

Publications

2010 Ends with a Flurry of Health and Welfare Guidance

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The agencies in charge of implementing the Patient Protection and Affordable Care Act (PPACA) finished off a historic year of health care reform with a flurry of December guidance. Much of this was good news for plans for example, the Internal Revenue Service (IRS) delayed the applicability of new nondiscrimination rules for insured plans until after it issues regulations and issued favorable guidance concerning FSA/HRA debit cards. In addition, DOL, in consultation with the other agencies, issued some helpful Frequently Asked Questions (FAQs) on PPACA, and added a few wellness program and mental health parity FAQs to the mix. The Department of Health and Human Services' (HHS) contribution included guidance on the Early Retirement Reinsurance Program (for which there are still \$4 billion in funds remaining), guidance regarding the annual waiver limit program, and a new notice requirement. In addition, HHS issued a Request for Information regarding how group health plans and group health insurers can utilize "value-based insurance design" in the coverage of preventive services. Meanwhile, on Capitol Hill, Congress was busy enacting legislation to extend various tax provisions that would otherwise have expired.

The new year is already off to an interesting start, with the newly elected Republican majority in the House of Representatives initiating its efforts to repeal the PPACA through its bill entitled the "Repealing the Job-Killing Health Care Law Act" and various courts weighing in on PPACA constitutional challenges. Please see the attached memo for details of the developments and our forecast for 2011.

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