

Legislative Highlights

April 2013



BlueCross BlueShield
of Illinois

The federal government has released thousands of pages of proposed rules, final rules, FAQs and guidance related to the Affordable Care Act (ACA) in the past several months. We are communicating the information as quickly as possible to keep you informed. While we work to provide more details in future Legislative Highlights, please continue to forward any ACA-related questions to your account representative.

Federal Government Releases Proposed Rule on 90-day Waiting Period

On March 18, the federal government issued a [proposed rule](#) on the 90-day waiting period that would implement the 90-day waiting period limitation and make technical amendments to the Affordable Care Act's (ACA) health care coverage requirements.

Under the proposed rule, for plan years beginning on or after Jan. 1, 2014, employers that provide a group health plan or health insurance issuer offering group health insurance coverage cannot require an otherwise eligible employee (or dependent) to wait more than 90 days before coverage becomes effective.

The proposed rule also clarifies that any period before a late or special enrollment by an employee is not a waiting period. The proposed conforming amendments make changes to existing requirements and other portability provisions that are either no longer applicable or need to be changed because of new market reform protections under ACA.

The proposed rule was published in the Federal Register on Thursday, March 21, 2013. Comments are due 60 days after publication.

We have formed a cross-functional workgroup to review and address any operational issues necessary for compliance. We are currently reviewing the proposed rule and will provide more information as it becomes available.

Employers' ACA Notice Requirement Delayed

As a reminder, the Department of Labor (DOL) has delayed the deadline for employers to send notices to their employees about the availability of Health Insurance Exchanges.

Originally, the deadline was March 1, 2013. The new deadline will be in late summer or early fall, in order to coincide more closely with the exchange open enrollment date of Oct. 1, 2013. The [FAQ](#) released by the government states that additional guidance will be issued on this topic in the future.

Employers must provide employees written notice of the existence of the state health insurance exchange, of their potential eligibility for federal assistance if the employer's plan does not meet affordability and minimum value criteria and if employee household income is below certain thresholds, and that the employer may lose the employer's contribution to health coverage if they purchase health insurance through the state health insurance exchange.