

Health Care Reform



Research Training Spring 2016

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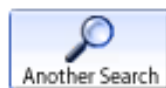
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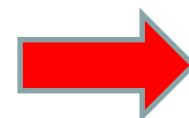
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Washington : U.S. Government Printing Office, 2014
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United States. Congress. House. Committee on Energy and Commerce. Subcommittee on Oversight and Investigations, author.
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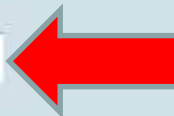
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- Indiana Health Law Review, ARTICLE: ACCOUNTABILITY PARTNERS: LEGISLATED COLLABORATION FOR HEALTH REFORM, 26705 words
- The **Affordable Care Act** encourages preventative wellness by mandating that insurance companies offer a ...
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... 2014). In addition, many preventive services now are required to **waive** any coinsurance payments that were previously required. 179 Patient Protection and **Affordable Care Act** of 2010, Pub. L. No. 111-148, § 10406, 124 Stat. ...
... at 42 U.S.C. § 1395l (2013)). As of 2013, the **Affordable Care Act** has extended free preventive care to 71 million Americans. 180 Press Release, Dep't Health & Human Servs., **Affordable Care Act** Extended Free Preventive Care to 71 Million Americans with Private ...
Passage of the **Affordable Care Act** means that millions more people are covered, but will there be enough providers to **take care** of these additional patients? 250 David Troxel, Op-Ed., Doctor Shortage ...
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2. 40 Hastings Const. L.Q. 525
- Hastings Constitutional Law Quarterly, ARTICLE: Negative Lawmaking Delegations: Constitutional Structure and Delegations to the Executive of Discretionary Authority to Amend, Waive, and Cancel Statutory Text, by R. Craig Kitchen*, 35247 words
- ... to issue "an executive order paving the way for Obamacare **waivers** to all 50 states" if elected President). The executive order ...
... design health-care solutions that work best for them." Id. The **waiver** to which Governor Romney referred is known as a "**Waiver** for State Innovation." Patient Protection and **Affordable Care Act**, Pub. L. No. 111-148, § 1332(a)(1), 124 Stat. 119 ...
Further muddying the waters for **waiver** delegations is the distinct but related issue of executive discretion ...
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355 Ill.App.3d 661 | 293 Ill.Dec. 695 | 1/21/2005 | Ill.App. 2 Dist.

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- ☐ Patient Protection and Affordable Care Act
- ☐ Cross Reference to ACA
- ☐ Cross Reference to HCERA

Affordable Care Act Analysis

- ☐ The Affordable Care Act Law and Regulations
- ☐ Affordable Care Act Implementation: Regulations, Models and Implications
- ☐ Health Care Reform Adviser
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<i>Restricted annual limits</i>	2014	Remove restricted annual limits on essential health benefits beginning in 2014.
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<i>Wellness programs</i>	2014	Review and modify wellness programs to ensure compliance with regulatory criteria.
2015		
<i>Employer shared responsibility excise tax</i>	2015 (delayed from 2014)	Make a cost/benefit analysis of offering current health plan (if any) and possible alternatives, but make no meaningful decisions until the IRS and HHS issue guidance containing definitions, calculations and safe harbors. Beginning in 2015, employers with 50 or more (generally 100 or more in 2015) full-time employees must provide health insurance that meets affordability and value requirements or pay a penalty for each exchange certified employee.
<i>Reporting offers of health insurance coverage and minimum essential coverage</i>	2015 (delayed from 2014)	Beginning in 2015, employers that offer self-insured coverage that is minimum essential coverage and employers that employ 50 or more full-time and full-time equivalent employees must compile information about the coverage offered and file and furnish that information in the next year (e.g., coverage for 2015 is reported in 2016).
2020		
<i>High cost health ("Cadillac") plans</i>	2020 (delayed from 2018)	Calculate and pay an excise tax based on the excess value of coverage.

