

Mandates Triggering the Section 4980D Excise Tax

Mandate	Description	Effective	Individual	Small Group	Large Group	Self-Insured	Grandfathered
Premiums	Premium rate limits, rating area, age bands	PYB 1/1/14	YES	YES	Generally No*	NO	NO
Guaranteed availability	Issuer must accept every employer and individual who applies for coverage	PYB 1/1/14	YES	YES	YES	NO	NO
Guaranteed renewability	Issuer must renew/continue coverage at option of plan sponsor / individual	PYB 1/1/14	YES	YES	YES	NO	NO
Preexisting conditions	No preexisting exclusions or other discrimination based on health status	PYB 1/1/14	YES	YES	YES	YES	YES
Eligibility	No eligibility rules based on health status-related factors	PYB 1/1/14	YES	YES	YES	YES	NO
Providers	No discrimination against health care providers	PYB 1/1/14	YES	YES	YES	YES	NO
Essential health benefits	Issuer must cover essential health benefits	PYB 1/1/14	YES	YES	NO	NO	NO
Cost-sharing	Limits on annual cost-sharing	PYB 1/1/14	NO	YES	YES	YES	NO
Deductibles	Limits on annual deductibles	PYB 1/1/14	NO	YES	NO	NO	NO
Waiting periods	No waiting periods longer than 90 days	PYB 1/1/14	NO	YES	YES	YES	YES
Clinical trials	No denial of participation in clinical trials	PYB 1/1/14	YES	YES	YES	YES	NO
Disclosure of information	Issuer must disclose premium and benefit information to employers and individuals	PYB 1/1/14	YES	YES	YES	NO	NO
Annual limits	No annual limits on dollar amount for essential health benefits	PYB 1/1/14	YES	YES	YES	YES	YES
Lifetime Limits	No lifetime limits on dollar amount for essential health benefits	PYB 9/23/10	YES	YES	YES	YES	YES
Rescissions	No rescission of coverage	PYB 9/23/10	YES	YES	YES	YES	YES
Preventive services	Preventive services mandate – must cover 100%	PYB 9/23/10	YES	YES	YES	YES	NO
Dependent coverage	Dependent coverage up to age 26	PYB 9/23/10; GF 1/1/14	YES	YES	YES	YES	YES
SBC	Summary of Benefits and Coverage	PYB 9/23/12	YES	YES	YES	YES	YES
Reporting	Report claims, enrollment, etc. to HHS, state insurance commissioner, public, and (if applicable) Exchange	PYB 9/23/10	YES	YES	YES	YES	NO
Nondiscrimination	Nondiscrimination rules	pending guidance	NO	YES	YES	NO	YES
Quality of care reporting	“Quality of care” reporting requirement	pending guidance	YES	YES	YES	YES	YES
MLR rebates	Medical Loss Ratio rebates	2011 calendar year	YES	YES	YES	NO	YES
Claims appeals	Claims appeal and external review	PYB 9/23/10	YES	YES	YES	YES	YES
Doctor choice, emergency, pediatrics, OB-GYN	Choice of health professional, emergency services, pediatric care, OB-GYN	PYB 9/23/10	YES	YES	YES	YES	YES
Newborns' & Mothers' Health Protection Act	Benefits for mothers and newborns		YES	YES	YES	YES	YES
Mental Health Parity & Addiction Equity Act	Restricts annual and lifetime limits for mental health/substance use benefits		YES	YES	YES	YES	YES
Women's Health & Cancer Rights Act	Mandates reconstructive surgery following mastectomy		YES	YES	YES	YES	YES
Michelle's Law	Dependent student absent from school on medically necessary leave of absence must still be treated as a student if eligibility dependent on status as student		YES	YES	YES	YES	YES

* In general, issuers offering coverage in the large group market are not subject to the premium rules under Section 2701 of the PHSA. However, if a state permits issuers in the large group market to offer large group coverage through the state exchange, then all issuers in the large group market are subject to the Section 2701 premium rules -- even if they do not actually offer such coverage through the exchange.