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COMMISSIONER JOHN F. KING

GEORGIA ACCESS

Small Business Health Options Program (SHOP) Policies for PY 2026

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Change Log

Date	Modified By	Sections	Program Change Description
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1 Overview

1.1 Purpose

This document outlines the policies related to the Georgia Access Small Business Health Options Program (SHOP), which include employers, employees, and insurance companies, respectively. This document is updated at least annually.

1.2 Background

Georgia Access is a division within the Office of Commissioner of Insurance and Safety Fire (OCI). The Georgia Access Division is responsible for operating and managing Georgia's State-based Exchange (SBE). Georgia Access operated as a State-based Exchange on the Federal Platform (SBE-FP) for plan year (PY) 2026 and is transitioning to a full SBE for PY 2026. Starting November 1, 2025, consumers can shop for and enroll in coverage through Georgia Access (GeorgiaAccess.gov) for PY 2026. Consumers can also work with a web broker, insurance company, or Certified Agent to shop for and enroll in individual market coverage. Employers can work directly with an insurance company or Certified Agent to shop for and enroll in SHOP coverage.

1.3 Key Terms

Certified Georgia Access Agents ("Certified Agents" or "agents"): Individuals licensed to sell health insurance products in Georgia who are certified by Georgia Access. Certified Agents assist consumers with the consumer application and enrollment processes. Certified Agents are appointed by Georgia Access insurance companies to sell health insurance plans and are compensated via commission.

Effective date of coverage: The date that SHOP coverage begins. It is dependent on both the timing of enrollment and path used. If done through Open Enrollment (OE) it will be the first of the upcoming plan year. In some instances, such as a Special Enrollment Period (SEP) it will be the first day of a future month. For employer-sponsored coverage, it is often the first of the month following enrollment. The date is determined by the qualified employer and their Certified Agent or insurance company.

Georgia Access insurance companies: Also known as "issuers" or "carriers", insurance companies are licensed by OCI to engage in the business of selling, soliciting, or negotiating insurance in Georgia. They are responsible for plan management activities and back-end enrollment and reconciliation activities. Insurance companies may also be certified as EDE Partners. For SHOP, insurance companies may offer SHOP plans, process SHOP applications, and enroll employers in SHOP plans.

Georgia Access SHOP: Assists qualified employers in providing health insurance coverage to their employees. Georgia Access reviews and certifies small group plans as qualified health plans (QHPs) or stand-alone dental plans (SADPs), which insurance companies offer to qualified employers as Georgia Access SHOP plans. Employers work directly with insurance companies or agents to enroll in SHOP plans. Qualified employers may be eligible for the Small Business Health Care Tax Credit if they offer a SHOP plan to their employees.

Initial SHOP enrollment period: The initial period of time during which qualified employees enroll in SHOP coverage. This period is determined by the qualified employer and insurance company.

Qualified employer: A small business employer that is determined eligible to enroll in SHOP plans or provide SHOP plans to employees.

Qualified employee: An individual employed by a qualified employer who has been offered health insurance coverage by the qualified employer.

Small employer: An employer with up to 50 total employees, members, or enrollees (not including dependents).

2 SHOP Policies

2.1 Employer Eligibility

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.700; 45 CFR 155.706; 45 CFR 155.710; 45 CFR 155.726

Employers must meet the following criteria to be eligible for Georgia Access SHOP coverage:

- Have up to 50 full-time equivalent (FTE) employees.[1]
    - Employers must have at least one full-time employee other than the owners, spouses of owners and partners, or family members of owners and partners.
    - Small businesses that do not have employees, businesses with only non-common law employees,[2] or individuals who are self-employed do not qualify for SHOP coverage.
        - These individuals and families may be able to purchase qualified health coverage from the individual market on the Georgia Access website.
- Offer coverage to all full-time employees.
    - Employers are not required to offer coverage to part-time employees (i.e., those averaging less than 30 hours per week) or seasonal workers. However, employers may offer coverage to part-time employees if they so choose.
- Enroll at least 70% of eligible FTE employees who are offered insurance and not otherwise covered.[3]
    - Prior to submitting a SHOP application, employers must require employees to report their intention to enroll in SHOP coverage, to confirm the minimum participation requirement is met.
        - Employees with other health coverage (e.g., Medicare, Medicaid, TRICARE, enrolled through family member's employer, etc.) are not counted as "rejecting" an employer's offer of SHOP coverage, and are excluded from the denominator when calculating the minimum participation rate.
    - Georgia Access SHOP waives the 70% minimum participation requirement November 15 – December 15, similar to the Federally-facilitated (FF)-SHOP. If employers do not meet the 70% minimum participation requirement, they can apply for SHOP eligibility and their employees can enroll in health coverage during this period.
- Have a primary office/employee worksite within Georgia. An employer qualifies if it:
    - Offers SHOP coverage to all its full-time employees and has its primary worksite address in Georgia; or
    - Offers SHOP coverage to each qualified employee that is serving in and has their primary worksite address in Georgia.

