

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.