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Affordable Care Act (ACA)
Timeline of Major Events Affecting Group Health Plans

Provision/Citation	ACA Reference	Laws That Were Amended/Added	Other Major Guidance	Effective Date
2010				
Annual limits restriction on essential health benefits	§§1001(5), 10101(a)	Public Health Service Act (PHSA) §2711		Plan years starting on or after September 23, 2010 (full prohibition in 2014)
Appeals process and external review requirements	§§1001(5), 10101(g)	PHSA §2719	Technical Release 2011-01, Interim Final Rule, Amendment to Interim Final Rule	Plan years starting on or after September 23, 2010 (grandfather exception)
Dependent coverage for children under age 26	§§1001(5), 2301(b)	PHSA §2714	Notice 2010-38	Plan years starting on or after September 23, 2010 (limited grandfather exception before January 1, 2014)
Early retiree reinsurance program (ERRP)	§§1102, 10102			Opened on June 1, 2010, and no reimbursement for claims incurred after December 31, 2011
Lifetime limits on essential health benefits prohibited	§§1001(5), 10101(a)	PHSA §2711		Plan years starting on or after September 23, 2010
MEWAs (special enforcement rules)	§§6601–6607	ERISA §§101(g), 504(d), (e), 519-521		March 23, 2010
Nondiscrimination by health program or activity	§1557			March 23, 2010
Nondiscrimination rules for insured plans	§§1001(5), 10101(d)	PHSA §2716	Notice 2011-1	Plan years starting on or after September 23, 2010, but compliance delayed until regulations are issued (exception for insured grandfathered plans)
Patient protections (primary care provider designations, ER services, etc.)	§§1001(5), 10101(h)	PHSA §2719A		Plan years starting on or after September 23, 2010 (grandfather exception)
Preexisting Condition Exclusion (PCE) prohibition for those under age 19	§§1201(2), 1255, 10103(e)	PHSA §2704		Plan years starting on or after September 23, 2010 (full prohibition in 2014)
Preventive health services	§1001(5)	PHSA §2713	Interim Final Rule	Plan years starting on or after September 23, 2010 (grandfather exception)

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Protection against retaliation (whistle-blower activities)	§1558	FLSA §18C		March 23, 2010
Quality of care reporting	§1001(5)	PHSA §2717		Plan years starting on or after September 23, 2010, but regulations due by March 23, 2012 (grandfather exception)
Rescission of coverage prohibition	§1001(5)	PHSA §2712		Plan years starting on or after September 23, 2010
Small business health care tax credit	§1421	Internal Revenue Code (IRC) §45R	Revenue Ruling 2010-13, Notice 2010-44	2010 taxable year
Tax-free coverage to children under age 27	§1004(d) [HCERA]	IRC §105(b)	Notice 2010-38	March 30, 2010
Temporary high risk pool: PCIP program	§1101			Established July 1, 2010
Transparency in Coverage Reporting and Cost-sharing Disclosure	§§1001(5), 10101(c)	PHSA §2715A		Plan years starting on or after September 23, 2010, but related to Exchanges in 2014 and likely subject to issuance of regulations
Wellness programs (technical assistance)	§4303	PHSA §399MM		None specified (but related national study required by March 23, 2012)
2011				
HSA/Archer MSA penalty tax increase	§9004	IRC §§223(f)(4)(A), 220(f)(4)(A)		Distributions after December 31, 2010
Medical loss ratio (MLR) requirements	§§1001(5), 10101(f)	PHSA §2718	Technical Release 2011-04	Starting with 2011 calendar year; report due by June 1 of the following year; rebates due by August 1 of the following year
Medicare Part D Notice deadline and annual enrollment period start date change	§3204	Social Security Act (SSA) §1851(e)(3)(B)		October 15, 2011, and following years
Over-the-counter drug restrictions on Health FSAs, HRAs, HSAs & Archer MSAs	§9003	IRC §§106(f), 220(d)(2), 223(d)(2)	Revenue Ruling 2010-23, Notice 2010-59	Expenses incurred on or after January 1, 2011

