



Health Reform Resources

PRACTICE AREAS

Benefits & Compensation

March 7, 2016

IVINS, PHILLIPS & BARKER COMMENTARY

- Employers Should Prepare Immediately for Early Retiree Reinsurance Program under PPACA, May 10, 2010.
- Notice 2010-38 Clarifies Tax Treatment of Employer-Provided Health Coverage For Adult Children, April 28, 2010.
- Health Reform in a Nutshell, March 22, 2010.

TEXT OF THE LEGISLATION

- Patient Protection and Affordable Care Act of 2010, signed into law on March 23, 2010.
- Health Care and Education Reconciliation Act of 2010, signed into law on March 30, 2010.
- Technical Explanation of Health Reform Bill Revenue Provisions, Joint Committee on Taxation, March 21, 2010.

HELPFUL AGENCY WEBSITE

- IRS

SUMMARY OF BENEFITS AND COVERAGE

- Final Regulations on the Summary of Benefits and Coverage and Uniform Glossary, Department of Treasury, Department of Labor, Department of Health and Human Services, June 16, 2015
- Proposed Regulations on the Summary of Benefits and Coverage and Uniform Glossary, Department of Treasury, Department of Labor, Department of Health and Human Services, December 30, 2014

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- Final Regulations on the Summary of Benefits and Coverage and Uniform Glossary, Department of Treasury, Department of Labor, Department of Health and Human Services, February 14, 2012
- Final Rule on the Summary of Benefits and Coverage and Uniform Glossary, Departments of Treasury, Labor, and Health and Human Services, February 9, 2012.
- Guidance for Compliance for the Final Rule on the Summary of Benefits and Coverage and Uniform Glossary, Departments of Treasury, Labor, and Health and Human Services, February 9, 2012.
- Proposed Regulations on the Summary of Benefits and Coverage and the Uniform Glossary, Departments of Treasury, Labor, and Health and Human Services, August 22, 2011.
- Fact Sheet on Proposed Regulations on the Summary of Benefits and Coverage and the Uniform Glossary, Departments of Treasury, Labor, and Health and Human Services, August 17, 2011.

PREVENTIVE SERVICES

- Final Regulations on the Coverage of Certain Preventive Services, Department of Treasury, Department of Labor, Department of Health and Human Services, July 14, 2015
- Proposed Regulations on the Coverage of Certain Preventive Services, Department of Treasury, Department of Labor, Department of Health and Human Services (Doc 1), (Doc 2), and (Doc 3), August 27, 2014
- IRS Notice 2013-57: Preventive care for purposes of Health Savings Accounts
- Final Regulations on the Coverage of Certain Preventive Services, Department of Treasury, Department of Labor, Department of Health and Human Services, July 2, 2013
- Proposed Rule on Contraception Coverage, Department of Treasury, Department of Labor, Department of Health and Human Services, February 1, 2013.
- Proposed Rule on Certain Preventive Services Under ACA, Department of Treasury, Department of Labor, Department of Health and Human Services, March 21, 2012.
- Final Rule on Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the PPACA, Department of Treasury, Department of Labor, Department of Health and Human Services, February 15, 2012.
- Amendment to Interim Final Rules Relating to Preventive Services, Departments of Treasury, Labor, and Health and Human Services, August 3, 2011.
- Request for Information Regarding Value-Based Insurance Design in Connection with Preventive Care Benefits, Department of Labor, December 28, 2010.



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- Regulations on Coverage of Preventive Services, Departments of Treasury, Labor, and Health and Human Services, July 14, 2010.

ESSENTIAL HEALTH BENEFITS

- Final Rule on Essential Health Benefits for Individual and Small Group Plans, Department of Health and Human Services, February 25, 2013.
- Proposed Rule on Essential Health Benefits, Department of Health and Human Services, November 20, 2012.
- Essential Health Benefits Bulletin, Center for Consumer Information and Insurance Oversight, December 16, 2011.
- Report Brief on Essential Health Benefits, Institute of Medicine, October 11, 2011.
- Criteria for Essential Health Benefits, Institute of Medicine, October 7, 2011.

