

# HIPAA SPECIAL ENROLLMENT RIGHTS



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The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans to provide a special enrollment opportunity to an employee (or COBRA enrollee) upon the occurrence of specific events. This Chart summarizes the qualifying events and the corresponding special enrollment rights. Employers that choose to offer enrollment changes beyond those required by HIPAA should confirm that any expansion or liberalization is consistent with the terms of the group contract(s) issued by their insurance carrier or HMO.

EVENT	SPECIAL ENROLLMENT RIGHT
Acquisition of New Dependent(s) due to Marriage	<ul style="list-style-type: none"> <li>› Employee may enroll the employee (if not previously enrolled).</li> <li>› Employee also may enroll newly-eligible spouse and/or newly-eligible stepchild(ren).</li> </ul>
Acquisition of New Child due to birth or adoption (including placement for adoption)	<ul style="list-style-type: none"> <li>› Employee may enroll the employee (if not previously enrolled).</li> <li>› Employee also may enroll spouse and/or newly-eligible child(ren).</li> </ul>
Gain Eligibility for Premium Assistance Subsidy under Medicaid or CHIP	<ul style="list-style-type: none"> <li>› Employee may enroll the employee and the spouse or child(ren) who have become eligible for the premium assistance.</li> </ul>
Loss of Other Health Coverage if due to: <ul style="list-style-type: none"> <li>› Loss of eligibility:               <ul style="list-style-type: none"> <li>› Death of spouse; divorce, legal separation</li> <li>› Child loses status (e.g., reaches age limit)</li> <li>› Employment change (e.g., termination, reduction in hours, unpaid FMLA)</li> </ul> </li> <li>› Expiration of COBRA maximum period</li> <li>› Moving out of plan's service area</li> <li>› Other employer terminates its plan (or discontinues employer contributions)</li> </ul>	<ul style="list-style-type: none"> <li>› Employee may enroll the employee (if not previously enrolled).</li> <li>› Employee also may enroll spouse and/or children who have lost other health coverage.</li> </ul> <p><b>Note:</b> Person losing the Other Health Coverage must have had the other coverage since the date of this employer plan's most recent enrollment opportunity.</p>
Loss of Medicaid or CHIP Coverage	<ul style="list-style-type: none"> <li>› Employee may enroll the employee and the spouse or child(ren) who have lost Medicaid/CHIP entitlement.</li> </ul>

## Notes:

1. HIPAA does not require Special Enrollment for "HIPAA-excepted benefits." "HIPAA-excepted benefits" generally include stand-alone dental or vision plans, and health care FSAs with little or no employer contribution.
2. HIPAA Special Enrollees must be given at least 30 days (from the date of the event) to enroll. For events related to Medicaid/CHIP, the minimum special enrollment period is 60 days.
3. HIPAA Special Enrollees must be given an opportunity to enroll in, or change to, any available "benefit package" offered under the employer's plan. For instance, a plan offering an HMO, a low-deductible PPO and a high-deductible PPO offers a choice of three benefit packages.
4. Special enrollment, if elected, must take effect no later than the first day of the month following the enrollment request. If the event is the birth or adoption of a child, the special enrollment must take effect retroactively on the date of the birth or adoption (or placement for adoption).
5. HIPAA does not require plans to allow Special Enrollees to add "tag along" children who have not experienced a qualifying event.
6. Prior federal law allowed certain nonfederal governmental employers to opt out of HIPAA's special enrollment provisions. The Affordable Care Act eliminated the "opt out" for governmental employers.