

Patient Protection and Affordable Care Act of 2009
Section-by-Section Analysis
Including Health Care and Education Reconciliation Act Amendments and Regulatory Guidance

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|---|-----------------------|--|--------------------------|---------------|-------------------|
| Immediate Health Insurance Reforms | | | | | | |
| Annual and Lifetime Limits | <p>Plans may not establish lifetime limits on the dollar value of essential benefits. Plans may only establish restricted limits prior to January 1, 2014 on essential benefits as determined by the Secretary of HHS.</p> <p>Regulations: HHS released an interim final rule on June 21.</p> <p>Plans may not establish lifetime limits. Individuals who lost coverage under a plan because they reached the lifetime maximum must be given notice that lifetime limits no longer apply and be given a special enrollment period for enrollment under the same terms and conditions as a similarly situated individual who did not lose coverage because they exhausted a lifetime limit.</p> <p>Annual limits on essential benefits are limited to:</p> <ul style="list-style-type: none"> • \$750,000 for plan years beginning 9/23/2010-9/23/2011 • \$1.25 million for plan years beginning 9/23/2011-9/23/2012 • \$2 million for plan years beginning 9/23/2013-12/31/2013 <p>In determining whether an individual has reached the annual limit benefits, a plan may only take into account essential benefits. A plan may petition HHS for relaxation of the limits on annual limits if they would cause significant decrease in access to benefits or premium increases.</p> <p>Plans may still impose annual and lifetime limits on specific covered benefits that are not essential benefits, which have not yet been defined in regulation. In the interim, “the Departments will take into account good faith efforts to comply with a reasonable interpretation of the term.”</p> <p>These restrictions do not apply to health flexible spending arrangements</p> | | <p>Lifetime limits: All plans</p> <p>Annual limits: All plans except grandfathered individual market plans</p> | 6 months after enactment | 1001 | PHSA 2711 |
| Rescissions | Coverage may be rescinded only for fraud or intentional misrepresentation of material fact as prohibited by the terms of the coverage. Prior notification must be made to policyholders prior to cancellation. | | All plans | 6 months after enactment | 1001 | PHSA 2712 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|-----------------------|-----------------------------|--------------------------|---------------------------|-------------------|
| | <p>HHS released an interim final rule on June 21.</p> <p>Rescissions are defined as any retroactive cancellations of coverage, except for those attributable to failure to pay premiums or contributions. These rules do not apply to prospective cancellations.</p> <p>A plan must provide at least 30 days advance written notice to each participant who would be affected prior to rescinding coverage.</p> | | | | | |
| Coverage of preventive health services | <p>Plans must provide coverage without cost-sharing for:</p> <ul style="list-style-type: none"> • Services recommended by the US Preventive Services Task Force • Immunizations recommended by the Advisory Committee on Immunization Practices of the CDC • Preventive care and screenings for infants, children and adolescents supported by the Health Resources and Services Administration • Preventive care and screenings for women supported by the Health Resources and Services Administration <p>Current recommendations from the US Preventive Services Task force for breast cancer screenings will not be considered.</p> <p>The Secretary will determine an interval of not less than 1 year after which new recommendations will be incorporated.</p> | Secretary of HHS | All non-grandfathered plans | 6 months after enactment | 1001 | PHSA 2713 |
| Extension of adult dependent coverage | <p>Plans that provide dependent coverage must extend coverage to adult children up to age 26. Carriers are not required to cover children of adult dependents. The Secretary will define which adult children coverage must be extended.</p> <p>For plan years beginning before 2014, group health plans will be required to cover adult children only if the adult child is not eligible for employer-sponsored coverage.</p> <p>Regulatory Guidance: HHS released an interim final rule on May 13, 2010.</p> <p>The rule clarifies that, with respect to children who have not attained age 26, a plan or issuer may not define dependent for purposes of eligibility for dependent coverage of children other than in terms of the relationship between the child and the participant (in the individual market, the primary subscriber). Examples of factors that cannot be used for defining dependent for purposes of eligibility (or continued eligibility) include financial dependency on the participant or primary subscriber (or any other person), residency with the participant or primary subscriber (or any other person), student status, employment, eligibility for other coverage, or any combination of these. Surcharges for coverage of children under age 26 are not allowed except where the surcharges apply</p> | Secretary of HHS | All plans | 6 months after enactment | 1001 HR 4872 §2301 | PHSA 2714 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|---|--|---|-----------------|-------------------|
| | <p>regardless of the age of the child (up to age 26), and that, for children under age 26, the plan cannot vary benefits based on the age of the child.</p> <p>The rule requires a plan or issuer to give a child whose coverage ended, or who was denied coverage (or was not eligible for coverage) an opportunity to enroll that continues for at least 30 days regardless of whether the plan or coverage offers an open enrollment period and regardless of when any open enrollment might otherwise occur. This enrollment period must be provided not later than the first day of the first plan year (in the individual market, policy year) beginning on or after September 23, 2010, even if the request for enrollment is made after the first day of the plan year. In subsequent years, dependent coverage may be elected for an eligible child in connection with normal enrollment opportunities under the plan or coverage. Any child enrolling in group health plan coverage pursuant to this enrollment right must be treated as a special enrollee, as provided under the regulations interpreting the HIPAA portability provisions. Accordingly, the child must be offered all the benefit packages available to similarly situated individuals who did not lose coverage by reason of cessation of dependent status and cannot be required to pay more.</p> | | | | | |
| Preexisting condition exclusions | <p>A plan may not impose any preexisting condition exclusions.</p> <p>Regulations: HHS released an interim final rule on June 21. Plans may not impose any exclusion of benefits (including a denial of coverage) limit coverage based upon a preexisting condition, for an individual under age 19.</p> | | All plans except grandfathered individual market plans | 6 months after enactment for under 19. | 1201 & 10103(e) | PHSA 2704 |
| Uniform explanation of coverage documents and standardized definitions | <p>The Secretary must develop standards for a summary of benefits and coverage explanation to be provided to all potential policyholders and enrollees. The summary must contain:</p> <ul style="list-style-type: none"> • Uniform definitions of insurance and medical terms • A description of coverage and cost sharing for each category of essential benefits and other benefits • Exceptions, reductions and limitations in coverage • Renewability and continuation of coverage provisions • A “coverage facts label” that illustrates coverage under common benefits scenarios • A statement of whether it provides minimum essential coverage with an actuarial value of at least 60% that meets the requirements of the individual mandate • A statement that the outline is a summary and that the actual policy language should be consulted • A contact number for the consumer to call with additional questions and the web address of where the actual policy language can be found. | Secretary of HHS, in consultation with the NAIC and a working group of consumer advocacy organizations, insurers, health care professionals, patient advocates, and other qualified individuals. | All non-grandfathered plans | Standards developed within 12 months. Uniform documents implemented within 24 months | 1001 | PHSA 2715 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|---|---|--|--------------------------|---------------|-------------------|
