

§ 156.290 Non-certification and decertification of QHPs.

(a) *Non-certification for a subsequent, consecutive certification cycle.* If a QHP issuer elects not to seek certification for a subsequent, consecutive certification cycle with the Exchange, the QHP issuer, at a minimum, must—

- (1) Notify the Exchange of its decision prior to the beginning of the recertification process and adhere to the procedures adopted by the Exchange in accordance with § 155.1075 of this subchapter;
- (2) Fulfill its obligation to cover benefits for each enrollee through the end of the plan or benefit year through the Exchange;
- (3) Fulfill data reporting obligations from the last plan or benefit year of the certification;
- (4) Provide notice to enrollees as described in paragraph (b) of this section; and
- (5) Terminate the coverage or enrollment through the Exchange of enrollees in the QHP in accordance with § 156.270, as applicable.

(b) *Notice of QHP non-availability.* When, for a subsequent, consecutive certification cycle, a QHP issuer elects not to seek certification with the Exchange, or the Exchange denies certification of a QHP, the QHP issuer must provide written notice to each enrollee in the form and manner specified by the Secretary under § 147.106 of this subchapter.

(c) *Decertification.* If a QHP is decertified by the Exchange, the QHP issuer must terminate the enrollment of enrollees through the Exchange only after:

- (1) The Exchange has made notification as described in § 155.1080 of this subchapter; and
- (2) Enrollees have an opportunity to enroll in other coverage.

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