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ACA/HCERA Section	Category	Subject Matter	Applies To	Administrative Activity	Analysis & Commentary
§ 1001 ACA	Insurance Reforms and Exchanges	Guaranteed availability of coverage	Insurers	<p>Final Rule, Patient Protection and Affordable Care Act; Exchange and Insurance Market Standards for 2015 and Beyond, 79 Fed. Reg. 30239 (May 27, 2014) corrections published 79 Fed. Reg. 59137 (Oct. 1, 2014).</p> <p>Final Rule, Patient Protection and Affordable Care Act; Health Insurance Market Rules; Rate Review, 78 Fed. Reg. 13406 (Feb. 27, 2013).</p> <p>Interim Final Rule, Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections, 75 Fed. Reg. 37188 (June 28, 2010).</p>	
§ 1001 ACA	Insurance Reforms and Exchanges	Extension of dependent coverage	Insurers	<p>Amendment to the Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act, 75 Fed. Reg. 70114 (Nov. 17, 2010).</p> <p>Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act, 75 Fed. Reg. 27122 (May 13, 2010).</p> <p>Group Health Plans and Insurance Issuers Providing Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act, 75 Fed. Reg. 27141 (May 13, 2010).</p>	<p>BNA INSIGHTS, "Grandfathered Health Plans and Health Care Reform," by Marla G. Roshkoff (July 21, 2010).</p> <p>BNA INSIGHTS, "New Regulations Implement Dependent Child Medical Coverage to Age 26," by Joan A. Disler and David D. Green (July 7, 2010).</p>

§ 1401 ACA	Insurance Reforms and Exchanges	Affordability premium credits for individuals	Individuals, Exchanges	<p>CCIO, Draft Manual for Reconciliation of Advance Payment of Cost-Sharing Reductions for Benefit Years 2014 and 2015 (Jan. 19, 2016).</p> <p>IRS, Final Regulations, Minimum Value of Eligible Employer-Sponsored Plans and Other Rules Regarding the Health Insurance Premium Tax Credit, 80 Fed. Reg. 78971 (Dec. 18, 2015); correcting amendment, 81 Fed. Reg. 2088 (Jan. 15, 2016).</p> <p>IRS, Supplemental notice of proposed rulemaking, Minimum Value of Eligible Employer-Sponsored Health Plans, 80 Fed. Reg. 52678, (Sept. 1, 2015).</p> <p>IRS Notice 2015-37, Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit (April 27, 2015).</p> <p>HHS, DOL, EBSA, IRS, TREAS, Final Rules, Amendment to Excepted Benefits, 80 Fed. Reg. 13995 (March 18, 2015).</p> <p>IRS, Notice 2015-9, Penalty Relief Related to Advance Payments of the Premium Tax Credit for 2014 (Jan. 26, 2015).</p> <p>HHS, DOL, EBSA, IRS, TREAS, Proposed Rule, Amendment to Excepted Benefits, 79 Fed. Reg. 76931 (Dec. 23, 2014).</p> <p>IRS, Notice 2014-71, Eligibility for Minimum Essential Coverage Under Pregnancy-Based Medicaid and CHIP Programs (Nov. 10, 2014).</p> <p>HHS, DOL, IRS, TREAS, Amendment to Excepted Benefits, 79 Fed. Reg. 59130 (Sept. 26, 2014).</p> <p>IRS Rev. Proc. 2014-41, Examination of returns and claims for refund, credit, or</p>	<p>BNA INSIGHTS, “View From Proskauer: The Affordable Care Act Litigation Five Years Later” by Lindsey H. Chopin (July 29, 2015).</p> <p>BNA INSIGHTS, “Even After King, the Affordable Care Act Continues to Face Litigation” by Caroline Brown, Philip Peisch and Shruti Barker (July 13, 2015).</p> <p>BNA INSIGHTS, “Paradox and Policy: The Affordable Care Act and King v. Burwell,” by Jacob Walley (May 7, 2015).</p> <p>BNA INSIGHTS, “ACA Facing Two-Front Attack in 2015: Weighing the Impact of King v. Burwell and Budget Reconciliation,” by Andrew Shin and Stephen M. Weiner (Jan. 21, 2015).</p>
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3. [Sebelius Highlights Affordable Care Act Implementation](#)
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Committee Reports: [H. Rept. 114-326](#)Latest Action: 11/04/2015 ORDER OF BUSINESS - Mr. Woodall asked unanimous consent that during further consideration of the Senate amendments to [H.R. 22](#), pursuant to [H.Res. 512](#), amendment number 23 printed in part B of House Report 114-326 may be considered as though printed immediately following... ([All Actions](#))

