

# The Senate Must Act Now To Open A Special Enrollment Period

*Any Meaningful Coronavirus Package Must Include Opening A Special Enrollment Period To Help Uninsured Americans Gain Coverage.*

## Introduction

At a time when millions of uninsured people are facing the possibility of coronavirus and devastating health care bills, the American people need the security of health insurance to ensure they get all of the necessary care they need during this crisis. For months, the Trump administration has refused to reopen the federal marketplaces to allow people to purchase health insurance during the global pandemic. President Trump's refusal to create a Special Enrollment Period (SEP) ignores calls from health insurers and lawmakers who know it would slow the spread of the virus and save American lives. By refusing to open a SEP, President Trump could be blocking [millions](#) from gaining coverage.

In May, the House of Representatives passed the [HEROES Act](#), a sweeping relief package with key measures to expand access to health care during this unprecedented crisis. This includes opening a SEP to allow previously uninsured Americans to purchase coverage. After months of inaction, the Senate is [mulling](#) its own relief package, which is not expected to address health care coverage at all. The Kaiser Family Foundation estimates that nearly [27 million people](#) could lose employer-sponsored coverage as a result of the pandemic. Additional research from the Urban Institute indicates that [roughly 2 million people](#) working in vulnerable industries that are at higher risk of losing employment are ineligible for ACA enrollment without a SEP because they were already uninsured before the pandemic.

Several states are leading the way by opening their state-run marketplaces in response to the threat of the coronavirus and [thousands of people](#) have already been able to obtain coverage as a result. In fact, California alone has seen more than [209,000 people](#) enroll as a result of the state's SEP as well as additional marketing and outreach efforts. Unfortunately, however, 38 states with federally-run marketplaces do not have the option to open their exchanges without federal action.

## A Special Enrollment Period Helps Two Groups Of Workers:

- 1) **People who were uninsured before the pandemic.** Many of the workers losing their jobs are already low-income and [many lacked typical employer benefits](#), including health insurance. Opening a special enrollment period is especially critical for this group, who, if they don't qualify for Medicaid, are locked out of coverage until the fall.
- 2) **People who lost employer-based insurance.** While people who lost their employer-sponsored insurance can sign-up for marketplace coverage, it requires them to fill out additional paperwork proving job loss as a qualifying life event. Opening a special enrollment period removes these onerous paperwork requirements.

**11 States And Washington D.C. Have Opened Special Enrollment Periods During The Pandemic.** California, Colorado, Connecticut, Washington D.C., Maryland, Massachusetts, Minnesota, Nevada, New York, Rhode Island, Vermont & Washington are [allowing all uninsured residents to purchase coverage](#) through their state-run marketplaces.

## The American People Want A Special Enrollment Period

**More Than 7 In 10 Voters Support Opening A Special Enrollment Period To Allow Uninsured Americans To Sign Up For Coverage.** "76% support offering a special enrollment period to allow uninsured Americans to sign up for

affordable coverage through the Affordable Care Act in response to the coronavirus pandemic. This includes 76% of independents and 59% of Republicans.” [Public Policy Polling, [6/23/20](#)]

**Voters Disapprove Of Trump’s Decision Not To Reopen The ACA Marketplaces By A 20-Point Margin.** “A new Morning Consult/Politico [poll](#) found half of registered voters disapprove of President Donald Trump’s decision not to reopen the Affordable Care Act’s HealthCare.gov portal for a special enrollment period, while 30 percent approve. Fifty-three percent of Republican voters approve of Trump’s move, but 22 percent disapprove. Independent voters disapprove of the decision by a margin of 22 percentage points, while Democrats disapprove by a 67-point margin.” [Morning Consult, [4/8/20](#)]

### **A Special Enrollment Period Would Help Address Racial Disparities In Health Care**

*The ACA helped [reduce](#) longstanding racial disparities in coverage rates, improving health care access for communities of color across the board. Expanding access to the ACA during this crisis would help people of color, who have been disproportionately impacted by the pandemic.*