| | The Secretary must consult with the NAIC, as well as a working group of insurers, providers, patient advocates, and those representing individuals with limited English proficiency. | | | | | |
| Provision of additional information | All plans must submit to the Secretary and State insurance commissioner and make available to the public the following information in plain language: <ul style="list-style-type: none"> • Claims payment policies and practices • Periodic financial disclosures • Data on enrollment • Data on disenrollment • Data on the number of claims that are denied • Data on rating practices • Information on cost-sharing and payments with respect to out-of-network coverage • Other information as determined appropriate by the Secretary | | All non-grandfathered plans | 6 months after enactment | 1001 | PHSA 2715A |
| Prohibition on discrimination based on salary | Extends current law provisions prohibiting discrimination in favor of highly compensated employees in self-insured group plans to fully-insured group plans. The Secretary of HHS will develop rules. | | Fully insured non-grandfathered group health plans | 6 months after enactment | 1001 | PHSA 2716 |
| Ensuring quality of care | Plans must submit annual reports to the Secretary of HHS on whether the benefits under the plan: <ul style="list-style-type: none"> • Improve health outcomes through activities such as quality reporting, case management, care coordination, chronic disease management • Implement activities to prevent hospital readmission • Implement activities to improve patient safety and reduce medical errors • Implement wellness and health promotion activities | Secretary of HHS, in consultation with experts in health care quality and stakeholders | All non-grandfathered plans | 2 years after enactment | 1001 | PHSA 2717 |
| Bringing down the cost of health care | Carriers must report to the Secretary of HHS the ratio of incurred losses (incurred claims) plus loss adjustment expense (change in contract reserves) to earned premiums. The report must include the percentage of total premium revenue, after accounting for risk adjustment, premium corridors, and payments of reinsurance that is expended on: <ul style="list-style-type: none"> • Reimbursement for clinical services • Activities that improve health care quality • All other non-claims expenses, including the nature of the costs, excluding Federal and State taxes and licensing or regulatory fees Insurers must provide a rebate to consumers if the percentage of premiums expended for clinical services and activities that improve health care quality is less | The NAIC shall establish, by December 31, 2010, uniform definitions of the categories of expenses and standardized methodologies for calculating measures of them. | All fully insured plans, including grandfathered plans | 01/01/11 | 1001 | PHSA 2718 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|----------------------------|---|------------------------------|-----------------------------|--------------------------|---------------|-------------------|
| | <p>than 85% in the large group market and 80% in the small group and individual markets.</p> <p>All hospitals must establish and make public a list of its standard charges for items and services, including for diagnosis-related groups</p> | | | | | |
| Appeals process | <p>Internal claims appeal process:</p> <ul style="list-style-type: none"> Group plans must incorporate the Department of Labor's claims and appeals procedures and update them to reflect standards established by the Secretary of Labor. Individual plans must incorporate applicable law requirements and update them to reflect standards established by the Secretary of HHS. <p>External review: All plans must comply with applicable state external review processes that, at a minimum, include consumer protections in the NAIC Uniform External Review Model Act (Model 76) or with minimum standards established by the Secretary of HHS that is similar to the NAIC model.</p> | Secretaries of Labor and HHS | All non-grandfathered plans | 6 months after enactment | 1001 | PHSA 2719 |
| Patient Protections | <p>A plan that provides for designation of a primary care provider must allow the choice of any participating primary care provider who is available to accept them, including pediatricians.</p> <p>If a plan provides coverage for emergency services, the plan must do so without prior authorization, regardless of whether the provider is a participating provider. Services provided by nonparticipating providers must be provided with cost-sharing that is no greater than that which would apply for a participating provider and without regard to any other restriction other than an exclusion or coordination of benefits, an affiliation or waiting period, and cost-sharing.</p> <p>A plan may not require authorization or referral for a female patient to receive obstetric or gynecological care from a participating provider and must treat their authorizations as the authorization of a primary care provider.</p> <p>Regulations: HHS released an interim final rule on June 21.</p> <p>Any cost-sharing requirement for emergency services provided out-of-network cannot exceed cost-sharing requirements for in-network emergency services. Enrollees may, however, be required to pay, in addition to the in-network cost-sharing, any excess provider charges beyond the greater of: the following:</p> <ul style="list-style-type: none"> The median amount negotiated with in network providers for the emergency service negotiated; The amount for the emergency service calculated using the same | | All non-grandfathered plans | 6 months after enactment | 1001 | PHSA 2719A |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|---|---|---|-------------------|---------------|-------------------|
| | <p>method the plan generally uses to determine payments for out-of-network services (such as the usual, customary, and reasonable amount), excluding any in-network copayment or coinsurance imposed;</p> <ul style="list-style-type: none"> • The amount that would be paid my Medicare for the emergency service, excluding any in-network copayment or coinsurance imposed. <p>Any cost-sharing other than a copayment or coinsurance, such as a deductible, if that requirement applies to out-of-network benefits.</p> <p>A plan that requires the designation of a primary care provider must provide a notice to each participant of the terms of the plan regarding this designation, and any rights under this section. This notice must be provided with the summary plan description or other description of benefits, or in the case of an individual policy, when the issuer provides a primary subscriber with a policy, certificate, or contract. The regulation provides model language.</p> | | | | | |
| Health insurance consumer assistance offices and ombudsmen | <p>The Secretary of HHS shall provide \$30 million in grants to states to establish and operate offices of health insurance consumer assistance or health insurance ombudsman programs to:</p> <ul style="list-style-type: none"> • Assist with the filing of complaints and appeals • Collect, track, and quantify problems and inquiries • Educate consumers on their rights and responsibilities • Assist consumers with enrollment in plans • Resolve problems with obtaining subsidies <p>As a condition of receiving a grant, a state must collect and report data on the types of problems and inquiries encountered by consumers. The data shall be used to identify areas where enforcement action is necessary and shall be shared with state insurance regulators, the Secretary of Labor and the Secretary of Treasury.</p> | | | Date of enactment | 1002 | PHSA 2793 |
| Ensuring that consumers get value for their dollars | <p>The Secretary, in conjunction with the states, shall develop a process for the annual review of unreasonable premium increases for health insurance coverage. The process shall require insurers to submit to the State and the Secretary a justification for an unreasonable premium increase and post it online.</p> <p>The Secretary shall award \$250 million in grants to states over a 5-year period to assist rate review activities, including reviewing rates, providing information and recommendations to the Secretary, and establishing Medical Reimbursement Data Centers to develop database tools that fairly and accurately reflect market rates for medical services.</p> | The Secretary in conjunction with the states. | All non-grandfathered fully-insured plans | 2010 plan year | 1003 | PHSA 2794 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|-----------------------|---------------|-------------------------|---------------|-------------------|
