



BULLETIN NO. LH 2021-02

To: All Health Insurance Companies and Health Maintenance Organizations

Re: Extension of “Non-Enforcement” (Transitional) Policies through Calendar Year 2022

From: Glen Mulready, Insurance Commissioner

Date: May 14, 2021

The purpose of this bulletin is to inform all Oklahoma licensed health insurance carriers of the requirements of the Oklahoma Insurance Department (OID) as they relate to the bulletin released by the Center for Medicare and Medicaid (CMS) on January 19, 2021 regarding the *Extension of Limited Non-Enforcement Policy through 2022*.

Under previous guidance CMS announced that, with permission by State Regulators, health insurance issuers could choose to continue certain coverages that would otherwise be cancelled under the Public Health Service Act and would not be considered to be out of compliance with market reforms if specific conditions were met. With guidance issued on January 19, 2021, CMS announced it would extend this policy again to include policy years beginning on or before October 1, 2022, provided that all such coverage comes into compliance with the specified requirements by January 1, 2023.

Based on this most recent CMS announcement the Department advises carriers that existing transition policies **may be renewed for policy years beginning on or before October 1, 2022, provided that all transition policies end by January 1, 2023**. In an effort to minimize market disruption, issuers will again be given the discretion to renew existing extended transition policies in the individual and small group markets with a 12 month policy duration or shorter than 12 month duration provided that all affected policies terminate in compliance with the January 1, 2023 deadline. Renewal actions will be consistent with and conform to Oklahoma law governing insurance renewals.

Health insurance issuers that renew under the extended transitional policy must provide the required notice to affected individuals and small businesses as specified in the CMS January 19, 2021 guidance.

Questions or comments applicable to this bulletin should be directed to Mike Rhoads, Deputy Commissioner, at mike.roads@oid.ok.gov or Kim Bailey, General Counsel, at kim.bailey@oid.ok.gov at the Oklahoma Insurance Department, 400 North East 50th St., Oklahoma City, OK 73105-1816.