



**FLORIDA OFFICE OF INSURANCE REGULATION**  
**Life and Health Product Review Unit**

The Florida Office of Insurance Regulation (Office) has developed the following worksheet to assist companies making PPACA (Patient Protection and Affordable Care Act)-compliant form filings. The Office encourages companies to download, complete, scan and upload this form as a part of the form filing submitted to the Office via I-File. This will expedite the review process and increase speed to market. This worksheet will be updated on a continuing basis as additional federal guidance is issued. You are encouraged to use the most recently updated version. The worksheet may not contain all of the PPACA requirements. The Office offers this worksheet as guidance only, and should not be considered a directive by the Office.

**Small and Large Group Major Medical Contract Worksheet**

**Florida Provisions (Blue); PPACA Provisions (Red)**  
 (GP) Grandfather Plan; (NGP) Non-Grandfather Plan; (EHB) Essential Health Benefits;  
 (CFR) Code of Federal Regulations, Title 45, unless otherwise indicated; (PHSA) Public Health Service Act

Statute/Rule	Filing Compliance	Yes	No	N/A	Page #
690-149.021(6)(b)	Review filings for correct product codes, properly completed UDL, inclusion of all required documents for a complete review and other requirements. Incorrect product codes and incomplete filings will be returned as incomplete with a letter of explanation.				
690-149.021(1)(b)	Required information to be submitted within the filing.				
690-149.023(4)	Cover letters must include a description of the distribution system (e.g. internet filing, direct marketing, agents, financial institutions, etc.) and intended target population.				
690-149.021(6)(c)	Provide the form number(s), date(s) of approval, Florida file number(s), (e.g. FLH 11-23456), and type of coverage of all policies or other related forms to be used or issued in connection with the form(s) submitted.				
627.651(1)	Group contracts must be issued or delivered to one of the groups provided for in 627.653 through 627.656.				
	<b>Policy Cover Page</b>				
627.602(2) 627.662(2)	Deductible statement must appear in 18-point font.				
627.416	Execution of Policies: Every form shall contain the signature of a company official.				
627.6651	Replacement or termination of the group: When a purchaser of insurance terminated or replaces an existing group with another such policy, the prior insurer shall remain liable only to the extent of its accrued liabilities and extensions of benefits as required by 627.667.				
	<b>Required Policy Contents</b>				
690-154.001	Policy statement instructing the policyholder to read the application attached to the policy and inform the company within 10 days of any incomplete or incorrect information, or if any past medical history has been omitted.				
690-154.003	"Free look" provision. Policy must notify the policyholder of the right to review the policy or contract and return it within 10 days of delivery for a full refund of premium paid if, after examination of the policy or contract, the purchaser is not satisfied with it for any reason				

690-154.105(1)	Renewability provision. Each individual or family policy of accident and health insurance shall include a renewal, continuation or nonrenewal provision consistent with the type of contract to be issued (e.g., noncancellable and guaranteed renewable, guaranteed renewable, renewable at the option of the insurer, single term nonrenewable, etc.). Such provision must be appropriately captioned and commence or be referenced on the first page of the policy and must clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.				
627.413(1)(a)	The names of the parties to the contract.				
627.413(1)(b)	The subject (type) of insurance. Policy must have a title.				
627.413(1)(c)	The risk insured against. (benefits)				
627.413(1)(d)	The time the insurance takes effect and the period it continues. (Effective date/time and the termination date/time.)				
627.413(1)(e)	The premium (may be located on the application or schedule of benefits, if application/schedule is made part of the policy.)				
627.413(1)(f)	The conditions pertaining to the insurance. Qualification of the benefits.				
627.413(1)(g)	The form numbers and edition dates of all endorsements attached to the policy, only at time of original issue.				
627.4131	Telephone number required for policyholders and certificate holders to present inquiries or obtain information about coverage and to provide assistance in resolving complaints.				
627.4234	Cost containment. The contract must include one or more of the following cost containment provisions: hospital, surgical and medical expense incurred: co-insurance, deductible, utilization review, audit of provider's bills, scheduled benefits and/or pre-admission testing.				
627.662(13) 627.6044	Use of specific methodology for payment of claims.				
627.657(1)(b)	Delivery of certificate. Policy must include a provision that a certificate must be furnished to the policyholder for delivery to the employee or member setting forth the essential features of the policy.				
627.657(3) 627.612	Proof of Loss. Minimum 90 days or as soon as reasonably possible within one year.				
627.662(2) 627.6131	Time of payment of claims. Company must pay or deny within 45 days.				
627.662(7) 627.645(1)	Denial of claims.				
627.662(3) 627.635	Excess Insurance. If a policy contains a provision that no benefits will be paid until all benefits are paid by all other contracts; this is excess insurance, and the contract shall have EXCESS INSURANCE stamped or printed on the face page.				
627.662(4) 627.638	Direct payment for hospital and medical services.				
690-154.104	Definitions shall be contained in the contract.				
690-154.105(4)	Non-duplication of coverage.				
	<b>Policy Standards</b>				

<p>PPACA 1001 PHSA 2711 CFR 147.126 CFR 147.140</p>	<p>Annual and lifetime limits. Plans may not establish lifetime or annual limits on the dollar value of essential health benefits (EHB). Plans may still impose annual and lifetime limits on specific covered benefits that are not EHB. (Lifetime limits apply to all plans, including GP. Annual limits apply to all plans except individual GP).</p> <p>Issuers are not prohibited from excluding all benefits for a condition. However, if any benefits are provided for a condition, then the provisions related to annual and lifetime limits apply. Other requirements of Federal or State law may require coverage of certain benefits.</p> <p>A group health plan, or group or individual health insurance coverage that on March 23, 2010, did not impose an overall annual or lifetime limit on the dollar value of all benefits ceases to be a GP if the plan or health insurance coverage imposes an overall annual limit on the dollar value of benefits.</p>				
<p>682</p>	<p>Arbitration. If included, arbitration must be on a voluntary basis. Two or more parties ‘may’ agree in writing; cannot have binding arbitration in contracts.</p>				
<p>CFR 147.140(a)(2)</p>	<p>Benefit and plan description/statements required to be in a GP. Plan materials provided to an insured or subscriber must describe the benefits provided under the plan, identify the plan as a “grandfathered health plan” within the meaning of PPACA Section 1251 and include contact information for questions or complaints.</p> <p>The following model language may be used:</p> <p><i>“This health plan believes this coverage is a PPACA grandfathered health plan. As permitted by the ACA, a grandfathered health plan means that your plan may not include certain consumer protections of the ACA that apply to other plans, for example, the requirements for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the ACA, for example, the elimination of lifetime limits on benefits.</i></p> <p><i>Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the plan administrator at [insert contact info]. [For individual policies and nonfederal governmental plans, insert: You may also contact the U.S. Department of Health and Human Services at <a href="http://www.healthreform.gov">www.healthreform.gov</a>”</i></p>				
<p>690-154.105(2)</p>	<p>Conditions of eligibility.</p>				
<p>627.662(8) 627.6471</p>	<p>Contracts for alternative rates of payment. An insurer may enter into contracts for alternate rates of payment with licensed health care providers and may limit payment under such policies and may offer the benefits alternative to insureds.</p>				
<p>627.6675</p>	<p>Conversion on termination of eligibility. The contract must allow for persons who cease to be covered due to termination of eligibility (and prior to becoming eligible for Medicare or Medicaid) to have issued, without evidence of insurability, a policy (individual or family) provide application is made and premium is paid within 31 days. The coverage must be equal to or, at the option of the insured, less than the amount of the insurance which ceases due to termination. Maternity and dental benefits shall be offered if they were provided in the terminating coverage.</p>				
<p>627.4235(1)</p>	<p>Coordination of benefits. The contract must contain a coordination of benefits provision.</p>				