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[H.Res.507](#) — 114th Congress (2015-2016)**Providing for consideration of the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans...**Sponsor: [Rep. Woodall, Rob \[R-GA-7\]](#) (Introduced 11/02/2015)

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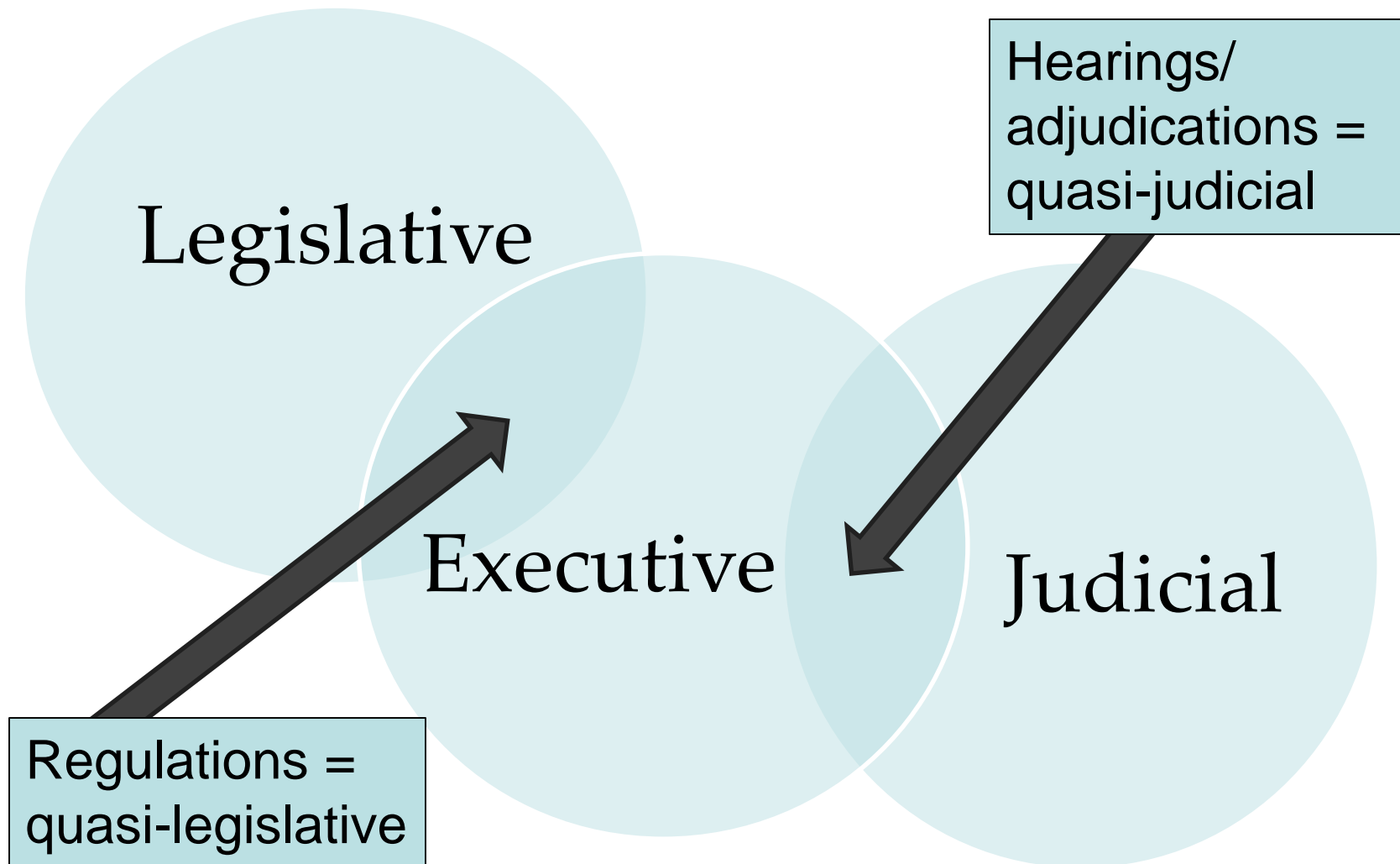
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- These regulations & adjudications are generally referred to as “administrative law”

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Dec 21 2015, at 11:59 PM ET

Action

Proposed rule.