| Temporary high risk pool program | <p>The Secretary shall establish a temporary high risk health insurance pool program to provide coverage to individuals with preexisting conditions who have been without coverage for at least 6 months. The program may be carried out directly or through contracts with states or nonprofit entities. States must agree not to reduce the annual amount expended for current high risk pools before enactment. Provides \$5 billion to fund pools through 2013</p> <p>Pools funded through these grants must:</p> <ul style="list-style-type: none"> • Have no preexisting condition exclusions • Cover at least 65% of total allowed costs • Have an out-of-pocket limit no greater than the limit for high deductible health plans • Utilize adjusted community rating with maximum variation for age of 4:1 • Have premiums established at a standard rate for a standard population <p>The Secretary shall establish criteria to prevent insurers and employers from encouraging enrollees to drop prior coverage based upon health status.</p> <p>Regulatory Guidance: HHS distributed a Solicitation for State Proposals to Operate Qualified High Risk Pools on May 10.</p> <p>Individuals may satisfy the preexisting condition criterion for eligibility by providing evidence of a denial of coverage, that coverage is available only with an exclusionary rider, or the presence of certain medical conditions specified by the state and approved by HHS.</p> <p>Funds will be allocated on a non-competitive basis according to population, number of uninsured individuals, and geographic cost variations. HHS will establish accounts for states to draw down funds for benefit claims. Administrative expenses will be limited to 10% of the total state allocation.</p> | Secretary of HHS | | 90 days after enactment | 1101 | |
| Temporary reinsurance program for early retirees. | <p>The Secretary of HHS shall establish a temporary reinsurance program to reimburse employment-based plans for 80% of costs incurred by early retirees over the age of 55 but not eligible for Medicare between \$15,000 and \$90,000 annually. Payments under the program must be used to lower costs of the plan. Provides \$5 billion to fund the program.</p> <p>Regulatory Guidance: HHS released an interim final rules on May 5, 2010.</p> <p>The rules interpret the provision to require reimbursements to be made to the plan sponsor, rather than to the insurer providing coverage if the group health plan is fully-insured.</p> | Secretary of HHS | | 90 days after enactment | 1102 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|--|---------------|--|---------------|-------------------|
| Web portal to identify affordable coverage options | <p>The Secretary shall establish a mechanism, including a website through which individuals and small businesses may identify affordable health insurance coverage. It will allow them to receive information on:</p> <ul style="list-style-type: none"> • Health insurance coverage • Medicaid • CHIP • Medicare • A high risk pool • Small group coverage, including reinsurance for early retirees, tax credits, and other information <p>The Secretary shall develop a standard format to be used in presenting information relating to coverage options, which shall include:</p> <ul style="list-style-type: none"> • The percentage of total premiums spend on nonclinical costs • Availability • Premium rates • Cost sharing <p>Regulatory Guidance: HHS released an interim final rule on May 5, 2010 and has held a series of conference calls and webinars with states.</p> <p>The first phase of the portal will launch by July 1, and will provide summary level information on coverage options by state and ZIP code. In October the second phase will launch providing more detailed pricing and benefit information with a plan-compare functionality.</p> <p>States have been asked to provide the names and contact information for each carrier in the state, and the number of plans each sells in the individual, small-group and large-group markets. This information will be used to verify information submitted by the individual insurers.</p> | <p>Secretary of HHS, in consultation with the states</p> <p>Secretary of HHS</p> | | <p>07/01/10</p> <p>60 days after enactment</p> | 1103 | |
| Administrative simplification requirements | <p>Requires the Secretary to develop operating rules for the electronic exchange of health information, transaction standards for electronic funds transfers and requirements for financial and administrative transactions.</p> | | | <p>Rules adopted by July 1, 2011 to become effective by January 1, 2013.</p> | 1104 | SSA 1171 |
| 2014 Market Reforms | | | | | | |
| SUBTITLE C—Quality Health Insurance Coverage for All Americans PART I—HEALTH INSURANCE MARKET REFORMS | | | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|--|---|--|---------------|-------------------|
| Subpart I—General Reform | | | | | | |
| Preexisting condition exclusions | A plan may not impose any preexisting condition exclusions. | | All plans except grandfathered individual market plans | 6 months after enactment for individuals 19 and under. Plan years beginning 01/01/14 for all others. | 1201 | PHSA 2704 |
| Fair health insurance premiums | <p>Premiums may only vary by:</p> <ul style="list-style-type: none"> • Age (3:1 maximum) • Tobacco (1.5:1 maximum) • Geographic rating area • Whether coverage is for an individual or a family <p>Each state shall establish one or more rating areas for the purposes of geographic rating. The Secretary shall review them and determine their adequacy. If they are not adequate, or if a state fails to establish them, the Secretary may establish rating areas for the state.</p> | <p><i>Geographic rating areas:</i> States, with Secretarial review</p> <p><i>Age bands:</i> Secretary, in consultation with the NAIC</p> | Non-grandfathered fully-insured small group and individual plans. Fully insured large group plans in states that allow them to purchase through the Exchange. | Plan years beginning 01/01/14 | | PHSA 2701 |
| Guaranteed availability of coverage | Insurers must accept every employer and every individual that applies for coverage except that: an insurer may restrict enrollment based upon open or special enrollment periods. | Secretary of HHS | Non-grandfathered fully-insured plans. | Plan years beginning 01/01/14 | | PHSA 2702 |
| Guaranteed renewability of coverage | Insurers must renew or coverage or continue it in force at the option of the plan sponsor or the individual. | | All non-grandfathered fully-insured plans. | Plan years beginning 01/01/14 | | PHSA 2703 |
| Prohibiting discrimination against individual participants and beneficiaries based on health status | <p>A plan may not establish rules for eligibility based on any of the following health status-related factors:</p> <ul style="list-style-type: none"> • Health status • Medical condition • Claims experience • Receipt of health care | Secretary of HHS | All non-grandfathered plans | Plan years beginning 01/01/14 | | PHSA 2705 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|--|---|-------------------------------|---------------|-------------------|
| | <ul style="list-style-type: none"> • Medical history • Generic information • Evidence of insurability (including conditions arising out of domestic violence) • Disability • Any other health-status related factor deemed appropriate by the Secretary <p>Health promotion and disease prevention programs that base the conditions for obtaining a premium discount or any other reward upon a health status-related factor must limit such rewards to 30% of the cost of coverage. The Secretaries of HHS, Labor and Treasury may increase the cap on rewards up to 50% if deemed appropriate. Wellness programs must be reasonably designed to promote health or prevent disease and must give eligible individuals the opportunity to qualify for the reward at least once per year, and rewards must be made available to all similarly situated individuals. Existing wellness programs established before March 23, 2010, may continue to be carried out.</p> <p>Creates a Wellness Program Demonstration Program in 10 states to allow states to design wellness programs for individual market enrollees.</p> | Secretary of HHS, in consultation with Secretaries of Treasury and Labor | Non-grandfathered individual market plans | 07/01/2014 | | |
