



# CMS Marketplace Regulations: Tracking Columbus I & II

Provision / Issue	Current Status	Practical Impact
<b>Columbus I - June 12 district court order</b>	<b>Several provisions of the 2025 Marketplace Integrity Rule will not take effect</b>	<b>No material PY26 impact because many provisions were already stayed (paused) and/or expiring. Key PY27 impacts are OE dates and income DMI timing.</b>
\$5 premium for \$0 auto-renewed members who fail to verify eligibility for PY2026	Will <u>not</u> take effect.	Fully subsidized enrollees may passively enroll for PY2026 without the \$5 premium policy.
Issuer option to deny new coverage for prior enrollees due to nonpayment of premiums	Will <u>not</u> take effect.	Issuers must continue to enroll qualified enrollees regardless of prior nonpayment status.
1-year Failure to File and Reconcile (FTR) policy for PY2026	Will <u>not</u> take effect.	The FTR period remains 2 years for PY2026. Members in 1-year FTR status may continue to passively renew, subject to otherwise applicable eligibility rules.
FFM pre-enrollment SEP verification for at least 75% of new SEP enrollments for PY2026	Will not take effect.	The FFM may not implement the expanded 2025-rule SEP verification policy. Issuers must continue to enroll any qualified enrollee determined eligible by the FFM.
Income DMI provisions for applicants below 100% FPL or without tax data	Will <u>not</u> take effect.	Exchange must accept income attestation when no tax information is available and may not automatically investigate all income verification issues for fully subsidized members under the vacated 2025 rule. The automatic 60-day extension is reinstated, meaning consumers have 150 days to resolve income-based DMIs.
Shortened Open Enrollment period	Will <u>not</u> take effect.	FFM OE reverts to Nov. 1-Jan. 15. SBEs may set their own OE dates.
AV de minimis changes	Will <u>not</u> take effect.	Expanded bronze +5/-4 range and wider de minimis thresholds for income-based CSR variations do not proceed under the 2025 rule.
Premium Adjustment Percentage Index	Currently in effect	The PAPI methodology change may take effect according to its terms.

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



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<b>Columbus II - overall posture</b>	<b>Current Status</b>	<b>Impact, If the Court issues a stay (pause)</b>
1-year Failure to File and Reconcile (FTR)	Subject to pending challenge	2-year FTR remains
Income DMI verification changes	Subject to pending challenge	Exchange must accept attestation of income when no tax information is available, and will not automatically investigate all income verification issues for fully subsidized members.
SEP verification requirements	Subject to pending challenge	Issuers must continue to enroll any qualified enrollee determined eligible by the FFM as part of an SEP.
Expanded bronze MOOP	Subject to pending challenge	Standard bronze MOOP rules remain. Plans filed under the expansion may need to be refiled or withdrawn
Income-based hardship exemption for catastrophic plans	Subject to pending challenge	Income Based Hardship exemption would not be available, limiting catastrophic plan eligibility for individuals over 30.
SBE time and distance network adequacy flexibility	Subject to pending challenge	Federal Time and Distance standards remain the floor for SBE network adequacy
State Effective Provider Access and ECP Review Programs	Subject to pending challenge	CMS will continue to review network adequacy in addition to State DOIs
Non-network QHP certification	Subject to pending challenge	Non-network QHP certification unavailable
Elimination of standardized plan requirements	Subject to pending challenge	Standardized plan requirements remain – Plans may need to be refilled or withdrawn
Elimination of non-standardized plan limits	Subject to pending challenge	Non-standardized plan limits and executions process remain – Plans may need to be refilled or withdrawn

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