

Final Rule: 2022 Payment Notice

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Notice of Benefit & Payment Parameters for 2022

Effective date may be subject to change.

- **Context**
 - Notice and Comment Rulemaking
 - Administrative Procedure Act
 - Final Rule
- **Timeline**
 - Publication Date: Jan. 19, 2021
 - Release Date: Jan. 14, 2021
 - Office of Management and Budget (OMB) Receipt: Jan. 7, 2021
 - Comment Window End: Dec. 30, 2020
- **Effective Date: March 15, 2021**

Final Rule

- Reduction of the FFE user fee to 2.25% (down from 3.0%) and further reduction of the SBE-FP user fee to 1.75% (down from 2.5%).
- A new option for Exchanges to satisfy ACA requirements through Direct Enrollment via private sector-operated websites.
- Codification of existing administration guidance on 1332 waiver applications and ongoing monitoring that relaxes ACA requirements.

Proposed (Non-Final)

- **Special Enrollment Period changes:**
 - A requirement for all Exchanges to conduct SEP verification for at least 75% of new enrollments.
 - Clarifications on SEP availability for COBRA enrollees where the employer ceases contributions.
 - Clarification on appropriate SEP timing for individuals who are unaware of a qualifying event.
 - Increased flexibility in metal tier limitations.
- **Continued non-enforcement of Employer-Sponsored Coverage Verification requirements.**
- **Extension of CMS review authority to issuers in all states (regardless of FFE, SBE-FP or SBE status).**

Proposed (Non-Final)

- Changes to Medical Loss Ratio regulations regarding:
 - Treatment of temporary premium credits,
 - Treatment of prescription drug rebates, and
 - Allowance of prepayments and deferred payments.
- Premium Adjustment Percentage updated to 1.4409%.
- Maximum Annual Limitation on Cost Sharing updated to \$9,100 for self-only coverage and \$18,200 for family coverage (6.4% increase).
- Required Contribution Percentage update to 8.47228% (.20 percentage point increase)

- Long to-do list for CMS
 - Notice and Comment Rulemaking
- Transition
 - Misalignment between the final rule and the existing policy objectives of the new administration.
- Will this rule become effective?
 - Regulatory Freeze
 - Litigation
 - Congressional Review Act

Looking Forward

We will continue to monitor and assess as a new administration enters office.

Questions