CLAIMS AND APPEALS

- Final Regulations for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals and Patient Protections under the ACA, Department of Treasury, Department of Labor, Department of Health and Human Services, November 18, 2015
- Technical Release 2013-1: Extension of the Transition Period for the Temporary NAIC, Department of Labor, March 15, 2013.
- Amendment to Interim Final Rules Relating to Internal Claims and Appeals and External Review Processes, Departments of Treasury, Labor, and Health and Human Services, June 24, 2011.
- Notice of Proposed Rulemaking on PPACA Internal Claims and Appeals and External Review Processes, Department of Treasury, June 23, 2011.
- Technical Release No. 2011-02: Guidance on External Review for Group Health Plans and Health Insurance Issuers Offering Group and Individual Health Coverage, and Guidance for States on State External Review Processes, Department of Labor, June 22, 2011.
- Technical Guidance for Self-Insured Plans on How to Elect a Federal External Review Process, Department of Health and Human Services, June 22, 2011.
- Technical Guidance on Culturally and Linguistically Appropriate Standards under Internal Claims and Appeals and External Review Processes, Department of Health and Human Services, June 22, 2011.



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- Technical Release No. 2011-01: Extension of Non-Enforcement Period Relating to Certain Interim Procedures for Internal Claims and Appeals under the Patient Protection and Affordable Care Act, Department of Labor, March 18, 2011.
- Request for Information Regarding PPACA Federal External Review Process, Departments of Labor and Health and Human Services, November 18, 2010.
- Technical Release No. 2010-02: Interim Procedures for Internal Claims and Appeals under the Patient Protection and Affordable Care Act, Department of Labor, September 20, 2010.
- Technical Release 2010-1: Interim Procedures for Federal External Review of Claims and Appeals, Department of Labor, August 23, 2010.
- Regulations on Interim Procedures for Federal External Review of Claims and Appeals and Model Notices, Departments of Treasury, Labor, and Health and Human Services, August 23, 2010.
- Fact Sheet on Internal Claims and Appeals and External Review Processes, July 22, 2010.
- Regulations on Internal Claims and Appeals and External Review Processes, Departments of Treasury, Labor, and Health and Human Services, July 23, 2010.
- Notice of Proposed Rulemaking on Internal Claims and Appeals and External Review Processes, Departments of Treasury, Labor, and Health and Human Services, July 23, 2010.

NONDISCRIMINATION PROVISIONS

- Ninety-Day Waiting Period Limitation, Departments of Treasury, Labor, and Health and Human Services, March 21, 2013.
- IRS Notice 2011-1: Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans, December 22, 2010.
- IRS Notice 2010-63: Requirements Prohibiting Discrimination in Favor of Highly Compensated Individuals in Insured Group Health Plans, December 22, 2010.

GRANDFATHERED PLANS

- Final Regulations for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals and Patient Protections under the ACA, Department of Treasury, Department of Labor, Department of Health and Human Services, November 18, 2015
- FAQs About the Affordable Care Act Implementation Part VI, Department of Labor, April 1, 2011.



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- Amendment to Interim Final Rules Relating to Grandfathered Plans, Departments of Treasury, Labor, and Health and Human Services, November 17, 2010.
- Notice of Proposed Rulemaking Regarding Grandfathered Plans, Department of Treasury, November 15, 2010.
- FAQs About the Affordable Care Act Implementation Part IV, Department of Labor, November 1, 2010.
- Table on Applicability of Provisions to Grandfathered Plans, Department of Labor, July 7, 2010.
- Model Disclosure Language for Grandfathered Plans, Department of Labor, June 17, 2010.
- Interim Final Rules Relating to Grandfathered Plans, Departments of Treasury, Labor, and Health and Human Services, June 17, 2010.
- FAQ on Grandfathered Plans Interim Final Regulations, HealthReform.gov, June 15, 2010.
- Fact Sheet on Grandfathered Plan Interim Final Rules, HealthReform.gov, June 14, 2010.

PRE-EXISTING CONDITION

- Final Regulations for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals and Patient Protections under the ACA, Department of Treasury, Department of Labor, Department of Health and Human Services, November 18, 2015
- Regulations on Pre-Existing Condition Insurance Plan Program, Department of Health and Human Services, July 30, 2010.
- Regulations on Preexisting Condition Exclusions, Annual & Lifetime Limits, Rescission & Patient Protections, Departments of the Treasury, Labor, and Health and Human Services, June 28, 2010.

