

Important Update:

Stay (Pause) on CMS Program Integrity Rule

We are sharing an update on the **CMS Program Integrity Rule**.

What happened: The federal district court in Maryland stayed (paused) the effective date of some, but not all, provisions in the recent CMS Program Integrity Rule.

What is a stay: A stay is a judicial action that temporarily pauses a regulation's effective date, giving a court more time to review the case. In this instance, the stay is pausing certain provisions in the Program Integrity Rule from taking effect.

What provisions **were stayed** (paused) from taking effect:

- Creating annual income Data Matching Issues (DMIs) when applicants attest to income above 100% FPL, but trusted data sources show income below 100% FPL
- Implementing a \$5 fee for FFM members who auto-renew into a \$0 plan and do not verify APTC eligibility
- Reverting the Failure to File and Reconcile (FTR) period to 1 year → the FTR period will remain 2 years
- Requiring Federal Exchanges to conduct Special Enrollment Period (SEP) verifications for at least 75% of new enrollments

Oscar's Current Understanding: Oscar's current understanding is that these provisions will not take effect for this Open Enrollment Period (OEP26). We will keep our broker partners updated if our understanding changes.

Additionally, some of the paused provisions above may come into effect during PY26, after OEP26 ends, depending on final court rulings.

What provisions **were not impacted** by the order, and are already in effect?

Provisions in effect as of August 25, 2025:

- Pausing the SEP for members at or below 150% FPL → these members will either need to enroll during the OEP or meet qualifying life event standards that would make them eligible for other SEPs
- Ending the automatic 60-day extension to resolve a DMI → members will only have 90 days to resolve a DMI
- Excluding Deferred Action for Childhood Arrivals (DACA) recipients from enrolling in coverage, with or without APTC

What should brokers do: Continue to have conversations with your members and start them early in the process. Ensuring members are gathering the appropriate eligibility documents will make for a smoother open enrollment experience. While some of these provisions may not be in effect for OEP26, they may come into play next year. As such, ingraining these practices with your members will help prepare you for any future policy changes.

Be sure to keep an eye out for any Oscar communications and policy updates. Please reach out to your Oscar Sales Executive with any additional questions.



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