| Non-discrimination in health care | <p>Plans may not discriminate against any provider operating within their scope of practice. Does not require that a plan contract with any willing provider or prevent tiered networks.</p> <p>Plans may not discriminate against individuals or employers based upon:</p> <ul style="list-style-type: none"> • Whether they receive subsidies • Whether they provide information to state or federal investigators or cooperate in the investigation of a violation of the Fair Labor Standards Act | Secretary of HHS | All non-grandfathered plans | Plan years beginning 01/01/14 | | PHSA 2706 |
| Comprehensive health insurance coverage | <p>All plans must include the essential benefits package required of plans sold in the Exchanges and must comply with limitations on annual cost-sharing for plans sold in the Exchanges. (See §§ 1302(a) and (c).)</p> <p>If a carrier offers coverage in one of the tiers of coverage specified for the Exchanges, they must also offer that coverage as a plan open only to children under age 21.</p> | | All non-grandfathered plans | Plan years beginning 01/01/14 | | PHSA 2707 |
| Prohibition on Excessive Waiting | Group health plans and group health insurance may not impose waiting periods that exceed 90 days. | | All group plans | Plan years beginning | | PHSA 2708 |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|-----------------------|---|------------------------------------|---------------|-------------------|
| Periods | | | | 01/01/14 | | |
| Coverage for individuals participating in approved clinical trials | A plan may not deny an individual participation in an approved clinical trial for cancer or a life-threatening disease or condition, may not deny or limit the coverage of routine patient costs for items and services provided in connection with the trial, and may not discriminate against participants in a clinical trial. | | All non-grandfathered plans | Plan years beginning 01/01/14 | | PHSA 2709 |
| PART II—OTHER PROVISIONS | | | | | | |
| Preservation of right to maintain existing coverage | <p>Subtitles A and C of this bill shall not apply to coverage in which an individual was enrolled as of the date of enactment.. The following provisions will apply to grandfathered plans:</p> <ul style="list-style-type: none"> • PHSA §2708-Excessive waiting periods • PHSA §2711-Lifetime limits only • PHSA §2712-Rescissions • PHSA §2714-Extension of dependent coverage • PHSA §2715-Uniform summary of benefits and coverage and standardized definitions • PHSA §2718-Medical loss ratios <p>Provisions of PHSA §2711 relating to annual limits and of PHSA §2704 relating to preexisting condition exclusions apply to grandfathered group health plans for plan years beginning when they would first otherwise apply.</p> <p>Additional family members may enroll in grandfathered coverage, and new employees may enroll in grandfathered group coverage. Coverage maintained pursuant to a collective bargaining agreement ratified before the date of enactment is not subject to Subtitles A and C until the expiration of that agreement. A Change made to coverage to conform to these subtitles is not considered termination of an agreement.</p> | | All coverage in place on the date of enactment. | Date of enactment (March 23, 2010) | 1251 | |
| | <p>Regulations: HHS published an interim final rule on June 17.</p> <p>Grandfathered plans must provide notice to enrollees in any plan materials describing benefits that they believe themselves to be grandfathered. Model language is provided.</p> <p>Grandfathered plans must maintain records documenting the terms of the plan in connection with coverage in effect as of March 23, 2010.</p> <p>If the principal purpose of a merger, acquisition or similar business restructuring is to cover new individuals under grandfathered plans, those plans will cease to be</p> | | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|-----------------------|---------------|--------------------------------------|---------------|-------------------|
| | <p>grandfathered.</p> <p>Group coverage maintained pursuant to a collective bargaining agreement ratified before March 23, 2010, will continue to be grandfathered until the last of the collective bargaining agreements in effect on March 23, 2010 terminates.</p> <p>The following actions will cause a plan to lose its grandfathered status”</p> <ul style="list-style-type: none"> • The elimination of all or substantially all benefits to diagnose or treat a particular condition; • Any increase in percentage cost-sharing requirements (such as coinsurance); • An increase in fixed-amount cost sharing other than a copayment (such as a deductible) of more than medical inflation plus 15%; • An increase in a copayment of more than medical inflation plus 15% or \$5 increased by medical inflation, whichever is greater; • A decrease in the proportion of premiums paid by the employer of more than 5%; • Addition of an annual limit on benefits if the plan had neither an annual or lifetime limit in place on March 23, 2010; • Addition of an annual limit that is lower than the lifetime limit the plan had in place on March 23, 2010; or • Decrease of an annual limit that was in place on March 23, 2010. <p>Changes made prior to March 23 but effective after March 23; changes made after March 23 pursuant to a contract entered into or an insurance department filing prior to March 23; and changes effective after March 23 pursuant to written amendments to a plan adopted prior to March 23 will be considered in place as of March 23.</p> <p>Changes made after March 23 and adopted prior to the date that this regulation was issued (June 14) will not cause a plan to lose grandfathered status if the changes are modified or revoked effective the first day of the plan year beginning September 23, 2010.</p> | | | | | |
| <p>Rating reforms must apply uniformly to all health insurance issuers and group health plans</p> | <p>Any standard or requirement adopted by a State pursuant to, or related to, Title I must be applied uniformly to all health plans in each market to which the standards or requirements apply.</p> | | | <p>Plan years beginning 01/01/14</p> | <p>1252</p> | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|--|------------------------|--------------------------------------|---------------|-------------------|
| Study of Large Group Market | <p>The Secretary of HHS shall conduct a study of self-insured and fully-insured plans to compare the characteristics of employers, plan benefits, plan reserves and solvency and determine the extent to which the bill's market reforms will cause adverse selection in the large group market and prompt small and mid-size employers to self insure.</p> <p>The Secretary shall also collect information on:</p> <ul style="list-style-type: none"> • The extent to which self-insured plans can offer less expensive coverage and whether lower costs are due to more efficient plan administration and lower overhead or the denial of claims and more limited benefit packages; • Claim denial rates and benefit fluctuations and the impact of limited recourse options for consumers; and • Potential conflict of interest as it relates to the health care needs of self-insured enrollees and the employer's financial contribution or profit margin. | <p>Secretary of HHS</p> <p>Secretary of HHS, in conjunction with the Secretary of Labor</p> | | No later than 1 year after enactment | 1254 | |
| Effective Dates | All provisions of this subtitle become effective for plan years beginning January 1, 2014, except that the grandfathering of existing plans becomes effective on the date of enactment, and the prohibition on preexisting condition exclusions becomes effective with respect to enrollees under age 19 for plan years beginning 6 months after enactment. | | | | 1255 | |
| Health Insurance Exchanges | | | | | | |
| SUBTITLE D—AVAILABLE COVERAGE CHOICES FOR ALL AMERICANS PART I—Establishment of Qualified Health Plans | | | | | | |
| Qualified Health Plans Defined | <p>A “qualified health plan” is a health plan that</p> <ul style="list-style-type: none"> • Is certified by each Exchange through which it is offered • Provides the essential benefits package • Is offered by an issuer that is <ul style="list-style-type: none"> • Licensed and in good standing in each state in which it is offered | | Qualified Health Plans | 01/01/14 | 1301 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|-----------------------|---------------|----------------|---------------|-------------------|
