



REGULATORY UPDATE

Policy Committee

June 24, 2019

Notice of Benefit and Payment Parameters for 2020 Final Rule

- Auto-enrollment
 - No changes for 2020
- Silver Loading
 - No changes for 2020
- New Special Enrollment Period (SEP)
 - For individuals enrolled off-exchange who experience a decrease in income and are determined newly eligible for APTC

Health Reimbursement Arrangements (HRA) Final Rule

- Rules effective for PY2020/TY2020 (January 1, 2020)
- Allows employers to provide an HRA that is integrated with individual health insurance coverage (ICHRA)
 - ICHRA can be used to pay premiums for individual market coverage
 - Restrictions around employee dumping (risk selection) (e.g., employers cannot offer both an ICHRA and a traditional group health plan to the same class of employees)
 - Notice requirements
- Allows employers to offer new excepted benefits HRAs
- Creates new SEP in the individual market for individuals who gain access to an HRA integrated with individual health insurance coverage or who are provided a QSEHRA

Health Reimbursement Arrangements (HRA) Final Rule

- Eligibility for APTC and “affordability” calculation
 - An individual covered by an ICHRA would be ineligible for premium tax credits through the Marketplace
 - An individual offered an ICHRA would be ineligible for premium tax credits for any month the if the ICHRA is “affordable”
 - An employee could be eligible for APTC if they declined the offer of an ICHRA (opt-out) **and** that ICHRA was considered “unaffordable” or does not provide minimum value (similar to ESI rules)
- Note: these rules are different from those for Qualified Small Employer HRA (QSEHRA)

Federal Regulatory Update – Other Items

- Request for Comment on the Consumer Inflation Measures Produced by Federal Statistical Agencies
 - Comment period closed June 21, 2019
- Proposed Rule on Nondiscrimination in Health and Health Education Programs or Activities (Section 1557)
 - Proposes repealing requirements that covered entities mail customers notices concerning non-discrimination and the availability of language assistance services in 15 languages (the “tagline” requirement)
 - Comments due August 13, 2019