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To: BStonier@oic.wa.gov; JKeogh@oic.wa.gov

Cc: Johns-Brown, Lonnie (OIC); Gibert, Christine (HBE); Voris, Molly (HBE); Siems, Jason (OIC)

Subject: SEP rulemaking follow-up

Hi Bianca and Jim—

Lonnie suggested I reach out regarding the special enrollment period rulemaking that is underway. My colleague Christine is the expert at the Exchange on this topic, I am interested mostly in helping make sure our messaging is aligned given questions I have received in both my external affairs and leg. role.

First, thanks for clarifying that you are not creating any new special enrollment qualifying events beyond the federally specified list and for giving us an opportunity to comment---we look forward to receiving proposed language later this month.

As Christine has noted in the past, our preference is that the SEP rule, rather than listing individual events that change throughout the year, simply incorporates by reference the qualifying events recognized in the federal regulations for the individual market at: [45 CFR §155.420 Special enrollment periods](#), subsection (d). And the SHOP market at: [§155.725 Enrollment periods under SHOP](#).

The individual market rule states that the “Exchange may provide’ that the individual meets other ‘exceptional circumstances’. Examples of exceptional circumstances the Exchange currently recognizes include an ongoing SEP for victims of domestic violence/abandonment. In the future, we anticipate an SEP for people with a changed tax credit eligibility because they reconcile taxes. The list of exceptional circumstances is likely to change throughout the year (for example, in the past we have added SEPs to acknowledge technical glitches that prevent enrollment during OE, etc.). Our strong preference is that no attempt be made to list these exceptional circumstances individually, as the exceptions evolve/change throughout the year. Also, some may be temporary while others are ongoing. In the past, conflicting messaging around the SEPs has led to consumer confusion that we would like to avoid.

Also, we are in the process of redesigning our corporate website, to more clearly delineate and explain these complex/exceptional SEPs—if you are interested, we would be happy to share draft language for your review/comment.

If you have any questions please let us know.

Thanks,

Joan

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