



COMMISSIONER OF SECURITIES AND INSURANCE

Troy Downing
Commissioner

Office of the
Montana State Auditor

INFORMATIONAL BULLETIN

To: Health Insurance Issuers providing Non-Grandfathered/Transitional Coverage in the Small Group and/or Individual Market

From: TROY DOWNING 
Commissioner of Securities and Insurance, Montana State Auditor

Date: May 4, 2022

NON-GRANDFATHERED/TRANSITIONAL POLICY

On March 23, 2022, the Centers for Medicare & Medicaid Services ("CMS") issued a Bulletin extending its non-enforcement policy regarding certain non-grandfathered transitional policies that do not meet certain ACA market reform requirements ("Bulletin"). CMS will not take enforcement action against certain plans for non-compliance with the specified market reforms for policy years beginning on or after October 1, 2022. This extended non-enforcement policy will remain in effect until CMS announces that all such coverage must come into compliance with the specified requirements. This policy applies to health insurance issuers that have renewed coverage under the non-enforcement policy continually since 2014. Issuers that renew coverage under this extended non-enforcement policy must, for each policy year, provide the relevant notice to affected individuals and small businesses.

The Montana State Auditor, Commissioner of Securities and Insurance ("CSI") has adopted the CMS transitional policy for individual and small group policies. Health insurance issuers must comply with the requirements and terms in the Bulletin.

See the Bulletin at: <https://www.cms.gov/files/document/extension-limited-non-enforcement-policy-through-calendar-year-2023-and-later-benefit-years.pdf>

The Bulletin will be posted on the CSI website at www.csimt.gov and placed in the System for Electronic Rates & Forms Filing (SERFF).

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