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Rate increases (review and disclosure rules)	§§1003, 10101(i)	PHSA §2794		September 1, 2011
Simple cafeteria plans for small employers (exempting plans from nondiscrimination testing)	§9022	IRC §125(j)		Years starting on or after January 1, 2011
Wellness programs (small business grants)	§10408			January 1, 2011
2012				
Consumer Operated and Oriented Plan (CO-OP) program	§§1322, 10104			February 13, 2012
Patient-Centered Outcome Research Fees for fully insured and self-insured health plans	§6301	IRC §4375-4376		Starting for plan years ending after September 30, 2012, and first payment due no later than July 31, 2013
Summary of benefits and coverage (SBC)	§§1001(5), 10101(b)	PHSA §2715	Final Rule, CCIIO Memo on SBC Links	Earlier of: • first open enrollment period starting on or after September 23, 2012 • first plan year starting on or after September 23, 2012
W-2 reporting: cost of employer sponsored health coverage	§9002	IRC §6051(a)	Notice 2010-69, Notice 2011-28, Notice 2012-09	2012 taxable year for employers with 250 or more W-2s in 2011, sent no later than January 31, 2013; delayed indefinitely for all other employers
2013				
Employer-provided Exchange Notice	§1512	FLSA §18B		No later than March 1, 2013
Health FSA $2,500 limit on salary reduction contributions, indexed for inflation	§§9005, 10902(a)	IRC §125(i)	Notice 2012-40	Taxable years on or after January 1, 2013
HIPAA electronic transactions and operating rules	§§1104, 10109(a)	SSA §1173(g)		Staggered from January 2013 to January 2016
Medical expense tax deduction increase from 7.5% to 10% of AGI	§9013	IRC §§213(a), (f)		Taxable years starting on or after January 1, 2013 (exception if individual or spouse is at least 65 for taxable years of 2013–2016)

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Medicare tax increase of 0.9% for wages over $200,000	§§9015(a), 1402(b)(1)(A)	IRC §3101(b)		Taxable years starting on or after January 1, 2013
2014				
Annual limits, previously restricted, now prohibited on essential health benefits	§§1001(5), 10101(a)	PHSA §2711		Plan years starting on or after January 1, 2014
Automatic enrollment	§1511	FLSA §18A		Subject to issuance of regulations in 2014, likely delayed beyond 2014
Clinical trial coverage	§§1201(4), 10103(c)	PHSA §2709		Plan years starting on or after January 1, 2014 (grandfather exception)
Comprehensive health insurance coverage	§1201	PHSA §2707		Plan years starting on or after January 1, 2014 (grandfather exception)
Cost-sharing limitations (including limits on annual deductibles, $2,000 single/$4,000 family)	§1302(c)			Plan years starting on or after January 1, 2014 (grandfather exception)
Excessive waiting periods (i.e., more than 90 days) prohibited PHSA	§§1201(4), 10103(b)	PHSA §2708		Plan years starting on or after January 1, 2014
Exchanges (including Small Business Health Option Program (SHOP) for employers with no more than 100 employees; states have option of defining it as no more than 50 employees in 2014-2015)	§§1304, 1311, 1312, 10104, 10203			January 1, 2014
Fair health insurance premiums	§§1201(4), 10103(a)	PHSA §2701		Plan years starting on or after January 1, 2014 (grandfather exception)
Guaranteed availability of coverage	§1201(4)	PHSA §2702		Plan years starting on or after January 1, 2014 (grandfather exception)
Guaranteed renewability of coverage	§1201(4)	PHSA §2703		Plan years starting on or after January 1, 2014 (grandfather exception)
Nondiscrimination against health care providers	§1201(4)	PHSA §2706		Plan years starting on or after January 1, 2014 (grandfather exception)
Nondiscrimination based on health status	§1201(4)	PHSA §2705		Plan years starting on or after January 1, 2014 (limited grandfather exception)

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PCE prohibition (for all), previously only those under age 19	§1201(4)	PHSA §2704		Plan years starting on or after January 1, 2014
Reporting of health insurance coverage	§§1201(2), 1255, 10103(e)	IRC §§6055, 6056		January 1, 2014
Shared responsibility for employers with more than 50 full-time equivalent employees (play or pay penalty tax)	§§1513(a), 1003(d), 10106(e), (f)	IRC §4980H		January 1, 2014
Shared responsibility for individuals (individual mandate)	§§1501, 10106	IRC §5000A		January 1, 2014
2016				
If a state defined small employer as no more than 50 employees, SHOP coverage through the exchange is now available for employers with no more than 100 employees	§1304(b)			January 1, 2016
2017				
States can permit employers with more than 100 employees to obtain coverage through the Exchange	§§1304(b), 1312(f)(2)			January 1, 2017
2018				
40% tax on high-cost health coverage (“Cadillac Plan Tax”)	§§9001, 1401, 10901	IRC §4980I		January 1, 2018

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