

State Action

Requires

Maine – The Maine Superintendent of Insurance issued [an order](#) directing carriers, when requested by an employer, to suspend the application of any group health plan provision that terminates coverage when an employee is no longer “actively employed”, provided it is applied to affected employees on a nondiscriminatory basis. The Superintendent indicated that employers should be permitted to keep employees and their dependents on their health plan while employees are experiencing layoffs and furloughs.

New Hampshire – New Hampshire Governor Christopher T. Sununu issued an [emergency order](#) that in part, requires health carriers to allow employers during the COVID-19 emergency to maintain any furloughed/laid-off employees on their health plan despite any hours worked per week or any minimum participation requirements.

New Jersey – New Jersey Department of Banking and Insurance issued separate guidance for small employers and large employers regarding in part, flexibility with health plan eligibility requirements. For small employers, [Bulletin No. 20-12](#) provides, in part, that carriers must relax full-time requirement so the employees whose hours have been reduced can remain on their health plan. For large employers, [Bulletin No. 20-13](#) provides that carriers may relax the full-time requirement to allow employees with reduced hours to stay on the health plan without electing COBRA. Also, the department indicated that the active work requirement doesn’t apply when absence from work is due to health status and a layoff or furlough caused by the COVID-19 emergency qualifies. Insurers may consider the COVID-19 emergency as health status and are not required to find employees ineligible due to not being actively at work.

Ohio – The Ohio Department of Insurance issued [Bulletin 2020-03](#) (March 20, 2020) requiring insurers to permit employers to continue covering employees under group policies even if the employee would otherwise become ineligible due to a decrease in hours worked per week. Insurers are required to permit employers to continue providing coverage to employees under group policies regardless of any “actively at work” or similar eligibility requirements in the policy.

Encourages

Alabama – The Alabama Commissioner of Insurance issued [Bulletin No. 2020-07](#) to encourage insurers to work with employers to keep employees on a health plan during the COVID emergency even if employees would otherwise be ineligible due to a decrease in hours worked per week and regardless of “actively at work” eligibility requirements in the policy. Insurers are also encouraged not to increase premium rates if possible and to assist employers with their responsibilities under COBRA.

Massachusetts - The Division of Insurance, Office of Consumer Affairs and Business Regulation issued [Bulletin 2020-05](#) to advise carriers to provide employers and individuals with reasonable flexibility to maintain their existing coverage during the COVID-19 emergency. This includes asking carriers to consider allowing employers to continue to pay for employee's health coverage during periods when employees are furloughed or laid-off.

Washington State – Washington Insurance Commissioner issued a [notice](#) (April 9, 2020) stating that it's encouraging health insurers to work with employers who want to keep their employees on their health plans despite change in employment status and is expediting review of any changes to eligibility requirements. Insurers file health plans with the Commissioner's office, which includes eligibility requirements that employees must meet to be covered by the plan. Insurers have been notified.

Wisconsin - The Wisconsin Office of the Commission of Insurance (OCI) issued [guidance](#) encouraging insurers to make available to employers the option of permitting employees who lose health plan eligibility when their hours are reduced hours or they are furloughed as a result of the COVID-19 emergency to maintain coverage under the group health plan. OCI points out that although these employees will be eligible for a special enrollment period in the marketplace, employees may have to change providers or have new deductibles and cost-sharing requirements.