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[1] States have the flexibility to determine how to calculate FTEs. Georgia Access SHOP defers to the HealthCare.gov FTE Employee Calculator for determining an employer's number of FTEs.

[2] The Internal Revenue Service (IRS) defines a common law employee as anyone who performs services for you as your employee if you can control what will be done and how it will be done.

[3] States have the flexibility to set their own minimum participation requirement rate. Georgia's rate is currently set at 70%. State regulatory authority must exist for uniform group participation rules for offering health insurance coverage in the SHOP.

2.2 Small Business Health Care Tax Credit

The Small Business Health Care Tax Credit is a credit available to employers who contribute payment towards health insurance premiums on behalf of employees enrolled in SHOP QHPs. Qualified employers may be eligible for the Small Business Health Care Tax Credit if they offer a SHOP plan to their employees, have qualified employees enrolled in SHOP coverage, and meet the following criteria:

- Have fewer than 25 FTE employees.
- Have an average employee salary that is $53,000[4] per year or less.
- Offer a QHP that has been certified by Georgia Access to their employees.
- Pay at least 50% of the cost of employee-only—not family or dependent—health care coverage for each employee.

More information regarding the tax credit can be found on the Internal Revenue Service (IRS) Small Business Health Care Tax Credit and the SHOP Marketplace website.

2.3 Application

2.3.1 Employer Application Submission

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.716; 45 CFR 155.731

As opposed to the individual market, there is no annual OE Period for SHOP coverage. Employers may apply for SHOP coverage through Georgia Access at any time beginning November 1, 2024.

Employers are not required to submit a SHOP application prior to enrolling in SHOP coverage and may work directly with insurance companies or Certified Agents. If an employer plans to claim the Small Business Health Care Tax Credit through the IRS, they must submit an application and retain the eligibility determination for their records to file with their taxes, but may do so at any point before tax filing (i.e., before or after obtaining SHOP coverage).

Employers can download the application directly from the Georgia Access website or can request a printed and mailed application by emailing the SHOP inbox (SHOP@GeorgiaAccess.ga.gov). Per federal regulations, Georgia Access SHOP collects the following information through the application:

- Employer legal name
- Primary business address and phone number
- Federal Employer Identification Number (EIN)
- Employer type
- Contact information for application correspondence, including Certified Agent information, if applicable
- Attestation confirming acceptance of SHOP employer eligibility requirements
- Intended coverage start date, if applicable

2.3.2 State Application Review

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.716

Georgia Access SHOP follows the below policies for reviewing and responding to submitted applications:

- Acknowledging receipt of the application.
- Making a reasonable effort to identify and address inconsistencies. If there are inconsistencies, Georgia Access SHOP:

[4] *This is the inflation-adjusted amount on the IRS website as of tax year 2017.*

    - Notifies the employer of the inconsistencies.
    - Provides the employer with a 30-calendar day period from the date on the notice for the employer to either present satisfactory documentary evidence to support the employer's application or resolve the inconsistency.
- Sending an eligibility notice to the employer's preferred communication method within 30 days of application receipt with the approval or denial reason.

2.4 Employer and Employee Enrollment

Employers have flexibility in how they enroll in SHOP coverage based on their needs and timelines. Employers may enroll in SHOP coverage through Georgia Access at any time beginning November 1, 2024.

2.4.1 Plan Information and Employer Choice

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.706 AND 155.726

Qualified employers have the flexibility to determine the enrollment method, plan selection approach, and enrollment timeline when participating in SHOP coverage.

- **Enrollment Method:** An employer must select Georgia Access SHOP plans by working directly with an insurance company offering Georgia Access SHOP plans or through a Certified Agent.
- **Plan Selection:** Georgia Access SHOP provides three options for qualified employers when choosing plans for their employees.[5] This is known as "employer choice," which allows employees to make a plan selection either across plans from a single insurance company or across tiers. The employer choice options are:
    - A single plan for employees to enroll in.
    - All available plans at a single tier of coverage for employees to choose from (e.g., all available silver QHPs) (horizontal choice).
    - A choice of all plans offered by a single insurance company across all available tiers of coverage for employees to choose from (vertical choice).