INFORMATION REPORTING

- IRS Notice 2016-04: Extension of the Due Dates for 2015 Information Reporting Under Code sections 6055 and 6056
- IRS Notice 2015-68: Information Reporting on Minimum Essential Coverage
- IRS Notice 2015-30: Penalty Relief Related to Incorrect or Delayed Forms 1095-A
- Final regulations for Information Reporting of Minimum Essential Coverage, Department of Treasury, March 10, 2014
- Final regulations for Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer-Sponsored Plans, Department of Treasury, March 10, 2014



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- IRS Notice 2013-45: Transition Relief for 2014 Under Code Sections 6055 and 6056
- IRS Notice 2012-09: Interim Guidance on Informational Reporting to Employees of the Cost of Group Health Insurance Coverage, January 3, 2012.
- IRS Notice 2011-28: Interim Guidance on Informational Reporting to Employees of the Cost of Their Group Health Insurance Coverage, March 29, 2011.
- IRS Notice 2010-69: Interim Relief with Respect to Form W-2 Reporting of the Cost of Coverage of Group Health Insurance, October 12, 2010.
- IRS Draft W-2 Form, October 12, 2010.

MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT

- Final Regulations, Department of Treasury, Department of Labor, Department of Health and Human Services, November 13, 2013
- FAQs About the Affordable Care Act Implementation Part VII and Mental Health Parity Implementation, Department of Labor, November 17, 2011.

MISCELLANEOUS FAQs

- FAQs About the Affordable Care Act Implementation Part XV, Department of Labor, April 29, 2013
- FAQs About the Affordable Care Act Implementation Part XIV, Department of Labor, April 23, 2013
- FAQs About the Affordable Care Act Implementation Part XIII, Department of Labor, March 8, 2013
- FAQs About the Affordable Care Act Implementation Part XII, Department of Labor, February 20, 2013
- FAQs About the Affordable Care Act Implementation Part XI, Department of Labor, January 24, 2013
- FAQs About the Affordable Care Act Implementation Part X, Department of Labor, August 7, 2012
- FAQs About the Affordable Care Act Implementation Part VI, Department of Labor, April 1, 2011

INDIVIDUAL MANDATE

- IRS Notice 2014-76: Individual Shared Responsibility Payment Hardship Exemptions that May Be Claimed on a Federal Income Tax Return Without Obtaining a Hardship Exemption Certification from the Marketplace
- IRS Notice 2013-42: Transition relief for Employees and Related Individuals Eligible to Enroll in Eligible Employer-Sponsored Health Plans for Non-Calendar Plan Years That Begin in 2013 and End in 2014



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- Proposed Rule on Exemptions from Individual Mandate, Centers for Medicare & Medicaid Services, February 1, 2013.
- Proposed Rule on Exemptions from Individual Mandate, Department of Treasury, February 1, 2013.

DEPENDENT COVERAGE

- Final Regulations for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals and Patient Protections under the ACA, Department of Treasury, Department of Labor, Department of Health and Human Services, November 18, 2015
- Fact Sheet on Dependent Coverage, Department of Labor, May 10, 2010.
- FAQs on Dependent Coverage, Department of Labor, May 10, 2010.
- Regulations on Dependent Coverage of Children to Under Age 27, Department of Treasury, May 11, 2010.
- IRS Notice 2010-38 - Tax Treatment of Health Care Benefits Provided With Respect to Children Under Age 27, April 27, 2010.

MEWAS

- Final Rule on MEWA Reporting Obligations, Department of Labor, March 1, 2013.
- Final Rule Regarding Ex-Parte Cease and Desist Orders, Department of Labor, March 1, 2013.
- Changes to Form M-1, Department of Labor, March 1, 2013.
- Changes to Form 5500, Department of Labor, March 1, 2013.
- Proposed Rule on Filings Required of Multiple Employer Welfare Arrangements and Certain Other Related Entities, Department of Labor, December 6, 2011.

MODEL PARTICIPANT AND BENEFICIARY NOTICES

- Internal Claims and Appeals and External Review Processes: Revised Model Notice of Adverse Benefit Determination, Revised Model Notice of Final Internal Adverse Benefit Determination, Revised Model Notice of Final External Review Decision.
- Coverage for Adult Children: Model Language for Notice of Opportunity to Enroll in connection with Extension of Dependent Coverage to Age 26.
- Grandfathered Plans: Model Disclosure Notice to Participants and Beneficiaries.



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- Lifetime Limits: Model Language for Notice that Lifetime Limit No Longer Applies and of Opportunity to Enroll.
- Patient Protections: Model Notice of Right to Choose PCP and Obtain OB/GYN Care Without Prior Authorization.

