

## Health Care Reform Advisory

MAY 1, 2012

### **Mintz Levin's Alden Bianchi offers expert analysis in Bloomberg BNA online health care reform publication**

We are delighted to announce the online publication of the [Bloomberg BNA Health Care Reform Adviser](#), authored by Mintz Levin Member [Alden J. Bianchi](#).

The *Adviser* broadly targets the tax, benefits, and insurance issues arising under the Patient Protection and Affordable Care Act. Its principal focus is on the unique issues and challenges faced by employers and employer-sponsored group health plans in complying with this comprehensive law. The *Adviser* includes in-depth explanation and expert commentary, model policies and procedures, sample forms, and compliance flowcharts. Major topic areas include:

#### **Insurance Market Reforms**

The *Adviser* provides a “deep dive” into the law’s insurance market reforms (including risk pooling, medical loss ratios, premium rating rules, CO-OPs, and insurance non-discrimination), plan standards (including qualified benefit plans, annual and lifetime limits, pre-existing conditions, guaranteed issue and renewability, dependent coverage, essential health benefits, wellness programs, provider choice, and clinician trials), and consumer protections (including internal and external reviews, summaries of benefits and coverage, and PBM transparency). The Act’s grandfather rules are also covered.

#### **Employer-Shared Responsibility**

The Act’s employer responsibility rules, which impose penalties on certain (large) employers that fail to offer health insurance coverage to full-time employees, are perhaps of greatest concern to employers. The *Adviser* not only covers these rules, but also analyzes their effect on different industries and sectors and their interaction with other provisions of the Act.

#### **State-Based Insurance Exchanges**

Loosely modeled on the Massachusetts Health Insurance Connector, the Act’s insurance exchanges streamline access to health insurance coverage through a web-based point-of-sale system designed to promote transparency and to provide for ease of comparison among various health insurance options in the small group and individual markets. These rules are detailed at length.

#### **Individual Responsibility and Low-Income Subsidies**

Among the most contentious (and potentially short-lived) of the Act’s requirements, the individual responsibility rules — known as the “individual mandate” — require most US citizens and green card holders to obtain and maintain

health insurance coverage. The *Adviser* explains the contours of the individual mandate and its exceptions. It also covers the premium support and cost-sharing subsidies available to low-income individuals designed to allow them to both afford health insurance coverage and access and pay for benefits.

## Revenue Generators

To pay for the expansion of health insurance coverage to low-income individuals, the law adds a handful of revenue raising provisions. These include additional taxes on high-income individuals, the denial of pre-tax treatment for over-the-counter drugs, an excise tax on high-cost health insurance, an increase in the penalties on health savings account distributions not used for medical expenses, and limits on health flexible spending accounts. Each of these revenue enhancers is treated exhaustively.

The *Adviser* is a web-based resource that allows for constant updating and revision in response to fast-paced legal and regulatory developments. It is fully searchable by keyword, citation, and topic/subtopic, and it contains links to statutory and regulatory citations and other guidance and commentary. It is an invaluable resource for attorneys, benefits brokers and consultants, accountants, HR and finance professionals, academics, regulators, and policymakers, among others. [The \*Adviser\* is available from Bloomberg BNA.](#)

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