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Columbus vs. Kennedy II

Provision / Issue	Current Status	Practical Impact
Columbus II - overall posture	**Current Status**	**Impact, If the Court issues a stay (pause)**
1-year Failure to File and Reconcile (FTR)	Stayed (Paused)	Per CMS guidance, Exchanges may not remove or deny APTC for any new applicants or existing enrollees due to having failed to file and reconcile prior years' premium tax credits.
Income DMI verification changes	Stayed (Paused)	Exchange must accept attestation of income when no tax information is available, and will not automatically investigate all income verification issues for fully subsidized enrollees.
SEP verification requirements	Stayed (Paused)	Issuers must continue to enroll any qualified enrollee determined eligible by the FFM as part of an SEP.
Expanded bronze MOOP	Stayed (Paused)	Standard bronze MOOP rules remain. Plans filed under the expansion may need to be refiled or withdrawn.
Income-based hardship exemption for catastrophic plans	Stayed (Paused)	Income Based Hardship exemption would not be available, limiting catastrophic plan eligibility for individuals over 30.
SBE time and distance network adequacy flexibility	Stayed (Paused)	Federal Time and Distance standards remain the floor for SBE network adequacy.
State Effective Provider Access and ECP Review Programs	Stayed (Paused)	CMS will continue to review network adequacy in addition to State DOIs.
Non-network QHP certification	Stayed (Paused)	Non-network QHP certification unavailable.
Elimination of standardized plan requirements	Stayed (Paused)	Standardized plan requirements remain in effect. Filed plans may need to be modified, refiled, or withdrawn.
Elimination of non-standardized plan limits	Stayed (Paused)	Non-standardized plan limits and execptions processes remain in place. Plans exceeding current limits may need to be refiled or withdrawn.

Disclaimer: This is not legal advice and is subject to change, including through state/federal regulatory decisions, further court actions and/or appeal.

***Information current as of July 23, 2026**