| | <ul style="list-style-type: none"> • Agrees to offer at least one silver plan and one gold plan • Agrees to charge the same premium whether the plan is sold through the Exchange or outside the Exchange • Complies with other requirements of the Secretary and the Exchange <p>A reference to a qualified health plan is also a reference to a Co-Op plan and a Multi-State plan.</p> <p>A qualified health plan may offer coverage through a primary care medical home plan</p> <p>A qualified health plan may vary premiums by rating area.</p> | | | | | |
| Essential Health Benefits Requirements | <p>The essential health benefits package must cover the following general categories of services:</p> <ul style="list-style-type: none"> • Ambulatory patient services • Emergency services • Hospitalization • Maternity and newborn care • Mental health and substance abuse disorder services, including behavioral health treatment • Prescription drugs • Rehabilitative and habilitative services and devices • Laboratory services • Preventive and wellness services and chronic disease management • Pediatric services, including oral and vision care <p>The scope of benefits is to be determined by the Secretary of HHS and equal to the scope of benefits under a typical employer-based plan. Nothing shall prevent a qualified health plan from providing benefits in excess of the essential benefits package.</p> <p>The cost-sharing under a health plan may not exceed the cost-sharing for high-deductible health plans in 2014 (currently \$5,950 individual/\$11,900 family). In following years, the limitation on cost-sharing is indexed to the rate or average premium growth.</p> <p>Deductibles for plans in the small group market are limited to \$2,000 individual/\$4,000 family, indexed to average premium growth. This amount may be increased by the maximum amount of reimbursement available to an employee under a flexible spending arrangement.</p> <p>The levels of coverage are defined as follows:</p> | Secretary of HHS | | 01/01/2014 | 1302 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|---|-----------------------|---------------------------------|---|---------------|-------------------|
| | <ul style="list-style-type: none"> • Bronze level-Must provide coverage that provides benefits that are actuarially equivalent to 60% of the full actuarial value of benefits under the plan. • Silver level-Must provide coverage that provides benefits that are actuarially equivalent to 70% of the full actuarial value of benefits under the plan. • Gold level-Must provide coverage that provides benefits that are actuarially equivalent to 80% of the full actuarial value of benefits under the plan. • Platinum level-Must provide coverage that provides benefits that are actuarially equivalent to 90% of the full actuarial value of benefits under the plan. <p>Individuals under 30 years of age or those exempt from the individual mandate because no affordable plan is available to them or because of a hardship may purchase a catastrophic plan providing the essential benefits package with a deductible equal to the total limitation on cost-sharing above and first-dollar coverage of at least three primary care visits.</p> <p>Plans offered through the Exchange must also be available as a plan available only to individuals under the age of 21.</p> | | | | | |
| Special Rules | <p>State opt-out of abortion coverage: A state may prohibit qualified health plans offered through the exchange from covering abortions.</p> <p>Special rules relating to coverage of abortion services: This title shall not be construed to require a plan to cover abortion services as part of the essential benefits package. If a plan covers elective abortion services, it may not use any funds attributable to subsidies provided through the Exchange to pay for them and must collect a separate payment from enrollees for the actuarial value of those services. State insurance commissioners shall insure that health plans comply with the the requirement that plans segregate funds for abortion services.</p> | | Qualified health benefits plans | 01/01/14 | 1303 | |
| Related Definitions | Small group market is defined to include employers with 1-100 employees. Until January 1, 2016, states may elect to define it as employers with 1-50 employees. | | | 01/01/14 State option to define market as 1-50 ends 01/01/16 | 1304 | |
| PART II—CONSUMER CHOICES AND INSURANCE COMPETITION THROUGH HEALTH BENEFIT PLANS | | | | | | |
| Affordable | Grants will be made available to states in amounts to be specified by the | Secretary of HHS | | Beginning not | 1311 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|-----------|--|-----------------------|---------------|----------------|---------------|-------------------|
| | <p>the Exchange is in the interests of individuals and employers in the state.</p> <ul style="list-style-type: none"> • An Exchange may not exclude a health plan: <ul style="list-style-type: none"> • Because it is a fee-for-service plan, • Through the imposition of premium price controls • On the basis that the plan provides necessary treatments in circumstances that the Exchange deems inappropriate or too costly • In order to be certified, plans must: <ul style="list-style-type: none"> • Meet marketing requirements • Meet network adequacy requirements under PHSA §2702(c) • Include in networks essential community providers that serve low-income, underserved communities • Be accredited by an entity recognized by the Secretary for accreditation of health plans • Implement market-based strategies for quality improvement • Utilize a uniform enrollment form that takes into account criteria that the NAIC develops and submits to the Secretary • Utilize the standard format established for presenting health benefits plan options; and • Provide information to the Exchange and enrollees on quality measures for health plan performance • Submit justifications of any premium increase prior to implementation and post it on its website. Such justifications shall be taken into account when certifying plans. • Submit to the Exchange, the Secretary of HHS, and the state Insurance Commissioner and publicly disclose the following information: <ul style="list-style-type: none"> • Claims payment policies and practices • Periodic financial disclosures • Data on enrollment • Data on disenrollment • Data on the number of claims that are denied • Data on rating practices • Information of cost-sharing and payments with respect to any out-of-network coverage | NAIC | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|-----------|---|-----------------------|---------------|----------------|---------------|-------------------|
| | <ul style="list-style-type: none"> • Information on enrollee rights • Other information specified by the Secretary • Allow individuals to learn the cost-sharing under their plan for furnishing a specific item or service by a participating provider upon request through a website. • Contract with hospitals with more than 50 beds only if they utilize a patient safety evaluation system and provide education and counseling upon discharge, comprehensive discharge planning, and post-discharge reinforcement by a health care professional • Contract with a health care provider only if they implement quality improvement mechanisms required by the Secretary of HHS • Operate a toll-free consumer assistance hotline • Maintain a website to provide standardized comparative information on qualified health benefits plans • Assign a rating based upon relative quality and price to each qualified health benefits plan. • Use a standardized format for presenting coverage options under the Exchange, including use of the uniform outline of coverage • Inform individuals of eligibility requirements for the state's Medicaid program, CHIP program and any applicable state or local public program and screen and enroll eligible individuals in these programs • Certify exemptions from the individual mandate • Transfer information to the Secretary of Treasury on exemptions from the individual mandate, as well as on employees receiving subsidies through the exchange because the employer failed to provide sufficient affordable coverage. • Provide information to employers on employees who cease coverage in a qualified health benefits plan • Establish a navigator program to provide to entities with relationships to employers and employees, consumers, or self-employed individuals. Grants must be made out of operational funds, and may not use federal funds for establishment of Exchanges. Navigators will: <ul style="list-style-type: none"> • Conduct public education activities • Distribute information concerning enrollment in plans and subsidy availability • Facilitate enrollment in plans • Provide referrals to health insurance consumer assistance | | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|---|---------------|--|---------------|-------------------|