  Employers can also choose any combination of these three options. Qualified employees are also eligible to enroll their dependents in coverage through Georgia Access SHOP if the offer from the qualified employer includes an offer of dependent coverage.
- **Enrollment Timeline:** Qualified employers must work with their Certified Agent or insurance company to determine the effective date of coverage and the plans that are available for employees to choose. Qualified employees are notified of their initial SHOP enrollment period, during which they may enroll in SHOP plan(s). Their SHOP coverage begins on the effective date of coverage.

2.4.2 Enrollment Guidelines

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.726

Qualified employers and qualified employees must follow a uniform enrollment timeline and the respective policies below set by Georgia Access SHOP:

- Qualified employers must contact a Certified Agent or insurance company to shop for and select SHOP plans.

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[5] *States have the flexibility to decide which plan selection(s) are offered to qualified employers. Georgia Access SHOP offers both horizontal and vertical choice.*

- Qualified employers must notify the Certified Agent or insurance company of the selected employer choice option(s) and which plan(s) will be offered to their employees.
- Qualified employers and the Certified Agent or insurance company must determine the effective date of coverage. All premiums are paid directly to the insurance company.
- The Certified Agent or insurance company must confirm the enrollment information selections and notify the qualified employer to initiate communications with their qualified employees.
- Qualified employers must notify their employees of the plan options, application process, the initial SHOP enrollment period, and effective date of coverage.
- Qualified employees must enroll in SHOP coverage during the initial SHOP enrollment period through the insurance company's website, or otherwise qualify for a SEP.

2.4.3 Special Enrollment Periods (SEPs)

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.726

SEPs are enrollment periods offered to qualified employees outside of their employer's initial SHOP enrollment period. During SEPs, qualified employees (and their dependents, if allowed by the employer) enroll in QHPs and/or SADPs or elect to change a current QHP and/or SADP based on a qualifying life event (QLE). Georgia Access SHOP follows the same SEP standards as the individual market. Employers and insurance companies must also adhere to these same SEP standards for Georgia Access SHOP.

Employers work directly with their insurance company or Certified Agent regarding SEPs. Employers can offer SEPs to their employees if they have encountered certain QLEs, including losing health coverage, moving, getting married, having a baby, or adopting a child, or if their household income is below a certain amount. A full list of allowable SEPs can be found in the Georgia Access Consumer Eligibility & Enrollment Policy Manual on the Georgia Access website.

Employers and insurance companies are responsible for validating employee eligibility for an SEP, providing SEPs to employees based on those set forth in federal and state regulations, and complying with the applicable coverage effective dates.

2.5 Employer Changes, Renewals and Terminations

Georgia Access SHOP sets the requirements for SHOP application changes, SHOP plan renewals, and SHOP coverage terminations.

2.5.1 Report a Change

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.710 (D)

Employers that apply for and obtain a SHOP Eligibility Determination Notice are required to report changes that could potentially alter their eligibility to Georgia Access SHOP. An employer must report a change if the employer takes one of the following actions:

- Terminates or fails to extend offers of coverage to employees maintaining full-time status.
- Moves the primary office or employee worksite from Georgia.

A qualified employer that ceases to be a small employer by reason of an increase in the number of employees is not required to report this change to Georgia Access SHOP. This employer is still eligible to participate in Georgia Access SHOP until the employer:

- Fails to otherwise meet the eligibility criteria, or
- Chooses to no longer purchase SHOP coverage.

SHOP-enrolled employers may continue current SHOP coverage and renew their SHOP coverage so long as the coverage is continuous, regardless of employer size.

Employers that did not apply for and obtain a SHOP Eligibility Determination Notice only need to report changes to their Certified Agent or insurance company; they do not need to report changes to Georgia Access SHOP.

2.5.2 Employer Renewal

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.726

A renewal for Georgia Access SHOP coverage must occur through a Certified Agent or insurance company. If an employer is renewing existing SHOP coverage and nothing affecting their eligibility has changed, insurance companies do not need to re-verify their eligibility. Employers can work directly with a Certified Agent or insurance company to re-enroll into their SHOP coverage, change plans, add or remove dependents, or opt out if needed.

Only small businesses seeking to claim the second year of the Small Business Tax Credit may need to obtain another eligibility determination from Georgia Access SHOP.

2.5.3 Employer Termination

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.710

An employer may either be terminated from Georgia Access SHOP or request a termination of SHOP coverage. Georgia Access monitors SHOP terminations and termination requests through insurance company reporting and termination notices.

An employer may be terminated from Georgia Access SHOP if the employer:

- Does not provide premium payments based on the payment terms, or otherwise breaches contract terms agreed upon between the insurance company and employer.
- Is denied eligibility or experiences a change that makes them no longer eligible.
- Requests the insurance company terminate their SHOP coverage and the insurance company approves the request.

