

# edge

HEALTH CARE TOPICS  
OF INTEREST



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## Health Care Reform

### **GOP Continues Work On ACA Replacement**

After an Affordable Care Act (ACA) replacement bill was pulled March 24 before a House vote, GOP leaders are continuing their search for legislation that can be agreed upon. The American Health Care Act (AHCA) would have repealed and replaced most of the ACA's key provisions but failed to win enough support for its passage before the scheduled vote.

House Republicans left April 10 for their two-week recess without having reached a compromise, despite several recent meetings. At this time, employers are encouraged to continue with business as usual regarding the ACA's requirements. That does not mean, however, that we will not see changes in how the ACA is enforced. President Trump has directed the Departments of Labor (DOL), Treasury (including the IRS), and Health and Human Services (HHS) to review all existing regulations and to initiate steps to revise or eliminate burdensome rules. Congress also may use authority under the Congressional Review Act (CRA) to overturn, with a simple majority, certain regulations if they had been finalized only recently.

#### **FEATURES** ↓

**GOP Continues Work On ACA Replacement**

**Enrolling In Coverage With A Qualifying Event**

**Preserving Employee Wellness Act Introduced**

## Individual Market

### **Enrolling In Coverage With A Qualifying Event**

Do you know an individual facing a sudden loss of health coverage who is wondering if and how they can apply outside of open enrollment? Under certain circumstances, they may be eligible for a special enrollment period if they have a qualifying event.

Examples of qualifying events include the (1) loss of employer group health insurance as a result of voluntary or involuntary termination of employment, or change in full-time employment status; the (2) exhaustion of COBRA or state continuation; the (3) loss of dependent status as a result of turning 26; a (4)

marriage; a (5) new dependent (birth, adoption, placement for adoption); or an (6) employer's coverage no longer provides minimum essential coverage (MEC).

Generally, you have 60 days from the date the qualifying event happens to enroll in a new health plan. Proof of the qualifying event will need to be submitted and will likely include a note from your employer, cancelled health insurance notice, marriage license, divorce decree, birth certificate, etc. with your application.

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## Wellness

### Preserving Employee Wellness Act Introduced

On March 2, the Preserving Employee Wellness Act (H.R. 1313) was introduced by the House Committee on Education and the Workforce. Per the committee's fact sheet, the intent of the act is to reaffirm existing law to allow employee wellness programs to be tied to responsible financial incentives, bring uniformity to the regulation of wellness programs, and clarify that such programs are consistent with the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA). However, the text of the act is not yet available.

The act is in response to the recent federal Equal Employment Opportunity Commission's (EEOC) wellness program rules, effective January 1, 2017, that provide guidance to both employers and employees about how workplace wellness programs can comply with the ADA and GINA, consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act, as amended by the ACA

The committee asserts that the Preserving Employee Wellness Act would protect employee wellness plans, reassert congressional intent to encourage the development of employee wellness programs, and encourage lower health care costs – all resulting in the promotion of a healthy workforce.

Banyan believes in employer wellness programs and continues to develop meaningful and effective strategies for our clients. Contact Megan Roberson, Banyan Wellness Director, to learn more about how we can help you deliver a wellness culture for your employees.

Read the [Fact Sheet](#), EEOC [final ADA rule](#), and EEOC [final GINA rule](#).

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Disclaimer: This document does not constitute legal or tax advice; rather, it serves simply to highlight certain regulatory developments and requirements. Confer with legal or tax counsel for specific guidance.

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