| | <p>grandfathered plans.</p> <p>Nothing in this title prohibits an insurer from offering insurance outside of the Exchange or eligible individuals and employers from purchasing coverage outside the Exchange. No individual or employer shall be compelled to purchase coverage through the Exchange. Members of Congress and their personal staff will no longer be eligible for the FEHBP, and must purchase coverage through the Exchange in order to receive coverage through the federal government.</p> <p>The Secretary of HHS shall establish procedures for a state to allow producers to enroll individuals and employers in qualified health plans and to assist individuals in applying for subsidies.</p> <p>Only citizens and lawful residents may purchase coverage through the Exchange. Incarcerated individuals may not enroll through the Exchange.</p> <p>Employers of 1-100 employees may offer 1 or more small group plans to employees through the Exchange. Beginning in 2017, states may allow insurers to offer large group plans through the Exchange.</p> | Secretary of HHS | | 01/01/2014. States may expand to larger employers beginning 01/01/2017. | | |
| Financial Integrity | <p>Exchanges must keep an accurate accounting of all activities, receipts and expenditures and annually report to the Secretary of HHS, who shall conduct annual audits and may investigate the affairs of an Exchange. An Exchange or State that has engaged in serious misconduct may be subject to a 1% reduction of all grants and payments administered by the Secretary of HHS until corrective actions are taken.</p> <p>The Secretary of HHS shall provide for the efficient and non-discriminatory administration of the Exchanges and shall implement measures to reduce fraud and abuse.</p> <p>The False Claims Act shall apply to any payments that include federal funds.</p> | Secretary of HHS | | 01/01/2014 | 1313 | |
| PART III—State Flexibility Relating to Exchanges | | | | | | |
| State flexibility in operation and enforcement of Exchanges and related requirements | <p>The Secretary of HHS shall issue regulations setting standards for the requirements for Exchanges, the offering of qualified health plans sold through Exchanges, reinsurance and risk adjustment mechanisms and other requirements the Secretary deems appropriate.</p> <p>A state that elects to operate an exchange must adopt the federal standards or a state law implementing them by January 1, 2014. If the Secretary determines by</p> | Secretary of HHS, in consultation with the NAIC, its members, insurers, consumer organizations and | | | 1321 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|---|----------------------------------|---------------|------------------------|---------------|-------------------|
| | January 1, 2013 that the state is not electing to operate an Exchange or that it will not have the Exchange operational by January 1, 2014 or has not taken necessary actions to implement the market reforms, the Secretary shall operate an Exchange, either directly or through agreement with a non-profit entity. | other interested parties. | | | | |
| Federal program to assist establishment and operation of nonprofit, member-run health insurance issuers | <p>The Secretary of HHS shall provide Co-Op plans with loans to assist with start-up costs and grants to assist with meeting solvency requirements. In making the loans and grants, the Secretary must give priority to plan that offer qualified health plans on a statewide basis, use integrated care models, and have significant private support and ensure that there is sufficient funding to establish at least 1 Co-Op plan in each state. Loans must be repaid within 5 years and grants must be repaid within 15 years. \$6 billion is appropriated to fund the loans and grants.</p> <p>Any entity receiving a loan or grant must be organized under state law as a nonprofit, member corporation and may not have been a health insurance issuer prior to 7/16/2009 and may not be sponsored by a state or local government. Governance of the organization must be subject to a majority vote of its members and must avoid insurance industry involvement and interference. Any profits made by the organization must be used to lower premiums, improve benefits, or improve the quality of care. The organization must meet all requirements that are required of other qualified health plans, including solvency and licensure rules, rules on payments to providers, network adequacy rules, rate and form filing rules, and any applicable premium assessments. Co-Op plans may not offer coverage in a state until the state has adopted the market reforms in Subtitles A and C of this legislation. Co-Op plans will be considered tax-exempt as long as they abide by restrictions of this section.</p> <p>Co-Op plans may form a private purchasing council through which to enter into collective purchasing arrangements for items and services that increase administrative efficiency, including claims administration, administrative services, health IT, and actuarial services, within the confines of federal antitrust law.</p> | Secretary of HHS | Co-Op Plans | No later than 7/1/2013 | 1322 | |
| Level Playing Field | <p>Health insurance plans shall not be subject to any of the following state or federal laws unless Co-Op plans and multistate health plans are also subject to them:</p> <ul style="list-style-type: none"> • Guaranteed renewal • Rating • Preexisting conditions • Non-discrimination • Quality improvement and reporting • Fraud and abuse • Solvency and financial requirements • Market conduct | | | 1/1/2014 | 1324 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|--|--|---------------|--------------------------------------|---------------|-------------------|
| | <ul style="list-style-type: none"> • Prompt payment • Appeals and grievances • Privacy and confidentiality • Licensure, and • Benefit plan material or information. | | | | | |
| SUBTITLE D—AVAILABLE COVERAGE CHOICES FOR ALL AMERICANS PART IV-STATE FLEXIBILITY TO ESTABLISH ALTERNATIVE PROGRAMS | | | | | | |
| State Flexibility to Establish Basic Health Programs for Low-Income Individuals Not Eligible for Medicaid | <p>The Secretary of HHS shall establish a basic health program under which a state may contract with standard health plans providing at least essential benefits to individuals between 133% and 200% FPL and legal immigrants above 133% FPL who are not eligible for Medicaid. The federal government will provide states creating basic health programs the subsidy funds that eligible individuals would have otherwise received.</p> <p>Individuals eligible to participate in these plans would not be eligible to purchase coverage through the Exchange, and premiums may not exceed what the individual would have paid in the Exchange. Cost-sharing may not exceed that of a platinum plan in the Exchange for individuals below 150% FPL or that of a gold plan for all others. Plans must have an MLR of at least 85%.</p> <p>States may enter into compacts to allow residents of all compacting states to enroll in all standard plans.</p> | Secretary of HHS | | | 1331 | |
| Waiver for State Innovation | <p>A state may apply for waivers of the following requirements:</p> <ul style="list-style-type: none"> • Requirements for Qualified Health Benefits Plans • Requirements for Health Insurance Exchanges • Requirements for reduced cost-sharing in qualified health benefits plans • Requirements for premium subsidies • Requirements for the employer mandate • Requirements for the individuals mandate <p>The Secretary of HHS may not waive any law that is not within the jurisdiction of HHS (such as ERISA).</p> <p>The state will receive funds for implementing the waiver equal to any subsidies or tax credits for which residents would otherwise receive if the state had not received a waiver.</p> <p>State waiver plans must provide coverage that is at least as comprehensive as coverage offered through Exchanges, must cover at least as many state residents as this title would cover and may not increase the federal deficit. Waivers are good for 5 years and may be renewed unless the Secretary disapproves a request</p> | Secretary of HHS, within 180 days of enactment.. | | Plan years beginning January 1, 2017 | 1332 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|---|---|---------------|----------------|---------------|-------------------|