<p>PPACA 1302(c) PHSA 2707 CFR 156.130(a) 80FR 10824-25</p>	<p>Co-payment features (if any)</p> <p><u>Cost-sharing annual limits.</u> For the 2016 Plan Year, all NGP group health plans must adopt an annual cost sharing limit for covered, in-network essential health benefits as follows:</p> <ul style="list-style-type: none"> <li>• <b>for self-only coverage, \$6,850.</b></li> <li>• <b>for other than self-only coverage, \$13,700.</b></li> </ul> <p>Beginning in PY 2016, self-only limits are embedded into family plans—the limit for self-only coverage applies to all individuals regardless of whether the individual is covered by a self-only plan or is covered by a plan that is other than self-only. In both of these cases, an individual’s cost sharing for EHB may never exceed the self-only annual limitation on cost sharing. (Reduced cost-sharing does not apply to group plans.)</p>				
<p>CFR 156.130(c) 80 FR 10824</p> <p>CFR 156.130(g) CFR 147.138(b)(3)</p>	<p>Cost-sharing/out-of-network benefits:</p> <ol style="list-style-type: none"> <li>1. For plans using a network of providers, cost sharing paid by, or on behalf of, an enrollee for benefits provided outside of the network are not required to count toward the annual limitation on cost sharing.</li> <li>2. Any cost-sharing requirement expressed as a copayment amount or coinsurance rate imposed with respect to a participant, beneficiary, or enrollee for out-of-network emergency services cannot exceed the cost-sharing requirement imposed with respect to a participant, beneficiary, or enrollee if the services were provided in-network. However, a participant, beneficiary, or enrollee may be required to pay, in addition to the in-network cost-sharing, the excess of the amount the out-of-network provider charges over the greater of the amount 1) negotiated with in-network providers for the emergency service furnished; 2) the amount for the emergency service calculated using the same method the plan generally uses to determine payments for out-of-network services, or 3) that would be paid under Medicare for the emergency service. In all three cases, excluding any in-network copayment or coinsurance imposed with respect to the participant, beneficiary, or enrollee.</li> </ol> <p>Any cost-sharing requirement other than a copayment or coinsurance requirement (such as a deductible or out-of-pocket maximum) may be imposed with respect to emergency services provided out of network if the cost-sharing requirement generally applies to out-of-network benefits. A deductible may be imposed with respect to out-of-network emergency services only as part of a deductible that generally applies to out-of-network benefits. If an out-of-pocket maximum generally applies to out-of-network benefits, that out-of-pocket maximum must apply to out-of-network emergency services.</p>				
<p>PPACA 1402</p>	<p>Cost sharing includes deductibles, coinsurance, co-payments, or similar charges; and any other expenditure required of an insured individual which is a qualified medical expense for EHB covered under the plan. Defines “qualified medical expense.”</p>				
<p>627.6561 69O-154.110</p>	<p>Creditable Coverage (GP). Coverage as outlined must be applied to reduce any pre-existing condition.</p>				

<p>PPACA 1302(b)(4) CFR 156.125(a)</p> <p>80 FR 10822</p>	<p>Discrimination/benefit design. (NGP)</p> <p>An issuer does not provide EHB if its benefit design, or the implementation of its benefit design, discriminates based on an individual's age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions.</p> <p>Three examples of potentially discriminatory practices:</p> <ol style="list-style-type: none"> <li>1. attempting to circumvent coverage of medically necessary benefits by labeling them a pediatric service.</li> <li>2. refusing to cover a single-tablet drug regimen or extended-release product customarily prescribed and just as effective as a multi-tablet regimen, absent an appropriate reason for such refusal.</li> <li>3. placing most or all drugs that treat a specific condition on the highest cost tiers.</li> </ol>				
<p>PHSA 2705 CFR 146.121 CFR 147.110(a)</p>	<p>Discrimination/health status. (NGP)</p> <p>Discrimination based on health status is prohibited. (NGP) A plan may not establish rules for eligibility based on any of the following health-related factors:</p> <ul style="list-style-type: none"> <li>• Health status</li> <li>• Medical condition</li> <li>• Claims experience</li> <li>• Receipt of health care</li> <li>• Medical history</li> <li>• General information</li> <li>• Evidence of insurability (including conditions arising out of domestic violence or participation in activities such as motorcycling, snowmobiling, etc.)</li> <li>• Disability</li> </ul> <p>Any other health-status related factor deemed appropriate by the Secretary.</p>				
<p>627.419</p> <p>PPACA 1201 PHSA 2706 CCIIO ACA Implementation FAQs – Set 15</p>	<p>Discrimination/providers (NGP)</p> <p>Provider parity</p> <p>Discrimination against providers. (N/A to GP). Providers operating within the scope of their practice cannot be discriminated against. Issuers may not discriminate against any provider operating within their scope of practice. Note: This law does not require that a plan contract with any willing provider and does not prohibit tiered networks. QHPs must ensure a sufficient choice of providers in a manner consistent with network adequacy provisions.</p>				

