



Health Insurance Market Reforms

Authority	Reform	Effective Date (Plan Years Beginning On or After)	Applies to Grandfathered Plans?	Affects Enrollment Material/SMM?	Affects SPD/ Plan Document?	Other
PHSA §2704	Prohibition of preexisting condition exclusion	For individuals under age 19, September 23, 2010; for all others January 1, 2014	Y	Y	Y	N
PHSA §2711	Elimination of lifetime dollar limits; Restriction on annual dollar limits [model language available]	September 23, 2010	Y	Y	Y	N
PHSA §2712	Prohibition on rescissions	September 23, 2010	Y	Y	Y	Y
PHSA §2713	Coverage of preventive health services without cost-sharing	September 23, 2010	N	Y	Y	N
PHSA §2714	Dependent coverage of children to age 26 [model language available]	September 23, 2010	Y	Y	Y	N
PHSA §2716	Prohibition on discrimination in favor of highly-compensated individuals - Insured plans only	September 23, 2010	N	N	N	N

 - Indicates provisions that do not apply to “Grandfathered” plans


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PHSA §2718	Bringing down cost of health care coverage; i.e., minimum loss-ratios - Insured plans only	September 23, 2010	Y	N	N	N
PHSA §2719	Internal claims and appeals and external review processes	September 23, 2010	N	Y	Y	Y
PHSA §2719A	Right to designate a primary care provider (e.g., pediatric and ob-gyn services) [model language available]	September 23, 2010	N	Y	Y	N
PHSA §2719A	Coverage of emergency care services	September 23, 2010	N	Y	Y	N
PPACA §1251	Grandfathered health plan notice [model language available]	September 23, 2010	Y	Y	Y	N
PHSA §2715	Uniform explanation of coverage	September 23, 2010 ** Statutory delayed applicability date: the first disclosure is likely not required before March 23, 2012	Y	Y	N	Y

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PHSA §2715(d)(4)	60-day advance notice of material modification	September 23, 2010 ** Statutory delayed applicability date: the first disclosure is likely not required before March 23, 2012	Y	Y	N	N
PHSA §2717	Ensuring the quality of care (wellness disclosures)	September 23, 2010 ** Delayed applicability date: the Departments must develop reporting requirements implementing §2717 by March 23, 2012	N	Y	N	Y
PHSA §2715A; PPACA §1311(e)(3)	Transparency in coverage (e.g., claims payment policies, practices and data on denials; enrollment/disenrollment data; OON benefits, etc.)	September 23, 2010 ** Delayed applicability date: this additional information is first required in connection with the Exchanges that must be operational by January 1, 2014	N	Y	N	Y

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PHSA §2701	Fair health insurance premiums - Insured plans only	January 1, 2014	N	N	N	N
PHSA §2702	Guaranteed availability of coverage - Insured plans only	January 1, 2014	N	N	N	N
PHSA §2703	Guaranteed renewability of coverage - Insured plans only	January 1, 2014	N	N	N	N
PHSA §2705	Prohibiting discrimination against individual participants and beneficiaries based on health status (HIPAA “wellness programs”)	January 1, 2014	N	Y	Y	N
PHSA §2706	Nondiscrimination in health care	January 1, 2014	N	N	N	N
PHSA §2707; PPACA §1302(c)(1) and (2)	Cost-sharing under group health plan	January 1, 2014	N	Y	Y	N

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PHSA §2708	Prohibition on waiting periods in excess of 90 days	January 1, 2014	Y	Y	Y	N
PHSA §2709	Coverage for individuals participating in approved clinical trials	January 1, 2014	N	Y	Y	N

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Other PPACA Reforms

Authority	Provision	Effective Date	Affects Enrollment Material/SMM?	Affects SPD/ Plan Document?	Other Reporting or Disclosure Implications
IRC §106(f); IRC §223(d)(2)	No reimbursement of non-prescription over the counter (OTC) medicines/drugs from a health FSA, HRA or HSA	January 1, 2011	Y	Y	Y; affects claim practices/EOB
IRC §223(f)(4)(A)	Increase excise tax penalty from 10% to 20% on HSA withdrawals for non-medical expenses	January 1, 2011	Y	Y	N
IRC §6051(a)(14)	Annual IRS Form W-2 reporting of aggregate cost of 'applicable employer-sponsored health coverage'	W-2 delivered in January 2012 covering 2011 tax year (earlier if terminated employee requests W-2 in 2011)	N	N	Y; affects payroll and enrollment administration
IRC §125(i)	\$2,500 limit on employee pre-tax contribution to a health FSA	January 1, 2013	Y	Y	N
FLSA §18B	Notice to employees of coverage options (e.g., information on Exchanges)	March 1, 2013	N	N	Y; special notice about Exchanges, etc., not part of group health plan terms

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Other PPACA Reforms

Authority	Provision	Effective Date	Affects Enrollment Material/SMM?	Affects SPD/ Plan Document?	Other Reporting or Disclosure Implications
FLSA §18A	Automatic health plan enrollment for full-time employees	Implement only after DOL issues rules; January 1, 2014 effective date appears likely	Y	Y	N
IRC §6056(c)	Annual report to full-time employees on their health insurance coverage status; corresponds to employer and individual mandates (likely to be coordinated with W-2 reporting of health coverage)	2014	N	N	Y; affects payroll and enrollment administration

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