- **The ACA Helped Lower The Uninsured Rate For African Americans By More Than One Third.** Before the passage of the ACA, [more than 16 percent](#) of the nearly 50 million Americans lacking health insurance were African Americans. According to the Center on Budget and Policy Priorities, the ACA helped lower the uninsured rate for nonelderly African Americans [by more than one third](#) between 2013 and 2016 from 18.9 percent to 11.7 percent.
- **Latinos Saw Higher Coverage Gains Than Any Other Racial Or Ethnic Group.** The percentage of people gaining health insurance under the ACA was higher for Latinos than for any other racial or ethnic group in the country. According to a study from [Families USA](#), 5.4 million Latinos would lose coverage if the health care law were overturned.
- **The ACA Cut Uninsurance Rates Among Asian Americans By More Than Half, Eliminating Disparities With White Americans. Per [The Hill](#):** “Across the board, uninsured rates have dropped by nearly half in the past 10 years. In 2010, nearly 20 percent percent of Asian Americans between 19 and 64 were uninsured, according to data from the American Community Survey, compared to about 15 percent of white Americans. By 2018, that number had dropped to just 7.9 percent of Asian Americans and 8.5 percent of white Americans.”
- **Medicaid Expansion Played A Key Role In Increasing Coverage Rates For Communities Of Color.** After the implementation of the ACA, gaps in insurance coverage [narrowed the most](#) in states that adopted Medicaid expansion. Today, a black person living in an expansion state is [more likely to be insured](#) than a white person residing in a state that rejected Medicaid expansion.

### **Why People Of Color In Particular Stand To Gain From A SEP:**

- **People Of Color Were More Likely To Be Uninsured Before The Pandemic.** Even before the crisis, communities of color were far less likely to have employer-sponsored coverage or any insurance at all. For many, a special enrollment period would be their only option for obtaining coverage.
- **People Of Color Are Being Disproportionately Impacted By Job Losses.** From the beginning of the pandemic, data has [indicated](#) that people of color are losing their jobs at higher rates, indicating that they are likely losing their job-based coverage, too. An April 2020 [report](#) from Data for Progress found that 45 percent of black workers had lost their jobs or had their hours cut compared to 31 percent of white workers. More [recent](#)

[research](#) has shown that, while job numbers have improved for the country overall, this recovery for people of color is still lagging.

**A Third Of People Who Enrolled In Coverage Through Maryland's Covid-19 SEP Were Black.** "The pandemic seems to have helped the exchange gain traction especially among some of its most historically hard-to-reach groups, namely Black residents and young people. Of the people who enrolled during the Covid-19 special enrollment period, about a third self-reported as Black/African American, and about 35% of the new enrollees were under age 34." [Baltimore Business Journal, [7/21/20](#)]

**Dr. Patrick Sullivan, Professor Of Epidemiology At Emory University, Called For A Special Enrollment Period To Address Racial Disparities.** "The disproportionate toll on African Americans 'calls for interventions like considering emergency enrollment for the Affordable Care Act,' said Dr. Patrick Sullivan, professor of epidemiology at Emory University. 'And in the longer term Medicaid expansion in the South.'" [Politico, [5/5/20](#)]

### **Supporters of Special Enrollment Period**

*Insurers, governors, and health care experts have all called for the Trump administration to open a special enrollment period.*

**12 Governors--Representing Michigan, Delaware, Illinois, Maine, Montana, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Virginia and Wisconsin--Called On The Administration To Open A Special Enrollment Period.** "Too many of our constituents are uninsured or underinsured despite the steps we've taken at the state level," the governors said. "As a result, far too many of our residents are choosing to forgo coronavirus testing and treatment out of fear of the potential costs to themselves and their families. It is essential that we remove every barrier as quickly as possible to ensure those in our states and across the country are able to access the treatment they need. One of the most effective ways this can be done is by opening up a federal special enrollment period to give everyone the chance to enroll in a health plan that offers the coverage they need with access to any qualifying subsidies." [Governor Gretchen Whitmer Press Release, [4/13/20](#)]