<p>147.104(b)(1) 155.725(b), (e) &amp; (f)</p> <p>155.720(b)</p> <p>CFR 155.725(e)</p> <p>CFR 147.104(b)(4)</p> <p>CFR 155.725(g)</p>	<p>Enrollment periods/annual open enrollment</p> <p><u>PPACA</u> (non-grandfathered plans)</p> <p>A health insurance issuer in the group market must allow a qualified employer to purchase coverage for a small group health plan at any point during the year. Enrollment in the SHOP is on a rolling basis.</p> <p>Insurers may impose an annual enrollment period from November 15 to December 15 for plan sponsors unable to comply with a employer contribution or group participation rules as allowed under applicable state law and as permitted by §156.285.</p> <p>The SHOP must establish a uniform enrollment timeline and process for all QHP issuers and qualified employers to follow.</p> <p>The SHOP must provide advance notice to a qualified employer of the annual open enrollment period.</p> <p>The FF-SHOP must provide qualified employers with a standard election period prior to the completion of the employer's plan year and before the annual employee open enrollment period, in which the qualified employer may change its participation in the SHOP for the next plan year.</p> <p>Employers may offer one health plan to their employees, or choose a coverage category, like Bronze or Silver, and allow employees to select any plan in that category. The plan year must consist of a 12-month period.</p> <p><u>Length:</u> The SHOP must establish a standardized annual open enrollment period for qualified employees prior to the completion of the applicable qualified employer's plan year and after that employer's annual election period.</p> <p>Enrollees must be provided 30 calendar days after the date of the qualifying event.(described in (b)(3) which seems to apply to special enrollment periods, but then seems a potential inconsistency with (b)(4)</p> <p>A newly qualified employee must have at least 30 days from the beginning of his or her enrollment period to select a QHP. The enrollment period must end no sooner than 15 days prior to the date that any applicable employee waiting period longer than 45 days would end if the employee made a plan selection on the first day of becoming eligible.</p>				
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<p>CFR 147.104(b)(3)</p>	<p>Enrollment periods/special enrollment</p> <p><u>PPACA (non-grandfathered plans)</u></p> <p><b>On and Off SHOP</b></p> <p><u>Qualifying events:</u> Health insurance issuers must provide special enrollment periods for qualifying events as defined under s. 603 of ERISA. These are in addition to any other special enrollment periods required under federal or state law and include:</p> <ol style="list-style-type: none"> <li>1. The death of the employee;</li> <li>2. The termination (other than through employee's gross misconduct) or reduction of hours of covered employee;</li> <li>3. The divorce or legal separation of the covered employee from spouse;</li> <li>4. The covered employee becoming entitled to Medicaid benefits (Title XVIII, SSA);</li> <li>5. The dependent child ceasing to be a dependent child under generally applicable requirements of the plan;</li> <li>6. A proceeding in a case under title 11 with respect to the employer.</li> </ol> <p><u>Length:</u> The enrollment period must run for 30 days from the date of the qualifying event.</p>				
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<p>CFR 147.104(b)(4)</p> <p>CFR 155.725(j) CFR 155.420(d) 80 FR 10798</p>	<p>Enrollment periods/special enrollment (continued)</p> <p><b>SHOP</b></p> <p>A SHOP Exchange must provide special enrollment periods, during which qualified employees or dependents may enroll in QHPs (or SADPs) and enrollees may change QHPs (or SADPs), if one of the following triggering events occur:</p> <ol style="list-style-type: none"> <li>1. A qualified individual or dependent loses minimum essential coverage, is enrolled in any non-calendar year group health plan or individual health insurance coverage (outside of an Exchange, including grandfathered and transitional plans), even if the qualified individual or his or her dependent has the option to renew such coverage; loses pregnancy-related coverage under Medicaid, or loses medically needy coverage (Medicaid); [Note: See the circumstances described in 26 CFR 54-9801-6(a)(3)(i)- (iii).]</li> <li>2. A qualified individual gains a dependent or becomes a dependent through marriage, birth, adoption or placement for adoption or in foster care;</li> <li>3. A qualified individual's enrollment or non-enrollment in a QHP is unintentional, inadvertent, or erroneous and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Exchange or HHS, or its instrumentalities as evaluated and determined by the Exchange. In such cases, the Exchange may take such action as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction;</li> <li>4. An enrollee adequately demonstrates to the Exchange that the QHP in which he or she is enrolled substantially violated a material provision of its contract in relation to the enrollee;</li> <li>5. A qualified individual or enrollee gains access to new QHPs as a result of a permanent move;</li> <li>6. An Indian, as defined by section 4 of the Indian Health Care Improvement Act, may enroll in a QHP or change from one QHP to another one time per month;</li> <li>7. A qualified individual or enrollee demonstrates to the Exchange, in accordance with guidelines issued by HHS, that the individual meets other exceptional circumstances as the Exchange may provide;</li> <li>8. The Exchange determines that a qualified individual, enrollee, or dependent, did not enroll in QHP coverage or is eligible but not receiving premium tax credits or reduced cost sharing as a result of misconduct on the part of a non-Exchange entity providing enrolment assistance or activities.</li> <li>9. A qualified employee or dependent becomes (newly) eligible for assistance under a SHOP, Medicaid or CHIP, or ineligible for coverage under Medicaid or CHIP</li> </ol> <p><u>Length:</u> The special enrollment period runs:</p> <ul style="list-style-type: none"> <li>• 30 days from the date of the triggering event; (or .for qualifying events 3, 4, 7 and 8, an Exchange may define the length of the enrollment period as appropriate based on circumstances not to exceed 60 days.</li> <li>• 60 days from the date of the triggering event for those becoming newly eligible for assistance under a SHOP, Medicaid or CHIP or those losing eligibility for coverage under Medicaid or CHIP</li> <li>• The SHOP must provide an employee who becomes a qualified employee outside of the annual open enrollment period an enrollment period beginning on the first day of becoming a qualified employee.</li> </ul>				
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<p>627.413(1)(d)</p> <p>627.602(1)(b)</p>	<p>Effective dates of coverage.</p> <p>Effective dates of Coverage for GP and off-Exchange NGP:</p> <p>Every policy shall specify the time when the insurance takes effect and the period during which the insurance is to continue.</p> <p>The time when the insurance takes effect and terminates shall be expressed in the policy.</p> <p>Effective date of coverage following open or special enrollment left to the insurer and the insured.</p>				
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	Effective dates of coverage (continued).				
147.104(b)(1)(C) 155.720(e); 155.725(a), (e) & (h)	<b>SHOP</b> Notification of effective date. For plan years beginning before 1/1/17, the SHOP must ensure that a QHP issuer notifies a qualified employee enrolled in a QHP through the SHOP of the effective date of coverage. For plan years beginning on or after 1/1/17, the SHOP must ensure that a QHP issuer notifies an enrollee enrolled in a QHP through the SHOP of the effective date of coverage.				
CFR 155.720(e)	When a primary subscriber and his or her dependents live at the same address, a separate notice of the effective date of coverage need not be sent to each dependent at that address, provided that the notice sent to each primary subscriber at that address contains all required information about the coverage effective date for the primary subscriber and his or her dependents at that address.				
CFR 147.104(b)(1)(i)(C)	<u>Annual enrollment periods</u> Coverage in the group market, and large group market if coverage is offered through a SHOP, becomes effective consistent with dates applicable to SHOP in CFR 155.725.				
CFR 155.725(a) & (h)(1)	Coverage effective dates. SHOP must establish effective dates of coverage for qualified employees: <ul style="list-style-type: none"> <li>• enrolling in coverage for the first time, and</li> <li>• enrolling during the annual open enrollment period prior to the completion of the employer’s plan year.</li> </ul>				
CFR 155.725(h)(2)	Coverage effective dates applicable both inside and outside a SHOP: <ul style="list-style-type: none"> <li>• Enroll 1<sup>st</sup>-15<sup>th</sup> day of month, effective Day 1 of following month</li> <li>• Enroll 16<sup>th</sup>-last day of month, effective Day 1 of 2<sup>nd</sup> following month</li> </ul>				
CFR 147.106(b)(5)	<u>Special enrollment periods.</u> Coverage must become effective consistent with dates in CFR 155.420, both inside and outside of (SHOP) Exchange				
155.420(b)(1)-(2)	Regular effective dates— <ul style="list-style-type: none"> <li>• Enroll 1<sup>st</sup>-15<sup>th</sup> day of month, effective Day 1 of following month</li> <li>• Enroll 16<sup>th</sup>-last day of month, effective Day 1 of 2<sup>nd</sup> following month</li> </ul> Special effective dates— <ul style="list-style-type: none"> <li>• Date of event or may permit the enrollee to elect Day 1 of the following month: For birth, adoption or placement for adoption, or placement in foster care.</li> <li>• Day 1 of following month: For marriage or loss of minimum essential coverage.</li> <li>• The date of the triggering event or the regular effective dates: <ul style="list-style-type: none"> <li>○ enrollment or nonenrollment is unintentional;</li> <li>○ enrollment or nonenrollment is the result of error or misrepresentation or inaction of the Exchange or HHS QHP in which person was enrolled violated a material provision of the contract relative to the enrollee;</li> <li>○ where enrollee meets other exceptional circumstances or qualified individual was not enrolled in QHP coverage as a result of misconduct on the part of a non-Exchange entity providing enrollment assistance or activity.</li> </ul> </li> </ul>				
CFR 155.420(b)(3)	A (SHOP) Exchange may set earlier effective dates for certain special enrollment periods.				

627.411 690-154.105(7)(c)	Exceptions, exclusions and reductions must be clearly expressed as a part of the benefit provision to which such applies, or if applicable to more than one benefit provision, shall be set forth as a separate provision and appropriately captioned. They must be clearly stated and unambiguous.				
627.667	Extension of benefits provision. Group policy must provide for a 12-month extension of major medical benefits for a person who is totally disabled at the date of discontinuance of the policy, regardless of whether replacement coverage is obtained. Specific requirements apply to extension of benefits for maternity expense and dental procedures.				
627.6577(1)	Free choice of dental providers. Any employer, group, or organization that pays or contributes to the premium of a group health insurance plan or dental service plan corporation which provides dental coverage only upon the condition that services be rendered by an exclusive list of dentists or groups of dentists shall provide an alternative to enable the insured to have a free choice of dentist.				
627.6513  PPACA 1001 PHSA 2719 CFR 147.136 29 CFR 2560.503-1	Grievance procedures (GP and NGP). Procedures must comply with provisions of the Employee Retirement Income Security Act of 1974, as implemented by 29 C.F.R. s. 2560.503-1. (Obtain certification from company officer using standard language.)  Grievance procedures. The issuer is required to include a description of procedures and applicable time frames for claims, obtaining prior approval; preauthorization; and utilization review. Detailed procedures set forth in PPACA implementing regulations. Applicable to issuers of group and individual issuer NGP.				
627.6651	Group replacement or termination of the group. When a purchaser of insurance terminated or replaces an existing group with another such policy, the prior insurer shall remain liable only to the extent of its accrued liabilities and extensions of benefits as required by 627.667.				
627.6699(5)  PPACA 1201 PHSA 2702 CFR 146.150 CFR 147.104(a)	Guaranteed issue. Guaranteed issue in small group market. (N/A to student health or bona fide association coverage.)  A health insurance issuer that offers health insurance coverage in the small group or large group market in a State must offer to any individual or employer in the State all products that are approved for sale in the applicable market, and must accept any individual or employer that applies for any of those products.				
627.6571  PHSA 2703 CFR 146.152 CFR 147.106(a)	Guaranteed renewability of coverage (GP). Group coverage must be renewed except for reasons outlined in this section. (N/A to student health or bona fide association coverage)  Guaranteed renewability of coverage (NGP). A health insurance issuer offering health insurance coverage in the small group or large group market is required to renew or continue in force the coverage at the option of the plan sponsor or the individual, as applicable. For group insurance, insurers must renew or continue coverage at the option of the individual except for non-payment of premium, fraud, termination of plan, movement outside of service area or association membership ceases.				
627.411 690-154.105(7)	Limitations. The limitations on the risk undertaken, whether applicable to amounts, duration of benefits, age, or other matters, must be specified with clarity and certainty in the appropriate provision of the contract.				