| | <p>for renewal within 90 day of receipt.</p> <p>The Secretary must coordinate and consolidate this waiver application process and the waiver processes for Medicare, Medicaid, CHIP, and any other federal health care law.</p> | | | | | |
| <p>Provisions relating to offering of plans in more than one state</p> | <p>Two or more states may enter into a “health care choice compact” under which individual market plans could be offered in all compacting states, subject to the laws and regulations of the state where it was written or issued. Issuers would continue to be subject to the following laws of the purchaser's home state:</p> <ul style="list-style-type: none"> • Market conduct; • Unfair trade practices; • Network adequacy; • Consumer protection standards, including rating rules; • Laws addressing performance of the contract. <p>Plans must be licensed in each state in which they sell coverage or must submit to the jurisdiction of the states with regard to the above laws.</p> | <p>Secretary of HHS, in consultation with the NAIC, no later than July 1, 2013</p> | | 01/01/16 | 1333 | |
| <p>Multi-State Plans</p> | <p>The Director of OPM shall contract with insurers to offer at least 2 multi-state qualified health benefits plans through the Exchange in each state to provide individual and small group coverage. At least one plan in each state must be provided by a nonprofit entity. The Director may set standards for multistate plans regarding medical loss ratios, profit margins, premiums, and other terms and conditions in the interests of enrollees.</p> <p>Participating insurers must be licensed in each state where it sells coverage and are subject to all requirements of State law that are not inconsistent with requirements of this section. Plans must offer a uniform benefit package in each state which consists of the essential benefits package and any additional benefits required by a state, as long as the state reimburses enrollees for the cost of these additional benefits. States with rating rules that restrict variation due to age to less than 3:1 may require multi-state plans to adhere to these requirements.</p> <p>Insurers must sell multi-state plans in 60% of states in the first year they offer them, 70% of states in the second year, 85% of states in the third year, and all states in the fourth year.</p> <p>Requirements for FEHBP plan that do not conflict with this title will apply to multi-state plans. Multi-state plans will be considered a separate risk pool from FEHBP plans.</p> | <p>Office of Personnel Management</p> | | 01/01/14 | 1334 | |
| <p>PART V—REINSURANCE</p> | | | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|---|---|--|---|---------------|-------------------|
| AND RISK ADJUSTMENT | | | | | | |
| Transitional reinsurance program for individual market in each state | <p>State shall enact a model regulation established by the Secretary, in consultation with the NAIC that will enable them to establish a temporary reinsurance program for plan years beginning in 2014-2016. Insurers and TPAs, on behalf of self-insured plans, must make payments to the reinsurance entity and non-grandfathered individual market insurers that cover high risk individuals will receive payments from the entity if they cover high risk enrollees in the individual market.</p> <p>High-risk individuals will be identified on the basis of a list of medical conditions or another comparable objective method of identification recommended by the American Academy of Actuaries. Payments will be based upon a schedule of payments for each condition or another method recommended by the American Academy of Actuaries.</p> <p>Assessments will be based on the percentage of revenue of each insurer and the total costs of providing benefits to enrollees in self-insured plans or a specified amount per enrollee. The total amount of contributions will be based on the best estimates of the NAIC and not including additional assessments to cover administrative costs, equal \$12 billion for plan years beginning in 2014, \$8 billion in 2015, and \$5 billion in 2016. States may collect additional amounts from issuers on a voluntary basis. Of these amounts, \$2 billion in 2014, \$2 billion in 2015 and \$1 billion in 2016 shall be deposited in the US Treasury and will not be available for this program.</p> <p>Reinsurance entities must be non-profit organizations with the purpose of stabilizing premiums in the individual market for the first three years of Exchange operation. States may have more than one reinsurance entity and two or more states may enter into agreements to create entities to administer reinsurance in all such states.</p> | Secretary of HHS, in consultation with the NAIC and with recommendations from the American Academy of Actuaries. | All plans must pay assessments. Non-grandfathered individual plans may receive payments. | Plan years beginning in 2014 through 2016 | 1341 | |
| Establishment of risk corridors for plans in individual and small group markets | The Secretary shall establish and administer a risk corridor program for 2014-2016 based upon the risk corridor program for Medicare PDPs. Plans will receive payments if their ratio of nonadministrative costs, less any risk adjustment and reinsurance payments, to premiums, less administrative costs, is above 103%. Plans must make payments if that ratio is below 97%. | Secretary of HHS | Qualified health plans | Calendar years 2014-2016 | 1342 | |
| Risk adjustment | Each state shall assess health plans if the actuarial risk of all of their enrollees in a state is less than the average risk of all enrollees in fully-insured plans in that | Secretary of HHS, in consultation with | Non-grandfathered | 01/01/14 | 1343 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section | | | | | | | | | | | | | | |
|---|---|--|---------------------------------------|----------------|---------------|-------------------|------|--------------|--------|--------------|-----------|--------------|------------|--------------|------|-----------------------|---------------------------------------|----------|------|---------|
| | <p>state and make payments to health plans whose enrollees are have an actuarial risk that is below the average actuarial risk in that state.</p> <p>The Secretary of HHS, in consultation with the states, shall establish criteria and methods for these risk adjustment activities, which may be similar to those for Medicare Advantage plans and Prescription Drug Plans.</p> | the States | individual and small group plans | | | | | | | | | | | | | | | | | |
| SUBTITLE E—AFFORDABLE COVERAGE CHOICES FOR ALL AMERICANS PART I- Premium Tax Credits and Cost-Sharing Reductions Subpart A—Premium Tax Credits and Cost-Sharing Reductions | | | | | | | | | | | | | | | | | | | | |
| Refundable tax credit providing premium assistance for coverage under a qualified health plan | <p>A tax credit is created for qualified taxpayers between 100% and 400% FPL that covers the difference between a percentage of household income and the second-lowest cost silver level plan available through the Exchange in the individual's rating area. The percentage of income varies on a sliding scale within the following ranges:</p> <table border="1" data-bbox="327 690 842 909"> <thead> <tr> <th>Income</th> <th>Premium Cap</th> </tr> </thead> <tbody> <tr> <td><133% FPL</td> <td>2%</td> </tr> <tr> <td>133-150% FPL</td> <td>3-4%</td> </tr> <tr> <td>150-200% FPL</td> <td>4-6.3%</td> </tr> <tr> <td>200-250% FPL</td> <td>6.3-8.05%</td> </tr> <tr> <td>250-300% FPL</td> <td>8.05%-9.5%</td> </tr> <tr> <td>300-400% FPL</td> <td>9.5%</td> </tr> </tbody> </table> <p>The above percentages will be adjusted to reflect the growth of premiums. Credits will be advanced to insurer through which the individual purchased coverage.</p> <p>Individuals eligible for employer-sponsored coverage for which the employee's contribution does not exceed 9.5% of household income are not eligible for subsidies. Individuals not lawfully present in the United States are not eligible for subsidies.</p> | Income | Premium Cap | <133% FPL | 2% | 133-150% FPL | 3-4% | 150-200% FPL | 4-6.3% | 200-250% FPL | 6.3-8.05% | 250-300% FPL | 8.05%-9.5% | 300-400% FPL | 9.5% | Secretary of Treasury | Individuals between 100% and 400% FPL | 01/01/14 | 1401 | IRC 36B |
| Income | Premium Cap | | | | | | | | | | | | | | | | | | | |
| <133% FPL | 2% | | | | | | | | | | | | | | | | | | | |
| 133-150% FPL | 3-4% | | | | | | | | | | | | | | | | | | | |
| 150-200% FPL | 4-6.3% | | | | | | | | | | | | | | | | | | | |
| 200-250% FPL | 6.3-8.05% | | | | | | | | | | | | | | | | | | | |