**America's Health Insurance Plans (AHIP) Called On The Administration To Open A Special Enrollment Period: "The American People Need Peace Of Mind Knowing Their Health Care And Financial Futures Are Secure."** "The medical insurance lobby, America's Health Insurance Plans, signed on with a coalition calling for a special enrollment period saying, "The American people need the peace of mind of knowing that their health and financial futures are secure. That means knowing that they can count on their health care coverage when they need it most." [Forbes, [4/9/20](#)]

**Alliance Of Community Health Plans Advocated For A Special Enrollment Period: "A Special Enrollment Period Would Offer Much Needed Coverage To Millions Of Americans And Mitigate The Potential Impact On Providers And Hospitals."** "A Special Enrollment Period would offer much needed coverage to millions of Americans and mitigate the potential impact on providers and hospitals which will be forced to rely on emergency funding,' the Alliance of Community Health Plans wrote in a March letter to Centers for Medicare and Medicaid Services Administrator Seema Verma. [Politico, [4/3/20](#)]

**AARP Called On Congress To Open A Nationwide Special Enrollment Period.** "Congress should immediately take aggressive steps to improve nursing home care, target financial relief to those who need it most, expand access to health care, lower prescription drug prices and other health care costs, and expand nutrition assistance...Special Enrollment Period: provide for a nationwide special enrollment period for individuals and families without health care coverage, or individuals with short-term limited duration plans, to enroll in an Affordable Care Act (ACA) compliant marketplace plan." [AARP, [3/17/20](#)]

**The Chamber Of Commerce And 30 Health Care Groups Called On Congress To Pass Measures To Help Individuals Stay Covered, Including Opening A Special Enrollment Period.** "Last week the U.S. Chamber of Commerce and some 30 health groups called on Congress to help maintain health insurance coverage during the economic shutdown caused by the pandemic. They urged a broad approach that includes subsidies for COBRA, opening up the ACA to more people and allowing those with tax-sheltered health accounts to use that money for premiums." [Associated Press, [5/3/20](#)]

**Karen Pollitz, Senior Fellow At Kaiser Family Foundation, Said That Even People Eligible For ACA Coverage Without SEP Are Facing Paperwork Barriers For Enrolling.** "Some people may have trouble getting their hands on that paperwork, said Karen Pollitz, a senior fellow at Kaiser Family Foundation who works on the Program for the Study of Health Reform and Private Insurance. 'Documents can be submitted online or mailed to the marketplace in London, Ky. HealthCare.gov will also accept a letter explaining why documentation is not available, but whatever is submitted still has to be reviewed by someone,' Pollitz said. 'I have no idea how that's working, but that is a barrier and that whole process eats into your 60-day special enrollment period,' Pollitz said." [Bloomberg Law, [4/10/20](#)]

**Sabrina Corlette, Research Professor At Georgetown University, Said That "The Fact That Coverage Is Still Being Used To Service A Political Agenda Is Just Mind-Boggling."** "'This is such a scary time, both because of the pandemic and because of what's happening to our economy,' said Sabrina Corlette, a research professor at Georgetown University. 'Health insurance is supposed to provide peace of mind. If you get sick, there's a safety net there, you're not going to go bankrupt. So I guess the fact that coverage is still being used to service a political agenda is just mind-boggling to me.'" [The Hill, [4/9/20](#)]

**Josh Bivens, Economic Policy Institute's Director Of Research, Said Opening The ACA Exchanges "Is The Easiest Low-Hanging Fruit That Will Provide Some Relief."** "'It is the easiest low-hanging fruit that will provide some relief,' Bivens said. 'If you lose your job, you are allowed to go to the ACA exchanges, but it requires some documentation of job loss and loss of previous coverage. Whereas if, instead, they did a special enrollment period, you wouldn't have to go through those bureaucratic hoops.'" [Bloomberg Law, [4/10/20](#)]

