggering date and length of the SEP, based on the way that the identified circumstance interfered with the ability to enroll. The individual will be advised in writing of DVHA’s decision and his or her appeal rights.

If you believe that you qualify for a SEP under HBEE § 71.03(d)(9), you may contact Vermont Health Connect at (855)899-9600 or by email (AHS.DVHASEPEC@vermont.gov) to make your request. For information about other SEPs, please view the current SEP chart found [here](#) or contact Vermont Health Connect at (855)899-9600.

### **Exceptional Circumstances Qualifying for the HBEE § 71.03(d)(9) SEP**

1. ***Serious Medical Condition***: The individual was prevented from enrolling in a QHP during the AOEP or another SEP due to an unexpected hospitalization, temporary cognitive disability, or other medical-based incapacity.
2. ***Natural Disaster***: The individual was prevented from enrolling in a QHP during the AOEP or another SEP due to a natural disaster affecting both Vermont and the individual, such as

an earthquake, massive flooding, or hurricane. DVHA will announce such incidents through its outreach and enrollment mechanisms and update this guidance as necessary.

3. **Technical Error:** The individual was prevented from enrolling in a QHP during the AOEP or another SEP due to a technical error, such as an unwarranted error message appearing on the VHC portal, the provision of material misinformation during plan selection, or a VHC system failure to timely transmit enrollment information to a QHP issuer. In the event that the technical error at issue is the unavailability of the VHC enrollment system, the system must have been inaccessible for a material period of time, not due to any error or omission by the applicant/enrollee.