

Preparing for 2027 Open Enrollment

Centers for Medicare & Medicaid Services (CMS)
Center for Consumer Information and Insurance Oversight (CCIIO)

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Disclaimer



The information provided in this presentation is intended only as a general, informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.

This document generally is not intended for use in the State-based Marketplaces (SBMs) that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agent and Broker Resources webpage (<http://go.cms.gov/CCIIOAB>) and CMS.gov/Marketplace to learn more.

Unless indicated otherwise, the general references to "Marketplace" in the presentation only include Federally-facilitated Marketplaces (FFMs) and State-based Marketplaces on the Federal Platform (SBM-FPs).

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2027 Payment Notice: Vacated & Stayed Provisions

2027 Payment Notice: Vacated Provisions



- » The *Columbus v. Kennedy* court cases have **vacated** the following proposed provisions for this upcoming Open Enrollment that were in CMS's final rules:
 - Open Enrollment dates: will run from **November 1, 2026, through January 15, 2027**, meaning there is no change in the timeframe from previous years.
 - As with last year, consumers who actively enroll by December 15, will have January 1 coverage.
 - Returning consumers who don't actively update their application will be automatically enrolled into a plan that starts on January 1.
 - Consumers who enroll or update coverage between December 16 and January 15 will have coverage starting on February 1.
 - Exchanges won't be implementing any **failure to file and reconcile** policies when determining tax credit eligibility.
 - However, consumers that receive tax credits are still **required to file and reconcile their taxes**.

Note: Vacated means the court has issued a final ruling stating these provisions won't take effect.



Elimination of Limits on the Repayment of Excess APTC

Elimination of Limits on the Repayment of Excess APTC



- » The Marketplace uses the information on a consumer's coverage application to estimate the amount of PTC the consumer will qualify for when they file their taxes.
- » The Marketplace pays that amount directly to the insurance company so that the consumer can pay a lower premium. This payment to the issuer is called APTC.
- » After the plan year ends, the enrollee receives a **Form 1095-A** from the Marketplace. When they file their federal tax return, the household uses the information from Form 1095-A to complete IRS Form 8962 and calculates their PTC based on their actual income for the year. Then they must reconcile the APTC received with the PTC allowed on their tax return.
- » Starting in Plan Year 2026, if the consumer used more APTC than they are eligible for based on their annual income, the IRS will require the consumer to pay back **all excess APTC** when the consumer files their taxes.

Elimination of Limits on the Repayment of Excess APTC



- » For Plan Years 2025 and earlier, the amount of APTC overpayment the IRS could recover from the tax filer was capped for consumers with annual household income below 400% of the FPL. The maximum amount that the tax filer can owe back to the IRS varied based on income and tax filing status.
- » Beginning in Plan Year 2026, the cap on repayment of excess APTC will be eliminated.
 - This means that whatever the difference is between APTC and the IRS-determined PTC amount, the tax filer must pay back that entire amount.
- » Marketplace enrollees will owe back APTC when confirmed annual household income (adjusted for household size) on the tax return is higher than what was estimated on the Marketplace application.
- » Consumers may also owe back APTC when their household size on their tax return is different than what they reported on their Marketplace application.
 - For example, if they said they would claim someone as their tax dependent but then they do not end up claiming them.

Live Question/Answer Session