### **States Have Faced "Overwhelming" Demand For Enrollment Assistance As Trump Rejects Enrollment Period**

*Without Federal support, states are overwhelmed with the influx of uninsured residents.*

**Mark Van Arnem, Director Of The NC Navigator Consortium, Said That Calls For Enrollment Assistance Have Doubled, But Many People Don't Have Coverage Options: "There's Just Nothing We Can Do About That Since The Feds Did Not Open Up A More Generalized Special Enrollment Period."** "The NC Navigator Consortium, led by Legal Aid of North Carolina, which helped Phillips enroll, typically gets between 40 and 50 requests for assistance with HealthCare.gov in a given week outside of the normal open enrollment period. Calls doubled last week and this week's are on pace to double again, said the organization's director Mark Van Arnem. 'We have a lot of people who are calling, young and healthy people, who really didn't think they needed insurance and now they're scared and understandably so,' he said. 'There's just nothing we can do about that since the feds did not open up a more generalized special enrollment period.'" [Bloomberg Law, [4/10/20](#)]

- **Van Arnem Reported That Wait Times Have Been Over An Hour To Speak To A Representative At Healthcare.gov.** "Van Arnem, however, is having success getting those who qualify enrolled in affordable health plans, but he's noticed that it's been a bit slower to get through to HealthCare.gov. 'If we have to call into the call center, there are wait times often of over an hour to get to speak to a representative,' he said. 'During open enrollment it's not even usually that high because I believe they are staffed up.'" [Bloomberg Law, [4/10/20](#)]

- **Wait Times For Healthcare.gov Make Reaching A Customer Service Representative Out Of Reach For Low-Income People Who Can Pay By The Minute For Cell Phone Service.** "But many of the folks that have been laid off were living paycheck-to-paycheck and pay per minute for phone calls, so 'putting them on hold for an hour and a half while we wait for HealthCare.gov is not an ideal circumstance right now,'" Van Arnam said." [Bloomberg Law, [4/10/20](#)]

**Jodi Ray, Director Of Florida's Navigation Program Covering Florida, Reported An "Overwhelming" Influx In Calls, Saying "The Phone Is Ringing All Day."** "Jodi Ray, director of Florida's navigation program Covering Florida, has also seen an influx of calls for help that's starting to get 'overwhelming.' 'The phone is ringing all day,' she said. 'The intensity level has really picked up significantly.'" [Bloomberg Law, [4/10/20](#)]

**Navigators Struggle To Respond To Influx In Calls After Deep Cuts From The Trump Administration.** "The NC Navigator Consortium and Covering Florida are two programs that help people statewide access Obamacare. Both saw their budgets cut severely a few years ago, which affected their staffing levels. The Trump administration slashed federal funding for navigators down to \$10 million in 2017, a 90% cut." [Bloomberg Law, [4/10/20](#)]

### **Coverage Confirms Trump Is Putting His Ideological Battle Against The ACA Ahead Of The Needs Of The American People**

*Trump's decision to [reject](#) a special enrollment period was driven by his support of the Texas lawsuit, which seeks to completely destroy the health care law.*

**Politico: White House Sources Said Trump's Decision To Reject Special Enrollment "Was Ultimately Made To Avoid Muddling The Administration's Position On The Affordable Care Act As Trump Urges The Supreme Court To Throw Out The Law."** "Despite Trump's decision on Obamacare, people who lost their workplace health insurance amid a record surge in employment are still likely eligible for coverage through a special enrollment period for people experiencing certain life circumstances. But millions of more uninsured Americans who don't qualify for a special allowance will remain shut out from the marketplaces until they reopen in the fall. Sources familiar with discussions between insurers and the administration believe Trump's decision was ultimately made to avoid muddling the administration's position on the Affordable Care Act as Trump [urges the Supreme Court](#) to throw out the law." [Politico, [4/1/20](#)]