<p>PHSA 2702(c) CFR 156.230 80 FR 10830</p>	<p>Network adequacy</p> <p>Provider network consists of only providers contracted as in-network. The general availability of out-of-network providers may not be counted for purposes of meeting network adequacy requirements.</p> <p>Reasonable access standard adopted in the <i>2015 Letter to Insurers in the Federally-facilitated Marketplaces (March 14, 2014)</i>. All services must be accessible without unreasonable delay consistent with the network adequacy provisions of section 2702(c) of the Public Health Service Act. (Applicable to QHP in FFE.) A provider directory is easily accessible when the general public is able to view all current providers on the issuer's public Web site through a clearly identifiable link or tab and without creating or accessing an account or entering a policy number; and the general public is able to easily discern which providers participate in which plans and which provider networks, where there are multiple networks</p> <p>For Plan Years beginning on or after January 1, 2016, a QHP issuer must publish an up-to-date, accurate, and complete provider directory, including information on which providers are accepting new patients, the provider's location, contact information, specialty, medical group, and any institutional affiliations, in a manner that is easily accessible.</p>				
<p>CFR 144.103</p>	<p>Plan and product defined. A “plan” is defined as “the pairing of health insurance coverage benefits under the product with a particular cost-sharing structure, provider network, and service area.” The “product” comprises all plans offered with those characteristics and the combination of the service areas for all plans offered within a product constitutes the total service area of the product.</p> <p>The plan will be considered the same plan if it has the same cost-sharing structure as before the modification, or any variation is solely related to changes in cost of utilization, or is to maintain the same metal tier; continues to cover a majority of the same service area and provider network. A state may permit greater changes to the cost-sharing structure, or designate a lower threshold for maintenance of the same provider network or service area to still be considered the same plan.</p>				
<p>627.6045 690-154.105(5)</p> <p>PPACA 1201 &amp; 1255 PHSA 2704 CFR 144.103 CFR 147.108</p>	<p>Pre-existing condition (GP). Issuer may not exclude for more than 24 months and applicable to only conditions that are manifested during the 24-month period before coverage. Contracts may exclude coverage for named specific conditions without time limit.</p> <p>Pre-existing conditions. A plan may not impose any pre-existing condition exclusions. Pre-existing condition exclusion means a limitation or exclusion of benefits (including a denial of coverage) based on the fact that the condition was present before the effective date of coverage (or if coverage is denied, the date of the denial) under a group health plan or group or individual health insurance coverage (or other coverage provided to Federally eligible individuals pursuant to 45 CFR part 148), whether or not any medical advice, diagnosis, care, or treatment was recommended or received before that day.</p>				
<p>CFR146. 111(a)(3)(i)-(iii)</p>	<p>The enrollment date means the first day of coverage or, if there is a waiting period, the first day of the waiting period. If an individual receiving benefits under a group health plan changes benefit packages, or if the plan changes group health insurance issuers, the individual’s enrollment date does not change.</p>				

CFR 146.117(a)(3) & (4)	The plan must allow an employee a period of at least 30 days after an event to request enrollment for the employee or the employee’s dependent. Events: loss of eligibility for coverage as a result of legal separation, divorce, cessation of dependent status, death of an employee, termination of employment, reduction in number of hours employment and any loss of eligibility for coverage.				
627.4145  CFR 155.205	Readable language in insurance policies. Minimum score of 45 on Flesch reading ease test.  Plain Language Requirement (Exchange standard). Issuers must provide applicants and enrollees information in plain language and in a manner that is accessible and timely. Required notices must meet certain specified standards.				
CFR 147.106(f)(2)  CFR 155.725(i)	Renewal of coverage. An issuer in the small group market renewing a NGP, or uniformly modifying a NGP, must provide to each plan sponsor written notice of the renewal at least 60 calendar days before the date of the coverage will be renewed in a form and manner specified by the HHS Secretary.  Renewal of coverage. A qualified employee enrolled in a QHP through a SHOP who remains eligible for coverage will remain in the QHP selected the previous year, unless the employee terminates coverage from such QHP in accordance with standards identified in §155.430, or enrolls in another QHP if such an option exists; or the QHP is no longer available to the qualified employee.				
627.657(1)(a)	Statements as representations. Policy must include a provision that statements in the application are representations and not warranties.				
CFR 155.430(b)(1), (d)(1)-(2) 80 FR 10800	Termination of coverage by the insured for NGP.  <u>Exchange-only products</u>  The Exchange must permit an enrollee to terminate his or her enrollment in a QHP, including termination as a result of obtaining other minimum essential coverage, with appropriate notice to the Exchange or the QHP. To the extent an enrollee may terminate under existing state laws, including “free look” cancellation laws, the enrollee may do so in accordance with such laws.  The termination date is the date specified by the enrollee, if the enrollee provides reasonable notice. If the If the enrollee does not provide reasonable notice, the last day of coverage is 14 days after the date the enrollee requests termination. “Reasonable notice” is defined as notice occurring 14 days before the requested effective date of termination. If the enrollee requests an earlier termination date and the enrollee’s QHP issuer agrees to termination in fewer than 14 days, then the date of termination is on or after the date requested by the enrollee.				

<p>627.6645</p> <p>690-154.105(3)</p>	<p>Termination of coverage by insurer</p> <p>Insurers must give the policyholder at least 45 days' advance notice of cancellation, expiration, nonrenewal, or a change in rates. Such notice shall be mailed to the policyholder's last address as shown by the records of the insurer. If the insurer fails to provide the required notice, the coverage shall remain in effect at the existing rates until 45 days after the notice is given or until the effective date of replacement coverage obtained by the insured, whichever occurs first.</p> <p>A family policy providing hospital, surgical, medical expense, hospital confinement indemnity or accident only insurance shall include termination provisions which shall specify as to the insured, spouse and child, the age or event, if any, upon which coverage under the policy will terminate (e.g., age 65, eligibility for Medicare, legal separation, termination of marriage by divorce or annulment or similar actions.</p>				
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<p>CFR 147.106(a)-(b)</p>	<p>Termination of coverage by insurer (continued).</p> <p><u>Market-wide</u> (not applicable to GP)  <i>Exceptions to guaranteed renewability.</i> An issuer may nonrenew or discontinue health insurance coverage:</p> <ul style="list-style-type: none"> <li>• for nonpayment of premium, fraud or intentional misrepresentation of a material fact, violation of participation or contribution rules, by the plan sponsor or individual;</li> <li>• if discontinuing a particular product or all coverage in a given market or all markets:</li> <li>• if no enrollees under the plan still live, reside, or work in the service area of the issuer (or in area for which the issuer is authorized to do business); or</li> <li>• for coverage made available in the small or large group market only through one or more bona fide associations, if the employer's membership in the bona fide association ceases, but only if the coverage is terminated uniformly.</li> </ul> <p><u>Exchange-only products</u></p> <p>Termination of coverage by the Exchange or insurer for non-grandfathered plans.</p>				
<p>CFR 155.430(b)(2)  CFR 156.270</p>	<p>The Exchange may initiate termination of an enrollee's coverage in a QHP, and must permit a QHP issuer to terminate such coverage or enrollment, in the following circumstances with the following termination dates:</p> <ul style="list-style-type: none"> <li>• The enrollee is no longer eligible for coverage. In this case, the termination date is the last day of QHP coverage or eligibility;</li> <li>• Non-payment of premium, and the 3-month grace period required by 45 CFR 156.270 for advance payment of premium tax credits or any other applicable grace period has expired. In this case, the termination date is the last day of the first month of the 3-month grace period.</li> <li>• Non-payment of premium, and some other applicable grace period has been exhausted. In this case, the termination date is the date consistent with existing state laws regarding grace periods.</li> <li>• The enrollee changes plans during an open or special enrollment period. In this case, the last day of coverage in the prior QHP is the day before the effective date of coverage in the new QHP, including any retroactive enrollments/termination dates.</li> <li>• Death of the enrollee, with the effective date being the date of death.</li> <li>• The enrollee's coverage has been rescinded per 147.128 because the individual (or a person seeking coverage on behalf of the individual) performs an act, practice, or omission that constitutes fraud, or the individual makes an intentional misrepresentation of material fact, as prohibited by the terms of the plan or coverage. In this case, the issuer must provide a 30-day advance notice to each participant per 45 CFR 147.128(a).</li> </ul>				
<p>CFR 155.430(b)(2)(vi)</p>	<ul style="list-style-type: none"> <li>• The QHP terminates or is decertified by the Exchange.</li> <li>• Any of the reasons for termination of coverage under CFR 147.106 (i.e.,</li> </ul>				