| 250-300% FPL | 8.05%-9.5% | | | | | | | | | | | | | | | | | | | |
| 300-400% FPL | 9.5% | | | | | | | | | | | | | | | | | | | |
| Reduced cost-sharing for individuals enrolling in qualified health plans | <p>Cost sharing for individuals enrolling in the silver level of coverage through an exchange who are between 100%-400% FPL. Cost-sharing reduced so that the plan covers 94% of the benefit costs of the plan for individuals between 100%-150% FPL, 87% of benefit costs for individuals between 150%-200% FPL, 73% for individuals between 200%-250% FPL, and 70% for individuals between 250%-400%FPL. Native Americans below 300% FPL will have no cost-sharing</p> | Secretary of HHS, in consultation with Secretary of Treasury | Individuals between 100% and 400% FPL | 01/01/14 | 1402 | | | | | | | | | | | | | | | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|--|--|---------------|----------------|---------------|-------------------|
| | <p>under a plan.</p> <p>The Secretary will make periodic payments to insurers for the value of these cost-sharing reductions. Reductions to cost-sharing will not apply to additional benefits provided under a plan or to mandated benefits beyond the essential benefits package.</p> | | | | | |
| Procedures for determining eligibility for Exchange participation, premium tax credits and reduced cost sharing, and individuals responsibility exemptions | <p>The Secretary of HHS shall develop a program for the determination of eligibility for Exchange participation, subsidies, and exemptions. Exchanges must collect specified relevant information for determining eligibility from the individual mandate and submit it to the Secretary of HHS for verification by relevant federal agencies and report the results back to the Exchange.</p> | Secretary of HHS | | | 1411 | |
| Advance determinations and payment of premium tax credits and cost-sharing reductions | <p>The Secretary of HHS, in consultation with the Secretary of Treasury must establish a program for the advance determination of income eligibility for individuals applying for subsidies through the Exchange. The Secretary of HHS will notify the Exchange and the Secretary of Treasury, and the Secretary of Treasury will make the necessary payments to the insurer, who must reduce the individual's premiums and cost-sharing. States may provide subsidies in addition to the federal subsidies.</p> | Secretary of HHS, in consultation with the Secretary of Treasury | | | 1412 | |
| Streamlining of procedures for enrollment through an Exchange and state Medicaid, CHIP, and health subsidy programs | <p>The Secretary shall establish a system for individuals to apply for enrollment in Medicaid, SCHIP through an Exchange. The Secretary must provide a single streamlined form that may be used in applying for all applicable state health subsidy programs. This form can be filed online, by mail, or by telephone. States may develop and use their own alternative streamlined forms consistent with standards developed by the Secretary of HHS.</p> | Secretary of HHS | | | 1413 | |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|--|---|-----------------------|---|----------------|---------------|-------------------|
| PART II—Small Business Tax Credit | | | | | | |
| Credit for employee health insurance expenses for small businesses | <p>Small employers with 25 or fewer employees will receive tax credit as follows:</p> <p>Tax years 2010-2013—Employers that contribute at least 50% of premium, or 50% of the average small group premium in the state, will receive a credit against general business tax for 35% (or 25% in the case of a tax-exempt small employer) of the total nonelective contribution the for the plan.</p> <p>Tax years 2014 and later—Employers that contribute at least 50% of premium towards coverage in the exchange will receive a credit of 50% (or 35% in the case of a tax-exempt small employer). Employers may only receive the credit for two years.</p> <p>The credit is phased out for employers with 10-25 employees and employers whose average wages are from \$25,000-\$50,000, indexed to the annual cost-of-living adjustment.</p> | Secretary of Treasury | Small businesses with 25 or fewer employees | 01/01/14 | 1421 | IRC 45R |
| SUBTITLE F—SHARED RESPONSIBILITY FOR HEALTH CARE PART I—Individual Responsibility | | | | | | |
| Requirement to maintain minimum essential coverage | <p>If a taxpayer fails to maintain minimum essential coverage, they will be required to pay an annual tax penalty of the greater of \$95 for each household member, up to three, or 1% of household income in 2014, \$325 or 2% of household income in 2015 and \$695 or 2.5% of income in following years. The penalty is prorated for each month in which a taxpayer fails to maintain minimal essential coverage.</p> <p>Taxpayers are exempted from the penalty if:</p> <ul style="list-style-type: none"> • The individual has a religious objection to purchasing health insurance. • The cost of the taxpayer's premium contribution for employer-sponsored coverage or for the lowest-cost bronze level coverage available in the Exchange exceeds 8% of household income. The 8% threshold is indexed to the amount by which average premium growth exceeds wage growth. • The taxpayer's household income is below the federal income tax filing threshold • The taxpayer is a member of a recognized Indian tribe • The break in coverage is less than three months • The Secretary of HHS determines that the taxpayer has suffered a hardship with respect to their ability to obtain coverage • The individual is enrolled in a health care sharing ministry • The individual resides outside the United States | Secretary of Treasury | | 01/01/14 | 1501 | IRC 5000A |

| Provision | Notes | Standards Development | Applicability | Effective Date | PPACA Section | Statutory Section |
|---|---|----------------------------------|---|--------------------------|---------------|-------------------|
| | Any criminal penalty against a taxpayer for failure to pay the penalty is waived, and the Secretary of Treasury may not file liens or levies to collect the penalty. | | | | | |
| PART II—Employer Responsibilities | | | | | | |
| Automatic enrollment for employees of large employers | Employers with more than 200 employees offering a health benefits plan must automatically enroll all new employees one of the plans and automatically continue the enrollments of current employees, unless either opts out. | | Employers with more than 200 full-time employees | | 1511 | FLSA 18A |
| Employer requirement to inform employees of coverage option | Employers must provide employees with written notice at the time of hiring informing them of the existence of the Exchange and the availability of subsidies through the Exchange if the plan covers less than 60% of the cost of covered benefits. | | Employers subject to the Fair Labor Standards Act | 03/01/2013 | 1512 | FLSA 18B |
| Shared responsibility for employers regarding health coverage | <p>If an employer fails to offer minimum essential coverage and one of its employees receives a subsidy through the Exchange, it will be subject to a penalty of \$2000 per employee.</p> <p>Employers offering coverage whose employees receive a subsidy through the exchange will be subject to a penalty of \$3,000 per employee receiving a subsidy. The penalty shall not exceed \$2000 times the number of full-time employees.</p> <p>Employers of 50 or fewer employees are exempt from these requirements, and the first 30 employees are disregarded in calculating the penalty.</p> | Secretary of Treasury | Employers with more than 50 employees | 01/01/2014 | 1513 | IRC 4980H |
| OTHER PROVISIONS | | | | | | |
| GAO study regarding the rate of denial of coverage and enrollment by health insurance and group health plans | The GAO shall conduct a study of the incidence of denials of coverage for medical services and denials of application to enroll in health insurance plans by group health plans and health insurance issuers. | Government Accountability Office | | One year after enactment | 1562 | |
| Free choice vouchers | Employers must provide a voucher in the amount of the employer's contribution towards the group health plan to each employee whose household income is below 400%FPL if the employees' cost of coverage under the group health plan is between 8% and 9.8% of household income and the employee does not enroll in the employer's group health plan. Employees may use these vouchers to purchase coverage through the Exchange. | | | | 10108 | |

PHSA-Public Health Service Act
SSA-Social Security Act of 1935