**Politico: Source Close To White House On Rejection Of Special Enrollment Period: "It's Purely Ideological."** "You have a perfectly good answer in front of you, and instead you're going to make another one up,' said one Republican close to the administration. 'It's purely ideological.'" [Politico, [4/3/20](#)]

**New York Times: By Rejecting To Open A Special Enrollment Period, The Trump Administration "Has Also Hampered Some Of Its Own Efforts To Appeal To Older Voters."** "But the administration has also hampered some of its own efforts to appeal to older voters. Mr. Trump recently rejected an expanded enrollment period for the newly uninsured, for instance." [New York Times, [5/9/20](#)]

**Vanity Fair: Decision To Reject Special Enrollment Period Comes As "Republican-Led States And The Trump Administration Have Resolved To Keep Moving Forward With Their Lawsuit To Kill The ACA Despite The Coronavirus."** "The Trump administration's refusal to allow more Americans to easily sign up for ACA insurance isn't the GOP's only attack on the health care program in the midst of the global pandemic, as Republican-led states and the Trump administration have resolved to keep moving forward with their lawsuit to kill the ACA despite the coronavirus." [Vanity Fair, [4/2/20](#)]

**Forbes: "The Trump Administration Has Decided Against Opening Up A Special Enrollment Period..Instead Doubling Down On His Support Of A Lawsuit By Republican States Aimed At Killing The Entire Affordable Care Act."** "The Trump administration has decided against opening up a special enrollment period for the Affordable Care Act (ACA) in response to the Coronavirus (COVID-19) pandemic, instead doubling down on his support of a lawsuit by Republican states aimed at killing the entire Affordable Care Act...It would seem the move by the Trump Administration to not open a special ACA enrollment period is just one in a series of steps the administration has taken to kill the program, even as America reels under the poorly planned for COVID-19 pandemic." [Forbes, [3/1/20](#)]

**Politico: Trump's Decision To Reject Special Enrollment Period Comes After He "Doubled Down On His Support Of A Lawsuit By Republican States That Could Destroy The Entire Affordable Care Act."** "Trump confirmed last week he was seriously considering a special enrollment period, but he also doubled down on his support of a lawsuit by Republican states that could destroy the entire Affordable Care Act, along with coverage for the 20 million people insured through the law." [Politico, [3/31/20](#)]

### **Bottom Line**

**NBC News: "Loss Of Access To Health Insurance Will Put Millions In Vulnerable Positions, Especially After The Trump Administration Decided It Wouldn't Allow A Special Enrollment Period."** "Loss of access to health insurance will put millions in vulnerable positions, especially after the Trump administration decided it wouldn't allow a special enrollment period for people to sign up for coverage through the Affordable Care Act." [NBC News, [4/3/20](#)]

**NBC News: "Coverage Through The ACA Could Mean The Difference Between Financial Stability And Bankruptcy That Could Cause Lingering Hardship Long After The Pandemic Ends."** "For people stricken with COVID-19, the disease caused by the coronavirus, coverage through the ACA could mean the difference between financial stability and bankruptcy that could cause lingering hardship long after the pandemic ends, industry experts say." [NBC News, [3/5/20](#)]

**Politico: If Trump Reopened The ACA Marketplaces "People Without Insurance Could Buy More Comprehensive Policies That Not Only Would Cover Coronavirus Treatments But Any Follow-Up Treatment, Mental Health Care, And Future Check-Ups."** "If Trump had chosen instead to reopen the HealthCare.gov website — as 11 largely blue states that control their own markets have already done — people without insurance could buy more comprehensive policies that not only would cover coronavirus treatments but any follow-up treatment, mental-health care, and future check-ups." [Politico, [4/3/20](#)]