<p>CFR 156.270(b)</p> <p>80 FR 10809</p>	<p>Termination notice. If a QHP issuer terminates an enrollee's coverage in accordance with §155.430(b)(2)(i), (ii), or (iii), the QHP issuer must, promptly and without undue delay provide the enrollee with a notice of termination of coverage that includes the termination effective date and reason for termination.</p> <p>When a primary subscriber and his or her dependents live at the same address, a separate notice need not be sent to each dependent at that address, so long as the notice sent to each primary subscriber at that address contains all the required information about the termination for that primary subscriber and each of his or her dependents at that address.</p>				
<p>627.411</p>	<p>Terrorism exclusion. Terrorism cannot be excluded; companies must pay benefits to policyholders injured or killed by terrorist acts.</p>				
<p>627.6561(1)(b) 690-154.105(6)</p> <p>PPACA 1251(a)(4)(A)(i) PHSA 2708 CFR 146.111(a)(3)(iii) CFR 147.116(b)</p>	<p>Waiting periods. (e.g., waiting periods for receiving services and any other restrictions). Defined as “that period of time which may be specified in the policy and which must follow the date a person is initially insured under the policy before the coverage or coverages of the policy shall become effective as to such person.” A probationary or waiting period shall not be used with respect to any loss resulting from accidental injuries as defined in the policy; however, as to loss resulting from sickness, a policy may specify a probationary or waiting period which shall not exceed 30 days, except for certain specified conditions.</p> <p>Waiting periods may not exceed 90 days. Defines waiting period as “the period that must pass before coverage for an employee or dependent who is otherwise eligible to enroll under the terms of a group health plan can become effective. If an employee or dependent enrolls as a late enrollee or special enrollee, any period before such late or special enrollment is not a waiting period.” [Also applies to GP, per section 1251(a)(4)(A)(i)]. For a plan year beginning in 2014 through the end of 2014, a plan may not impose a waiting period that exceeds 90 days. (Also applies to GP, per section 1251(a)(4)(A)(i) of the PPACA). If a group plan conditions eligibility of an employee by a specified number of hours of service per period, the period may not exceed 12 months and the number of cumulative hours-of-service may not exceed 1200 hours.</p>				
	<p><b>Mandated Coverages: Essential Health Benefits</b></p>				
<p>PPACA 1302 PHSA 2707 CFR 147.150(a) CFR 156.110(a)(1)-(10)</p>	<p>Essential health benefits (EHBs). Applicable to NGP; not applicable to GP. Applicable to “small group” (as defined by PPACA) NGP.</p> <p>Health insurance issuers offering health insurance coverage in the individual market, both inside and outside of an Exchange, must offer a core package of items and services, known as “essential health benefits,” within at least the following 10 categories:</p> <ol style="list-style-type: none"> <li>1. Ambulatory patient services</li> <li>2. Emergency services</li> <li>3. Hospitalization</li> <li>4. Maternity and newborn care</li> <li>5. Mental health and substance use disorder services, including behavioral health treatment</li> <li>6. Prescription drugs</li> <li>7. Rehabilitative and habilitative services and devices</li> <li>8. Laboratory services</li> <li>9. Preventive and wellness services and chronic disease management</li> <li>10. Pediatric services, including oral and vision care</li> </ol>				





<p>627.6574(1) 690-125.001(3)(f)</p> <p>627.6574(2)</p> <p>627.6575 627.6699(12)(b)4.c.</p> <p>PPACA 1302(b)(1)(D) PHSA 2725 CFR 146.1305 CFR 156.115(a)(2)</p>	<p>Maternity and newborn care.</p> <p>Maternity care: Any health policy that provides for maternity care shall also cover for the services of certified midwives, licensed midwives and the services of birthing centers. The complications of pregnancy must be treated the same as any other illness.</p> <p>A policy that provides coverage for maternity benefits or newborn coverage may not limit coverage for length of stay in a hospital or for follow-up care outside of a hospital to any time period less than that determined to be medically necessary by the treating obstetrical care provider or the pediatric care provider in accordance with prevailing medical standards. The policy must provide coverage for post-delivery care for the mother and infant, including medically necessary clinical tests and immunizations.</p> <p>Newborn children coverage must be provided from the moment of birth.</p> <p>Maternity care: Any health policy that provides for maternity care may NOT restrict benefits for a hospital stay in connection with childbirth to less than <u>48 hours</u> following a vaginal delivery or <u>96 hours</u> following a delivery by cesarean section. (Newborn's and Mother's Health Protection Act (NMHPA) of 1996.). Hospital length of stay begins at the time of delivery if delivery occurs in a hospital and at time of admission if delivery occurs outside the hospital. In the case of multiple births, it begins at time of the last delivery. This section does not apply to any issuer that does not provide benefits for hospital lengths of stay in connection with childbirth for a mother or her newborn child.</p> <p>No prior authorization required for the 48/96 hour hospital stay. EXCEPTION: This does not apply if the provider, in consultation with the mother, decides to discharge the mother or the newborn prior to the minimum length of stay. The issuer may not:</p> <ul style="list-style-type: none"> <li>• Deny a mother or her newborn child eligibility or continued eligibility to enroll in or renew coverage solely to avoid the requirements of this section;</li> <li>• Provide payments or rebates to a mother to encourage her to accept less than the minimum protections under this section;</li> <li>• Penalize (for example, take disciplinary action against or retaliate against), or otherwise reduce or limit the compensation of, an attending provider because the provider furnished care to a covered individual in accordance with this section;</li> <li>• Restrict benefits for any portion of a hospital length of stay in a manner that is less favorable than the benefits provided for any preceding portion of the stay;</li> <li>• Provide monetary or other incentives to an attending provider to induce the provider to furnish care to a covered individual in a manner inconsistent with this section; and</li> <li>• Require a mother to give birth in a hospital; or stay in the hospital for a fixed period of time following childbirth.</li> </ul> <p>Notice requirement. An issuer must notify covered individuals of their rights using the "Statement of Rights Under the Newborns' and Mothers' Health Protection Act." These notice requirements do not apply with respect to coverage regulated under a state law if it provides for the same 48/96-hour hospital length of stay, requires maternity and pediatric care in accordance with guidelines for care following childbirth and requires that the hospital length of stay is left to the decision of the attending provider in consultation with the mother.</p>				
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<p>627.42395</p> <p>CFR 147.130</p> <p>CFR 148.170(d)</p>	<p>Enteral feeding formulas. Insurer must make available for additional premium, coverage for medically necessary prescription and nonprescription enteral formulas for home use. Coverage for inherited diseases of amino and organic acids must include modified food products in an amount not to \$2,500 per year for any insured individual through age 24.</p> <p>Phenylketonuria (PKU). Screening for this genetic disorder in newborns as part of preventive services with no cost-sharing if performed by in-network provider.</p> <p>This section applies to all health insurance coverage issued in the individual market, and is not limited in its application to coverage that is provided to eligible individuals as defined in section 2741(b) of the PHS Act.</p>				
<p>627.668</p> <p>627.669</p> <p>627.6699(12)(b)7.</p> <p>Small Group</p>	<p>Mental and nervous disorders and substance abuse.</p> <p>Optional coverage for mental and nervous disorders and substance abuse (GP and applicable to major medical only.) Inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally, with several exceptions. These benefits must be made available to the policyholder funder a group plan for an appropriate additional premium. Substance abuse benefits in the form of an intensive treatment program must also be made available under a group plan for an additional premium.</p>				

