



Compliance Corner

March 25, 2014

HEALTH CARE REFORM

HHS Issues Proposed Rules for Exchanges and Insurers for 2015

On Mar. 21, 2014, HHS proposed regulations regarding a variety of issues related to exchanges and insurance market reforms. Of particular interest to employers are proposed rules relating to SHOP elections and employee choice and guidance on guaranteed renewability.

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CMS Provides Clarifications on Retroactive Advance Payments of the Premium Tax Credit

On March 14, 2014, CMS issued a bulletin that makes certain clarifications to CMS' Feb. 27, 2014, bulletin titled "Bulletin to Marketplaces on Availability of Retroactive Advance Payments of the Premium Tax Credit (PTC) and Cost-sharing Reductions (CSRs) in 2014 Due to Exceptional Circumstances" (covered in the March 11, 2014, edition of *Compliance Corner*). The Feb. 27, 2014, bulletin is directed toward state-based marketplaces (SBMs) and provides relief for individuals who – due to technical issues in the marketplaces – did not receive timely eligibility determinations and enrollment in a marketplace qualified health plan (QHP).

FAQ

May employers implement an eligibility carve-out for spouses who have coverage elsewhere?

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FEDERAL UPDATES

Insurers Offering Spousal Coverage Must Include Coverage for Same-sex Spouses

On March 14, 2014, CMS – via an FAQ – announced that insurers that offer coverage for opposite-sex spouses must also offer coverage for same-sex spouses. The announcement applies to non-grandfathered health coverage for plan or policy years beginning on or after Jan. 1, 2015. The FAQ helps clarify final regulations issued in 2013 that prohibit insurers offering non-grandfathered group or individual health coverage from discriminating on the basis of, among other things, sexual orientation.

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