TAXES AND EMPLOYER SHARED RESPONSIBILITY PROVISIONS

- IRS Q&As on Employer Shared Responsibility Provisions, February 16, 2016.
- Proposed Regulations on Minimum Value of Eligible Employer-Sponsored Health Plans, Department of Treasury, September 1, 2015
- IRS Notice 2015-52: Excise Tax on High Cost Employer-Sponsored Health Coverage
- IRS Notice 2015-37: Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit
- IRS Notice 2015-16: Excise Tax on High Cost Employer-Sponsored Health Coverage
- IRS Notice 2014-69: Group Health Plans that Fail to Cover In-Patient Hospitalization Services
- IRS Notice 2014-49: Shared Responsibility for Employer Regarding Health Coverage - Approach to Changes in Measurement Periods or Methods Applicable to an Employee
- Final Regulations on Shared Responsibility for Employers Regarding Health Coverage, Department of Treasury, February 12, 2014
- Proposed Regulations on Minimum Essential Coverage and Other Rules Regarding the Shared Responsibility Payment, Department of Treasury, January 27, 2014
- IRS Notice 2013-45: Transition Relief for 2014 Under Code Section 4980H
- IRS Notice 2013-41: Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit
- Final Regulations on Shared Responsibility Payment for Not Maintaining Minimum Essential Health Coverage, Department of Treasury, August 30, 2013
- Minimum Value of Eligible Employer-Sponsored Plans and Other Rules Regarding the Health Insurance Premium Tax Credit, Department of Treasury, May 3, 2013.
- Proposed Rule of \$500,000 Limitation on Certain Health Insurance Providers Department of Treasury, April 2, 2013.
- Proposed Regulation on Health Insurance Providers Fee, Department of Treasury, March 1, 2013.
- Health Insurance Premium Tax Credit, Department of Treasury, February 1, 2013.
- Proposed Regulation on Shared Responsibility under Code Section 4980H, Department of Treasury, December 28, 2012.
- Transitional Reinsurance Program Contribution, Department of Health and Human Services, December 7, 2012.



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- Final Regulation on PCORI Fee for Health Insurers and Health Plan Sponsors, Department of Treasury, December 5, 2012.
- Proposed Regulation on Additional Medicare Tax, Department of Treasury, November 30, 2012.
- Additional Medicare Tax FAQs, Department of Treasury, November 30, 2012.
- Proposed Rule on Premium Tax Credits and Cost-Sharing Reductions, Department of Health and Human Services, November 30, 2012.
- Final Rule on Health Insurance Premium Tax Credit, Department of Treasury, May 23, 2012.

EXCHANGES

- Final Rule Implementing Risk Adjustment Programs, Department of Health and Human Services, March 11, 2013.
- Final Rule on Requirements for Multi-State Plans Operating on State-Based Exchanges, Office of Personnel Management, March 1, 2013.
- Final Rule on Health Insurance Market Rules and Rate Review, Department of Health and Human Services, February 27, 2013.
- Final Rule and Interim Rule on Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers, Department of Health and Human Services, March 27, 2012.

HSAS, HRAS, AND CAFETERIA PLANS

- IRS Notice 2015-87: Further Guidance on the Application of the Group Health Plan Market Reform Provisions of the ACA to Employer-Provided Health Coverage and on Certain Other ACA Provisions
- IRS Notice 2015-17: Guidance on the Application of Code section 4980D to Certain Types of Health Coverage Reimbursement Arrangements
- IRS Notice 2014-55: Additional Permitted Election Changes for Health Coverage under Code section 125 Cafeteria Plans
- IRS Notice 2013-57: Preventive care for purposes of Health Savings Accounts

EARLY RETIREE REINSURANCE PROGRAM (ERRP)

- CMS Notice Denying ERRP Funds After 12/31/11, Department of Health and Human Services, December 9, 2011.
- CMS Notice Regarding ERRP Application Deadline, Department of Health and Human Services, April 1, 2011.



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- CMS Progress Report on ERRP, Department of Health and Human Services, March 31, 2011.
- CMS/CCIOO Report on Implementation and Operation of the Early Retiree Reinsurance Program, Calendar Year 2010, Department of Health and Human Services, March 2, 2011.
- Claims Ineligible for Reimbursement Under the Early Retiree Reinsurance Program, Department of Health and Human Services, September 28, 2010.
- Early Retiree Reinsurance Program FAQs, Department of Health and Human Services, June 29, 2010.
- Early Retiree Reinsurance Program Regulations, Department of Health and Human Services, May 4, 2010.
- Fact Sheet: Early Benefits from the Affordable Care Act of 2010 Reinsurance Program for Early Retirees, The White House, April 9, 2010.