<p>PPACA 1302(b)(1)(E) PPACA 1311(j) PHSA 2726 CFR 146.136 CFR 156.115(a)(3)</p>	<p>Mental and nervous disorders and substance abuse.</p> <p>(GP/NGP) Provide mental health and substance abuse disorder services, including behavioral health treatment, in compliance with PPACA, the Mental Health Parity and Addiction Equity Act and corresponding regulations.</p> <p>“Mental health benefits” (and “substance use disorder benefits”) means benefits with respect to items or services for mental health conditions (substance use disorders), as defined under the terms of the plan or health insurance coverage and in accordance with applicable Federal and State law. Any condition (disorder) defined by the plan or coverage as being or as not being a mental health condition (substance use disorder) must be defined to be consistent with generally recognized independent standards of current medical practice.</p> <p>The PPACA, through the MHPAE, defines parity in terms of the aggregate lifetime and annual dollar limits placed on medical/surgical benefits and financial requirements and treatment limitations.</p> <p>The PPACA annual and lifetime dollar limits include mental health and substance abuse disorders (MH/SUD) as part of the EHB.</p> <ul style="list-style-type: none"> <li>• If the plan places no limits or limits on less than 1/3rd of all medical /surgical benefits, then no such limits may be imposed on MH/SUD benefits.</li> <li>• If the plan places a limit on at least 2/3rds of all medical/surgical benefits, it must either: 1) apply the limits both to the medical/surgical benefits to which it would apply and to MH/SUD benefits in a manner that does not distinguish between MH/SUD; or 2) not include limitson MH/SUD benefits that are less than those placed on medical/surgical benefits.</li> </ul> <p>Plans covering mental health and substance abuse treatment services in addition to medical or surgical services may not impose financial requirements and treatment limitations upon mental health and substance abuse treatment services that are more restrictive than the predominant requirements and limitations that apply to substantially all medical and surgical services. Financial requirements include deductibles, copayments, coinsurance and out-of-pocket maximum, but excludes aggregate lifetime and annual dollar limit.</p> <p>If a NGP provides coverage for mental health and substance abuse disorders, the plan may not impose less favorable benefits limitations on those benefits than on medical/surgical coverage.</p> <p>Mental health and substance abuse services may not be subject to separate cost-sharing requirements, and if a plan provides for out-of-network coverage of medical and surgical services, it must also provide out-of-network coverage for mental health and substance abuse treatment.</p> <p>PPACA includes both a small employer exemption and an increased cost exemption (actual cost increase of of more than 2% in first year and 1% in each plan year thereafter) from the requirements of the mental health parity provisions in CFR 146.136.</p>				
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<p>PPACA 1302(b)(1)(F) CFR 156.122(a)</p>	<p>Prescription drug benefits.</p> <p>To provide essential health benefits, a health plan must:</p> <ol style="list-style-type: none"> <li>cover at least the greater of one drug in each U.S. Pharmacopeia category and class; or the same number of drugs in each category and class as the EHB–benchmark plan. (“Drug count standard”)</li> <li>submit its formulary drug list to the Exchange and the State.</li> <li>beginning in 2017, use a pharmacy and therapeutic (P &amp; T) committee system meeting certain specified standards. Health plans must establish and maintain formulary drug lists in compliance with committee standards.</li> </ol>				
<p>CFR 156.122(c)</p>	<p><u>Exceptions Processes</u> (applies to non-formulary drugs; complements external review process in CFR 147.136 for denial of drugs on plan’s formulary)</p>				
<p>80 FR 10818</p>	<p>(“Review must begin following receipt of information sufficient to begin review”)</p> <ol style="list-style-type: none"> <li>External Exception Request Review (formulary drugs). For Plan Years beginning on or after 1/1/16, if a health plan denies a request for a standard exception or expedited exception, the health plan must have a process for having the original exception request reviewed by an independent organization. The health plan must make its determination on the external exception request within 72 hours if the original request was a standard exception request and 24 hours if it was an expedited exception request. If granted, the health plan must provide coverage for the duration of the prescription (standard exception) and the duration of the exigency (expedited exception).</li> <li>Exceptions processes: <ol style="list-style-type: none"> <li>Standard exception request. A health plan must notify the enrollee and prescribing physician of the determination within 72 hours after receiving the request. If granted, the plan must treat the non-formulary drug as an EHB, including by counting any cost sharing, and provide coverage of the drug for the duration of the prescription including refills..</li> <li>Expedited exception request. A health plan must have a process for requesting an expedited review based on exigent circumstances. Exigent circumstances exist “when an enrollee is suffering from a health condition that may seriously jeopardize the enrollee’s life, health, or ability to regain maximum function or when an enrollee is undergoing a current course of treatment using a non-formulary drug.” The coverage determination must be made within 24 hours after receipt of the request.</li> </ol> </li> </ol>				
<p>CFR 156.122(d) 80 FR 10819</p>	<p><u>List of Covered Drugs</u></p> <p>For Plan Years beginning on or after 1/1/16, a health plan must publish an up-to-date, accurate, and complete list of all covered drugs on the formulary drug list, including any tiering structure and any restrictions on the manner in which a drug can be obtained in a manner easily accessible to plan enrollees, and others. Restrictions include prior authorization, step therapy, quantity limits and access restrictions. Issuers are encouraged, but not required, to provide detailed cost-sharing information.</p>				

<p>CFR 156.122(e)</p> <p>80 FR 10821</p>	<p>Prescription drug benefits (continued).</p> <p><u>Accessing benefits.</u> For Plan Years beginning on or after 1/1/17, a health plan:</p> <ul style="list-style-type: none"> <li>• must give enrollees the option of accessing prescription drug benefits at in-network retail pharmacies.</li> <li>• may charge enrollees a different cost sharing amount for obtaining a covered drug at a retail pharmacy, but all cost sharing, <i>including any difference between the cost-sharing for mail order and for retail</i>, must count towards the plans annual limit on cost sharing and must be taken into account when calculating the AV of the health plan.</li> </ul>				
<p>PPACA 1302(b)(1)(G)</p> <p>CFR 156.115(a)(5)</p> <p>CFR 156.110(f)</p>	<p>Rehabilitative and habilitative services and devices.</p> <p>Rehabilitative services and devices are not defined in law but generally mean “relearning existing skills or functions.”</p> <p>Habilitative services and devices defined using the same definition of habilitative services from the Uniform Glossary of Health Coverage and Medical Terms, effective beginning with PY 2016.</p> <p>Covers health care services and devices that help a person keep, learn, or improve skills and functioning for daily living. Examples include therapy for a child who is not walking or talking at the expected age. These services may include physical and occupational therapy, speech-language pathology and other services for people with disabilities in a variety of inpatient and/or outpatient settings;</p> <p>May not impose limits on coverage of habilitative services and devices that are less favorable than any such limits imposed on coverage of rehabilitative services and devices; and</p> <p>For plan years beginning on or after January 1, 2017, cover habilitative and rehabilitative services and devices with separate limits for each.</p>				
<p>PPACA 1302(b)(1)(H)</p> <p>CFR 156.110(a)(8)</p>	<p>Laboratory services.</p> <p>Further guidance needed</p>				