Summary

This proposed rule sets forth payment parameters and provisions related to the risk adjustment, reinsurance, and risk corridors programs; cost sharing parameters and cost-sharing reductions; and user fees for Federally-facilitated Exchanges. It also provides additional standards for the annual open enrollment period for the individual market for the 2017 benefit year; essential health benefits; cost-sharing requirements; qualified health plans; updated standards for Exchange consumer assistance programs; network adequacy; patient safety standards; the Small Business Health Options Program; stand-alone dental plans; acceptance of third-party payments by qualified health plans; the definitions of large employer and small employer; fair health insurance premiums; guaranteed availability; student health insurance coverage; the rate review program; the medical loss ratio program; eligibility and enrollment; exemptions and appeals; and other related topics.

Dates

To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on December 21, 2015.

Addresses

In commenting, please refer to file code CMS-9937-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

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45 CFR Parts 144, 146, 147, 153, 154, 155, 158

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Case law & statutory research

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2. If there's a governing statute, collect case citations from the annotated code
3. Use the digest/headnote system & citators
4. Use keyword searching strategically, or not at all!

**§ 300gg-1. Guaranteed availability of coverage**

United States Code Annotated | Title 42. The Public Health and Welfare (Approx. 3 pages)

Document

Notes of Decisions (1)

History (317) ▾

Citing References (457) ▾

Context & Analysis (7) ▾

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Go to



Table of Contents



United States Code Annotated

Title 42. The Public Health and Welfare

Chapter 6A. Public Health Service (Refs & Annos)

Subchapter XXV. Requirements Relating to Health Insurance Coverage (Refs & Annos)

Part A. Individual and Group Market Reforms (Refs & Annos)

Subpart I. General Reform (Refs & Annos)

NOTES OF DECISIONS (1)

State laws

**Unconstitutional or Preempted**Negative Treatment Reconsidered by [Florida ex rel. Atty. Gen. v.](#)[U.S. Dept. of Health and Human Services](#) | 11th Cir.(Fla.) | Aug. 12, 2011**Proposed Legislation**

42 U.S.C.A. § 300gg-1

§ 300gg-1. Guaranteed availability of coverage

Currentness

(a) Guaranteed issuance of coverage in the individual and group market

**§ 300gg-1. Guaranteed availability of coverage**

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Notes of Decisions (1)

History (317) ▾

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Citing References (13)**1-13**

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Statutes	14
Regulations	26
Administrative Decisions & Guidance	37
Secondary Sources	238
Appellate Court Documents	99
Trial Court Documents	29
Practical Law	1
All Results	457

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Date

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<input type="checkbox"/>	3. King v. Burwell 135 S.Ct. 2480, 2482+, U.S. Background: Virginia residents who did not want to purchase comprehensive health insurance brought action challenging Internal Revenue Service (IRS) final rule implementing...	June 25, 2015	—	Case
<input type="checkbox"/>	4. Halbig v. Burwell 758 F.3d 390, 419, D.C.Cir. in dissent HEALTH - Medical Assistance. ACA did not authorize tax credits for insurance purchased on federally-facilitated health benefit exchanges.	July 22, 2014	—	Case

 **National Federation of Independent Business v. Sebelius**Supreme Court of the United States | June 28, 2012 | 132 S.Ct. 2566 | 183 L.Ed.2d 450 | 109 A.F.T.R.2d 2012-2563 | [See All Citations](#) (Approx. 107 pages)

Document

[Filings \(278\)](#)[Negative Treatment \(30\)](#)[History \(36\)](#)[Citing References \(4,037\)](#) ▾[Table of Authorities](#)Powered by **KeyCite**

Go to ▾

**West Headnotes (37)** [Change View](#)**1 States** Powers Reserved to States

In our federal system, the National Government possesses only limited powers; the States and the people retain the remainder.

