

## Publications

### Ohio Department of Insurance Issues Bulletin 2020-03 Health Insurance Coverage Flexibility for Ohio Employees

#### Related Attorneys

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#### Related Industries

[Insurance](#)

**CLIENT ALERT** | 3.25.2020

In response to the COVID-19 pandemic and Ohio Governor Mike DeWine's declaration of a state of emergency in Ohio (See [Executive Order 2020-01D](#)), the Ohio Superintendent of Insurance (the Superintendent) issued [Bulletin 2020-03](#) and ordered and directed all health plan issuers, including insurance companies, stop loss insurers, health insuring corporations, MEWAs, non-federal governmental health plans, and other entities transacting the business of insurance in the State of Ohio, or that are subject to the jurisdiction of the Superintendent (collectively Insurers), to comply with the following requirements during the state of emergency:

#### Employee Eligibility

Insurers are: (i) required 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, (ii) required to continue providing coverage to employees regardless of any "actively at work" or similar eligibility requirement in its policies, and (iii) prohibited from increasing premium rates based on a group's decreased enrollment or participation due to COVID-19.

#### Grace Period for Premium Payment

All Insurers are required to give their insureds the option of deferring premium payments coming due, interest free, for up to sixty (60) calendar days from each original premium due date.

#### Continuation of Coverage

For employers that employ twenty (20) or more employees, as long as one person remains actively employed, eligible employees may elect to continue coverage under COBRA following the normal notice and election procedures. Employers that employ fewer than twenty (20) employees, as long as one person remains actively employed and enrolled in the plan, eligible employees may elect to continue coverage under state continuation coverage for up to twelve (12) months.

If no active employees remain covered under a plan, COBRA and continuation coverage are not options and employees will be eligible for a special enrollment period.

### Special Enrollment

Employees who lose coverage are eligible for a special enrollment period to enroll in new coverage. For persons purchasing policies sold outside of the federal exchange, Insurers are required to waive the normal special enrollment procedures and allow applicant's to obtain coverage effective the day after their loss of employment.

No enforcement actions will be taken by the Superintendent with respect to filed forms and rates against Insurers that adjust their policies and practices to provide the flexibility required by this bulletin.

If you have questions regarding Bulletin 2020-03 and its impact on your organization, please contact: Anthony Spina, Jolie Havens or Tom Szykowny.

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### Vorys COVID-19 Task Force

Vorys is continuing to monitor the COVID-19 outbreak and related guidance to Insurers. In addition, Vorys attorneys and professionals are counseling our clients on a myriad of others issues related to the outbreak. We have established a comprehensive COVID-19 Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](http://vorys.com/coronavirus).