<p>PPACA 1001 &amp; 1302(b)(1)(I) PHSA 2713 CFR 156.110(a)(9) CFR 147.130 CFR 156.115(a)(4)</p> <p>CFR 147.131</p> <p>Joint FAQ 5/11/15 (HHS, Labor, Treasury)</p>	<p>Preventive and wellness services and chronic disease management.</p> <p>Covers preventive services without cost-sharing requirements including deductibles, co-payments and co-insurance. Covered preventive services include:</p> <ul style="list-style-type: none"> <li>• Evidence-based items or services that have in effect a rating of A or B in the current recommendations of the US Preventive Services Task Force (USPSTF);</li> <li>• Immunizations recommended by the Advisory Committee on Immunization Practices of the CDC;</li> <li>• Evidence-informed preventive care and screenings in the Health Resources and Services Administration (HRSA) guidelines for infants, children, adolescents, and women; and</li> <li>• Current recommendations of the USPSTF regarding breast cancer screening, mammography, and prevention.</li> <li>• Issuers must provide 60 days advance notice to enrollees before the effective date of any material modification in preventive benefits [PHSA 2715 (75 Fed Reg 41760)]</li> </ul> <p>Contraceptives. Religious employers or organization are not required to provide approved contraception services for women through the group contract, however, the organization will establish, maintain, or arrange an accommodation with respect to the federal requirements by offering a separate individual policy to cover contraception services.</p> <p>Plans and issuers must cover without cost sharing at least one form of contraception in each of the methods (currently 18) that the FDA has identified for women in its current Birth Control Guide. This coverage must also include the clinical services, including patient education and counseling, needed for provision of the contraceptive method.</p>				
<p>Joint FAQ 5/11/15 (HHS, Labor, Treasury)</p> <p>627.6408(1) 59B-17.001</p> <p>CFR 147.130</p> <p>627.6613(1)(a) 627.6699(12)(b) Small Group</p> <p>CFR 147.130</p> <p>627.6691</p> <p>CFR 147.130</p>	<p>Cancer screening. For women at increased risk for having a potentially harmful mutation in genes that suppress tumors – the BRCA-1 or BRCA-2 cancer susceptibility gene, a plan or issuer must cover the preventive screening, genetic counseling, and BRCA genetic testing with no cost-sharing, as long as the woman had not been diagnosed with BRCA-related cancer.</p> <p>Diabetes (GP). Covers all medically approved equipment, supplies, outpatient self-management training and educational services used to treat diabetes if physician specializing in treatment of diabetes certifies such services are necessary.</p> <p>Diabetes, Type 2 screening for adults as part of preventive services with no cost-sharing if performed by in-network provider. Diabetes coverage is included as an EHB with no cost-sharing..</p> <p>Mammograms: Baseline for a woman age 35-39, every 2 years for ages 40 to 49, every year age 50 and older, one or more a year based on physician's recommendation.</p> <p>Provides screenings every 1 to 2 years for women over 40 w/no cost-sharing if by in-network provider as part of preventive services.</p> <p>Osteoporosis. Medically necessary diagnosis and treatment.</p> <p>Screening for women over age 60 depending on risk factors as part of preventive services, no cost-sharing if performed by in-network provider.</p>				

<p>627.6579 627.6699(12)(b)4d Small Group</p> <p>627.65755</p> <p>PPACA 302(b)(1)(J) PHSA 2722(c)(1) &amp; 2791(c)(2) CFR 156.110(a)(10) &amp; (b)(2)-(3)</p> <p>CFR 156.115(a)(6)</p>	<p>Pediatric dental, including oral and vision care.</p> <p>Child health supervision services. If coverage provided for a family member, the contract must provide that benefits applicable for the children include coverage for children under supervision from the moment of birth through age 16.</p> <p>(GP) Any contract that provides coverage for anesthesia and hospitalization must provide for dental care to a person under age 8 if the dental condition is likely to result in a medical condition that if left untreated and the child's dentist and physician determine dental treatment in a hospital or ambulatory surgical center is necessary due to the complex nature of the procedure or due to a significant or undue medical risk.</p> <p><b>Pediatric services, including oral and vision care.</b></p> <p>Dental and vision may be provided through a mix of comprehensive coverage plans or stand-alone coverage (45 CFR 156.150 and 1311(d)(2)(B)(ii) of PPACA) separate from the major medical coverage.</p> <ul style="list-style-type: none"> <li>• FEDVIP – Vision plan covers routine eye exams with refraction, corrective lenses and contact lenses.</li> <li>• FEDVIP – Dental (or Oral) plan coverage cleanings and fillings as well as advanced dental services such as root canals, crowns and medically necessary orthodontia.</li> <li>• Benefits available under the state CHIP Plan if one exists.</li> </ul> <p>Pediatric services must be covered until the end of the month in which the enrollee turns 19.</p>				
<b>Benefits Other Than Essential Health Benefits</b>					
<p>627.6618 627.6699(12)(b)7</p>	<p>Acupuncturists.</p>				
<p>627.657(1)(c)</p>	<p>Additional members. Policy must include a provision that new members or employees may be added to the group in accordance with the policy provision.</p>				
<p>627.6578 627.6699(12)(b)4.e. Small Group</p>	<p>Adopted and foster children. Coverage for adopted and foster children upon placement in the residence: A policy providing coverage for a member of a family must also provide for coverage for an adopted child placed in compliance with Chapter 63, prior to the child's 18th birthday</p>				
<p>627.664</p>	<p>Assignments. No provision shall be construed to prohibit and insured from making an assignment of all or any part of his or her incidents of ownership in the policy.</p>				



<p>627.6686 Large Group</p> <p>CFR 146.130</p> <p>PPACA 1311(j) PHSA 2726 CFR 146.136 CFR 156.115(a)(3)</p>	<p>Autism (GP; large group only). Well-baby and well child screening for diagnosing autism. Treatment by speech, occupation and physician therapy and applied behavioral analysis. Limited to treatment prescribed by treating physicians in accordance with treatment plan. \$36,000 annual limit, not to exceed \$200,000 in total lifetime benefits.</p> <p>Screening for children at 18 and 24 months as part of preventive services. No cost sharing if performed by in-network provider.</p> <p>An EHB that is not applicable to groups of 50 or fewer members. Mental health and substance abuse disorder services, including behavioral health treatment are an EHB. If a plan provides coverage for mental health and substance abuse disorders, the plan may not impose less favorable benefits limitations on those benefits than on medical/surgical coverage.</p>				
<p>627.4236</p> <p>PPACA 1201 PHSA 2709</p>	<p>Bone marrow transplant. An insurer may not exclude coverage for procedures recommended by the referring physician and the treating physician under a policy exclusion for experimental, clinical investigative, educational, or similar procedures. Coverage must include costs associated with the donor-patient (e.g., extraction costs) to the same extent as costs associated with the insured, except that the insurer may limit to the reasonable cost of searching for the donor.</p> <p>See below, clinical trial participation.</p>				
<p>627.66122 627.669912)(d)7.</p> <p>627.6419</p>	<p>Breast cancer. Routine follow-up care for a person who has been previously determined to be free of breast cancer does not constitute medical advice, diagnosis, care or treatment.</p> <p>An insurer may not deny the issuance or renewal of, or cancel a policy, nor include exception or exclusion of benefits in a policy solely because the insured has been diagnosed as having a fibrocystic condition.</p>				
<p>627.4239</p> <p>627.42391</p>	<p>Cancer treatment drugs. An insurer may not exclude coverage of any drug prescribed for the treatment of cancer on the ground the drug is not approved by the U.S. Food and Drug Administration for a particular indication, if the drug is recognized for the treatment of that indication.</p> <p>Plans providing coverage for cancer treatment medications must also cover those that are orally administered and may not apply cost-sharing requirements that are less favorable than those for intravenous treatment medications.</p>				
<p>627.419(4) 627.6699(12)(b)7.</p>	<p>Chiropractors</p>				
<p>627.66911 627.6699(12)(d)7 Small Group</p>	<p>Cleft lip/cleft palate for children</p>				