Otherwise, an employer's employees remain enrolled in their SHOP coverage. If an employer is terminated from their SHOP coverage:

- The insurance company must notify Georgia Access SHOP and the employer of the intended termination, the effective date of the termination, and the reasoning for the termination at least 60 days before coverage is terminated. Employers have the right to appeal a termination decision.
- Employers must notify their employees at least 45 days before coverage is terminated.
- Insurance companies must process terminations of QHP and/or SADP coverage.
- Insurance companies must notify Georgia Access SHOP, the employer, and the employees upon termination of an employer's SHOP coverage. This notification includes the termination effective date.

2.6 Employer Appeals

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.741

Georgia Access SHOP provides an appeal process for employers who are denied eligibility or terminated from SHOP coverage. Georgia Access is responsible for processing SHOP employer appeal requests. Employers have the right to request an appeal for the following reasons within 90 days of the date of the appealable event:

- A notice of denial or termination of eligibility.

- Failure of Georgia Access SHOP to provide a timely eligibility determination or a timely notice of an eligibility determination.

There is a three-tiered approach to resolving SHOP employer appeal requests in Georgia Access:

- Tier-1 Informal (with the employer's Certified Agent or Georgia Access insurance company).
- Tier-1 Formal Resolution (with the Georgia Access Division).
- Tier-2 Formal Resolution (with APD Appeal Hearing).

Employers requesting an appeal should refer to their SHOP Eligibility Determination Notice (Not Eligible) for next steps.

2.7 SHOP Operations

Georgia Access SHOP is federally required to adhere to certain operations standards including conducting SHOP plan and rate reviews, sending notices, and providing publicly available resources and support.

2.7.1 SHOP Plan and Rate Review

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.706

Georgia Access SHOP, in conjunction with OCI's Insurance Product Review Division, sets the SHOP plan application deadlines and submission requirements. Georgia Access documents the processes and conducts SHOP plan and rate reviews, in coordination with OCI's Insurance Product Review Division. Georgia Access issues final QHP/SADP certification decisions for Georgia Access SHOP plans.

Insurance companies offering SHOP plans must follow the standards set by Georgia Access, including the allowable timeline for insurance companies making quarterly SHOP plan rate changes.

2.7.1.1 SHOP Quarterly Rate Changes

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.706(B)(6)

Insurance companies can make rate changes to their SHOP plans on a quarterly basis through the Georgia Access data change request process, on a timeline established and communicated before each plan year. This timeline and respective deadlines are provided in the *PY 2026 Data Change Request Form.* Insurance companies can contact Georgia Access SHOP for more information on offering SHOP plans and making a quarterly rate change.

2.7.2 Notices

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.716

All Georgia Access SHOP notices are sent electronically or via mail, depending on the employer's preference. The following notices are sent by the State according to 45 CFR Subpart H:

- *SHOP Successful Application Submission Notice*
- *SHOP Application Missing or Invalid Information Notice*
- *SHOP Eligibility Determination Notice (Eligible)*
- *SHOP Eligibility Determination Notice (Not Eligible)*
- *SHOP Appeal Request Received Notice (Valid)*
- *SHOP Appeal Request Received Notice (Invalid)*
- *SHOP Appeal Decision Notice (Approved)*
- *SHOP Appeal Decision Notice (Denied)*

2.7.3 SHOP Webpage

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.200 AND 155.706

Georgia Access SHOP, at a minimum, must provide a toll-free telephone hotline that provides information to consumers about SHOP eligibility and enrollment processes, and to appropriately direct consumers to the applicable website. The telephone number is located on the Georgia Access website.

In addition to the toll-free telephone hotline, employers can contact:

- A Certified Agent or insurance company for support regarding enrollments, plan selections, renewals, and terminations.
- Georgia Access SHOP (SHOP@GeorgiaAccess.ga.gov)
- for support regarding applications and eligibility determinations.

Georgia Access SHOP must also publicly post a premium calculator that facilitates the comparison of all available SHOP plans. This information, in addition to other SHOP-related resources, is located on the Georgia Access website.

2.8 Oversight and Monitoring

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.721

Georgia Access and insurance companies participating in SHOP are required to track progress and report data to verify that Georgia Access SHOP is meeting all requirements. Georgia Access SHOP follows the below federal reporting and tracking requirements:

- Receive and maintain records of qualified employers participating in SHOP for at least 10 years.
- Report information about employer eligibility to participate in SHOP coverage at the request of the IRS.

2.8.1 Reporting

ASSOCIATED FEDERAL REGULATION: 45 CFR 155.721(B)

Insurance companies offering SHOP plans must submit quarterly reports to Georgia Access SHOP. More information is detailed within the *SHOP Issuer Quarterly Reporting Template,* which is provided by Georgia Access to collect quarterly employer and employee enrollment metrics.