[12 Cases that cite this headnote](#)**2 Constitutional Law** United States Constitution

The Federal Government is acknowledged by all to be one of enumerated powers, that is, rather than granting general authority to perform all the conceivable functions of government, the Constitution lists, or enumerates, the Federal Government's powers.

[6 Cases that cite this headnote](#)**3 Constitutional Law** United States Constitution

The Constitution's enumeration of powers for the Federal Government is also a limitation of powers, because the enumeration presupposes something not enumerated.

[4 Cases that cite this headnote](#)**4 Constitutional Law** United States Constitution

The Constitution's express conferral of some powers for the Federal Government makes

(2d) 408. It is printed in the Record (pg. 148). The opinion of the District Court of the United States for the...

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2009 WL 8189286
In re Smitty's Bldg. Supply, Inc.
United States Bankruptcy Court, E.D. Virginia,
January 05, 2009

...FN1. The Debtors in these cases include Smitty's Building Supply, Inc., SBS Acquisition Corp., SBS Window Division Corp., and WindowSmith, Inc. (Chapter 11) Smitty's Building Supply, Inc., and its affi...

[In re Foothills Texas, Inc.](#)

2009 WL 8188945
In re Foothills Texas, Inc.
United States Bankruptcy Court, D. Delaware.
February 11, 2009

...FN1. The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Foothills Texas, Inc. (xx-xxx9399); Foothills Resources, Inc. (xx-xxx9560); Foothills Calif...

[In re Texas Gulf & Harbor, Ltd.](#)

2011 WL 2746623
In re Texas Gulf & Harbor, Ltd.



Go to ▾

Page 2571 - 2677



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Healthcare Law > [Payment Systems](#) ▾ > [Insurance Coverage](#) ▾ > [General Overview](#) ▾Public Health & Welfare Law > [Healthcare](#) ▾ > [General Overview](#) ▾

HN1 The individual mandate under the Patient Protection and Affordable Care Act of 2010 requires most Americans to maintain "minimum essential" health insurance coverage. [26 U.S.C.S. § 5000A](#). The mandate does not apply to some individuals, such as prisoners and undocumented aliens. [§ 5000A\(d\)](#). Many individuals will receive the required coverage through their employer, or from a government program such as Medicaid or Medicare. [§ 5000A\(f\)](#). But for individuals who are not exempt and do not receive health insurance through a third party, the means of satisfying the requirement is to purchase insurance from a private company. [Shepardize - Narrow by this Headnote](#)

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HN2 Beginning in 2014, those who do not comply with the individual mandate for insurance coverage under the Patient Protection and Affordable Health Care Act of 2010 must make a "shared responsibility payment" to the federal government. [26 U.S.C.S. § 5000A\(b\)\(1\)](#). That payment, which the Act describes as a "penalty," is calculated as a percentage of household income, subject to a floor based on a specified dollar amount and a ceiling based on the average annual premium the individual would have to pay for qualifying private health insurance. [§ 5000A\(c\)](#). In 2016, for example, the penalty will be 2.5 percent of an individual's household income, but no less than \$695 and no more than the average yearly premium for insurance that covers 60 percent of the cost of 10 specified services (e.g., prescription drugs and hospitalization). [§ 5000A\(c\)](#); [42 U.S.C.S. § 18022](#). [Shepardize - Narrow by this Headnote](#)

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HN3 The Patient Protection and Affordable Health Care Act of 2010 provides that the penalty for failure to comply with the individual mandate for insurance coverage will be paid to the Internal Revenue Service with an individual's taxes, and shall be assessed and collected in the same manner as tax penalties, such as the penalty for claiming too large an income tax refund. [26 U.S.C.S. § 5000A\(q\)\(1\)](#). The Act, however, bars the Internal Revenue Service from using several of its normal enforcement tools, such as criminal prosecutions and levies. [§ 5000A\(q\)\(2\)](#). And some individuals who are subject to the mandate are nonetheless exempt from the penalty--for example, those with income below a certain threshold and members of Indian tribes. [§ 5000A\(e\)](#). [Shepardize - Narrow by](#)

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Citing Decisions (368)

- Caution (51)
- Positive (38)
- Neutral (53)
- Cited By (279)

Other Citing Sources (2327)

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