



TaxNewsFlash

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Proposed regulations: Guidance on various issues under "Affordable Care Act"

The Treasury Department, along with the Department of Health and Human Services (HHS), yesterday released for publication in the Federal Register proposed regulations (RIN 0938-AV22) providing guidance on various issues under the Affordable Care Act (ACA).

The [proposed regulations](#) [PDF 1.1 MB] (414 pages) include payment parameters and provisions related to the HHS-operated risk adjustment program, as well as 2025 user fee rates for issuers offering qualified health plans (QHPs) through federally-facilitated exchanges (FFE) and state-based exchanges on the federal platform (SBE-FPs).

In addition, the proposed regulations include proposed requirements related to:

- Auto re-enrollment hierarchy
- Essential health benefits
- Failure to file and reconcile
- Non-standardized plan option limits and an exceptions process
- Standardized plan options
- Special enrollment periods (SEPs)
- Direct enrollment (DE) entities
- Insurance Affordability Program enrollment eligibility verification process
- Requirements for agents, brokers, web-brokers, and DE entities assisting exchange consumers
- Network adequacy
- Public notice procedures for section 1332 waivers
- Prescription drug benefits
- Updates to the Consumer Operated and Oriented Plan (CO-OP) Program
- State flexibility on the financial methodology used for Medicaid eligibility determinations for non-modified adjusted gross income (MAGI) populations
- State flexibility on the effective date of coverage in the Basic Health Program (BHP)

Comments on the proposed regulations are due by the date that is 45 days after the proposed regulations are published in the Federal Register, which is scheduled to be November 24, 2023.

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