<p>PPACA 1201 PHSA 2709</p>	<p>Clinical trial participation (N/A to GP). A plan may not deny coverage for a “qualified” individual participating in an “approved clinical trial” for cancer or a life-threatening disease or condition, may not deny or limit coverage of routine patient costs for items and services provided in connection with the trial, and may not discriminate against participants in a clinical trial.</p> <p>Plans may not deny coverage because a member is participating in an approved clinical trial conducted outside of the state in which the member lives. Plans are not required to cover treatments that fall outside of the designated class of approved clinical trials. A “qualified individual” is someone who is eligible to participate in an “approved clinical trial” and either the individual’s doctor has concluded that participation is appropriate or the individual provides medical and scientific information establishing that their participation is appropriate. An “approved clinical trial” is defined as a Phase I, II, III or IV clinical trial for the prevention, detection or treatment of cancer or other life-threatening condition or disease (or other condition described in PPACA).</p>				
<p>Joint FAQ 5/11/15 (HHS, Labor, Treasury)</p>	<p>Colonoscopies. Issuers cannot impose cost-sharing for anesthesia services performed in connection with preventive colonoscopies</p>				
<p>627.6562</p> <p>627.6041</p> <p>PPACA 1251(a)(4)(A)(iv) PHSA 2714 CFR 147.120 CFR 146.150(b) Group</p> <p>CFR 155.710(e)</p> <p>Joint FAQ 5/11/15 (HHS, Labor, Treasury)</p>	<p>Dependent Coverage. If dependent coverage is included, the policy must insure a dependent child at least until the end of the calendar year in which the child reaches the age of 25. Such a policy must also offer the policyholder or certificateholder the option of insuring the child until the end of the calendar year in which the child reaches age 30.</p> <p>Attainment of limiting age: Coverage does not terminate if the child continues to be: incapable of self-sustaining employment by reason of mental retardation of physical handicap and is chiefly dependent on the member for support or maintenance.</p> <p>Requires all plans offering dependent coverage to allow dependent children to remain on their parent’s plan until age 26 (GP/NGP). Eligible children are defined based on their relationship with the participant such as financial dependency, residency, student status, employment, eligibility for other coverage and marital status. Adult children up to age 26 may not be defined for purposes of eligibility other than in terms of the relationship between the child and insured. The policy terms for dependent coverage cannot vary based on the age of a child. Coverage of grandchildren not required.</p> <p>A qualified employee is eligible to enroll his or her dependents in coverage through a SHOP if the offer from the qualified employer includes an offer of dependent coverage. A qualified employee is eligible to enroll his or her dependents in coverage through a SHOP if the offer from the qualified employer includes an offer of dependent coverage.</p> <p>If a plan or issuer covers dependent children, they must provide recommended preventive services for those dependent children. This includes recommended services related to pregnancy, including preconception and prenatal care.</p>				
<p>PHSA 2728 CFR 147.145</p>	<p>Dependent Student. Coverage for dependent student on medically necessary leave of absence (“Michelle’s Law”). Issuer cannot terminate coverage within certain specified timeframes, cannot change benefits, and must include with any notice regarding a requirement for certification of student status for coverage. Defines “medically necessary leave of absence.”</p>				
<p>627.6471(5) 627.6472(16) 627.662</p>	<p>Dermatologists. Any policy which does not provide direct patient access to a dermatologist must conform to the requirements of s. 627.6472(16) which provides that contracts must provide direct access w/o referral and up to five (5) visits annually.</p>				

627.6615 627.6699(12)(b)4g Small Group	Handicapped children: A child who is incapable of self-sustaining employment due to mental retardation or physical handicap and who is chiefly dependent on the policyholder for support and maintenance may continue to be covered as a dependent beyond the attaining age..				
627.411(1)(g) 627.429 627.6699(6)(d)	HIV coverage (GP). A contract may not exclude coverage for HIV infection or AIDS.				
627.6646	HIV/nonrenewal (GP).				
627.6617	Home health care services.				
627.6619	Massage therapists. If a contract provides coverage for <u>massage</u> ; it must cover the services of a licensed professional.				
627.66121 627.6699(12)(b)7 Small Group  PHSA 2727	<p>Mastectomies (GP). A policy that provides coverage for mastectomies must also provide coverage for prosthetic devices and breast reconstructive surgery incident to the mastectomy.</p> <p>Length of stay and out-patient coverage.</p> <p>Provides coverage for reconstructive surgery after mastectomy (Women’s Health and Cancer Rights Act). If covers mastectomy, then must also cover reconstructive surgery in a manner determined in consultation with provider and patient.</p> <p>Coverage must include:</p> <ul style="list-style-type: none"> <li>• Reconstruction of the breast on which the mastectomy was performed (all stages);</li> <li>• Surgery and reconstruction of the other breast to produce a symmetrical appearance and includes coverage for lymphedema;</li> <li>• Prostheses; and</li> <li>• Treatment of physical complications at all stages of mastectomy.</li> </ul> <p>This benefit may be subject to annual deductibles and coinsurance provisions if consistent with those established for other medical/surgical benefits under the coverage. The issuer is prohibited for denying a patient eligibility to enroll or renew coverage solely to avoid these requirements; penalizing or offering incentives to an attending provider to induce the provider to furnish care inconsistent with these requirements. Notice about the availability of mastectomy-related benefits must be given at issue and annually.</p>				
627.6472(18) 627.662  PPACA 1001 PHSA 2719A CFR 147.138(a)(3) & (4)(C)	<p>OB/GYN. EPO contracts must allow w/o prior authorizations, a female to visit a contracted OB/GYN for one annual visit and for medically necessary follow-up.</p> <p>OB/GYN. Plan must allow patient direct access to OB/GYN. Plan may not require authorization or referral for obstetrical or gynecological care by a participating health care professional who specializes in obstetrics and gynecology. A notice must be provided with the summary plan descriptions or in the policy, certificate or contract.</p>				
627.419(2)	Ophthalmologists.				
627.419(3) 627.6699(12)(b)7.	Optometrists.				
627.6699(12)(b)9.	Osteopathic hospitals. If a contract provides inpatient and outpatient services by allopathic hospitals, an option for the patient to select an osteopathic hospitals must be made available.				

627.419(2)	Osteopaths				
627.4232	Out-of-hospital benefits: treatment performed outside the hospital will be paid the same as if performed in a hospital provided it would have been covered on an inpatient basis.				
627.419(2) 627.6699(12)(b)	Physician. For a contract providing surgical benefits, the word “physician” must include payment to a dentist.				
PPACA 1001 PHSA 2719A CFR 147.138(a)	Primary care provider (N/A to GP). A plan that provides for designation of a primary care provider must allow the choice of any participating primary care provider, who is available to accept them, including pediatricians.				
627.419(3) 627.6699(12)(b)7	Podiatrists.				
627.6471(6) 627.6472 627.668	Psycho-therapeutic providers. PPO and EPO contracts that cover psychotherapeutic services, must provide eligibility requirements of health care providers licensed under chapters 458, 459, 490 or 491, which include psychotherapy in their scope of practice, and certified advanced registered nurse practitioners in psychiatric mental health under 464.012.				
627.65735	TMJ (Temporomadibular joint)Diagnostic) and surgical procedures involving bones or joints of the skeleton.				
	<b>Other Provisions</b>				
627.6699(3)(h)  29 U.S.C. 1002, as referenced by 42 USC s.300gg-1(d)(5)	Eligible employee means an employee who works full time, having a normal workweek of 25 or more hours, and who has met any applicable waiting period requirements.  Defines employee simply as an individual employed by an employer.				
627.6692	Florida Health Insurance Continuation Act requires a provision for continuation of coverage for 1 through 19 employee small group plans.  This may appear to be obsolete for small groups of 2 to 19 since persons may purchase an individual contract with no preexisting condition exclusions. However, since still in Florida law, contracts will have to include.				
627.662(5) 627.640	Rates must be filed with the Office for approval. If there is no rate impact with the filing, the insurer must provide the filing number in which our Office approved the rates.				

<p>627.6699(3)(v)</p>          <p>CFR 144.103 CFR 155.20</p>	<p>“Small Employer” definition required. For a NGP, any employer that has its principal place of business in this state, employed an average of at least 1 but not more than 50 employees on business days during the preceding calendar year, and employs at least 1 employee on the first day of the plan year.</p> <p>For a GP, any person, sole proprietor, self-employed individual, independent contractor, firm, corporation, partnership, or association that is actively engaged in business, has its principal place of business in this state, employed an average of at least 1 but not more than 50 eligible employees on business days during the preceding calendar year, the majority of whom were employed in this state, employs at least 1 employee on the first day of the plan year, and is not formed primarily for purposes of purchasing insurance. For purposes of this section, a sole proprietor, an independent contractor, or a self-employed individual is considered a small employer only if all of the conditions and criteria established in this section are met.</p> <p>Defined as employing an average of at least 1 but not more than 100 employees on business days during the preceding calendar year; and who employs at least 1 employee on the first day of the plan year .In the case of plan years beginning prior to 1/1/16, a State may cap small employer at 50 employees (Florida has exercised this option).</p>				
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