New Rules for Employer Sponsored Health Plans

2010
- Coverage of children up to age 26
- Coverage of children regardless of pre-existing conditions
- No lifetime limits on essential health benefits
- Restricted annual limits on essential health benefits
- Cover of out-of-network ER services at in-network levels
- No cost sharing for certain preventive services (children under age 19)
- Provide break time/private room for nursing mothers (<50 employees undue hardship provision)

2011
- Cover in-network women’s preventive care with no cost share (nonprofits in 2013)
- Provide Summary of Benefits and Coverage (SBC) at enrollment
- Distribute MLR rebates to plan participants
- Pay $1 excise tax per covered employee for Outcomes Research

2012
- Report the value of employee health benefits on W-2s (optional until 2013)
- New “simple cafeteria plans” that meet non-discrimination requirements (ERs with 100 employees or less)
- No eligibility & benefit rules in favor of highly compensated employees (delayed)
- No longer allow OTC drug reimbursement in FSA, HSA, and HRA plans without a prescription

2013
- No pre-existing condition exclusions for enrollees of any age
- Small business tax credit expanded
- Increase in wellness incentives to 30%
- No out-of-pocket limits greater than HSA plan limits
- No annual or lifetime dollar limits on essential health benefits
- Prohibition on waiting periods exceeding 90 days, beginning once the plan’s substantive eligibility conditions are met
- No referral for OB/GYN services
- Coverage for individuals participating in approved clinical trials
- Employers with more than 200 employees must Auto enroll new full-time employees and auto-renew year over year unless coverage is waived – delayed pending final guidance.

2014
- Employer Mandate (Pay or Play): Employers with 100+ employees must offer “affordable” coverage that includes “essential health benefits” to 70% of full-time employees or pay a penalty
- Annual reporting of availability of “Minimum Essential Coverage” to IRS and statements to employees
- Notify workers about 2014 state insurance exchanges and available subsidies

2015
- Employer Mandate: Employers with 50 to 99 employees must offer “affordable” coverage that includes “essential health benefits” to all full-time employees or pay a penalty
- Employers with 100+ employees must now offer coverage to 95% of full-time employees or pay a penalty

2016-2018
- All states define small group as employers with 100 or fewer employees
- State exchanges may open to large employers (>100 employees)
- Self-insured plans face 40% excise tax for “high-cost” benefit plans
- No pre-existing condition exclusions for enrollees of any age
- Small business tax credit expanded
- Increase in wellness incentives to 30%
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