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**Title:** FAQ on Compliance Safe Harbor for Issuers Affected by an Increase in Enrollment for the 2017 Plan Year

**Date:** September 16, 2016

**What is CMS’s approach to compliance for issuers affected by a substantial increase in enrollment in plan year 2017?**

The Centers for Medicare & Medicaid Services (CMS) anticipates that some issuers of qualified health plans (QHPs) on Federally-facilitated Marketplaces (FFMs) may experience a substantial enrollment increase for the 2017 plan year. This may present temporary operational challenges that prevent these issuers from complying with certain FFM standards that have direct impact on consumers, including consumer casework. CMS intends to provide technical assistance to these issuers, including through account manager support and accelerated resolution of issues.

Further, to address these concerns and recognize reasonable issuer efforts, CMS is providing a compliance safe harbor for issues attributable to a substantial increase in enrollment. Specifically, for the 2017 plan year, CMS will not use formal enforcement remedies for non-compliance with the casework standards under 45 CFR 156.1010 or other customer service standards when issuers that have experienced a substantial increase in enrollment make reasonable efforts to address concerns in an appropriate time frame. CMS will take into account the QHP issuer’s efforts to cooperate with CMS, address and resolve issues in a reasonable amount of time, and report on the progress of resolution.

CMS always encourages issuers to work proactively with CMS to resolve potential issues, and appreciates all issuers’ efforts to provide excellent service to all QHP enrollees on the FFMs.