



TOPIC: **THE NEW TRANSITIONAL REINSURANCE PROGRAM UNDER THE AFFORDABLE CARE ACT**

EXECUTIVE SUMMARY: HHS HAS ISSUED A PROPOSED NOTICE OF BENEFIT AND PAYMENT PARAMETERS THAT WOULD IMPLEMENT THE NEW TRANSITIONAL REINSURANCE PROGRAM UNDER SECTION 1341 OF THE AFFORDABLE CARE ACT (THE “ACA”) (THE “PROPOSED PARAMETERS”). AS PROPOSED, THIS REINSURANCE PROGRAM WILL REQUIRE SIGNIFICANT RESOURCES FROM PLANS DURING THE THREE YEAR TRANSITIONAL PERIOD OF IMPLEMENTATION OF THE ACA. THE PROPOSED AMOUNT IS \$5.25 PER COVERED PERSON PER MONTH (\$63 PER YEAR TIMES ALL COVERED PARTICIPANTS AND DEPENDENTS PER YEAR).

AMONG OTHER ASPECTS OF THE “PROPOSED PARAMETERS,” THIS ISSUE OF *MULTI-ELERT* DISCUSSES THIS FEE AND THE NCCMP’S POSITION THAT THE STATUTE DOES NOT SUPPORT APPLICATION OF THE CONTRIBUTION REQUIREMENT TO SELF-FUNDED, SELF-ADMINISTERED MULTIEMPLOYER PLANS.

WE ENCOURAGE A CAREFUL REVIEW OF THESE PROPOSED COMMENTS ALONG WITH THE PROPOSED REGULATIONS AND URGE YOU TO ADVISE US OF YOUR SUGGESTIONS TO IMPROVE THEM. WE ALSO RECOMMEND THAT YOU CONSIDER FILING COMPLEMENTARY COMMENTS OF YOUR OWN TO REINFORCE THE IMPORTANCE OF THIS ISSUE WITH THE REGULATORS.

THE NCCMP PROPOSED COMMENTS ARE AVAILABLE AT THE FOLLOWING LINK:

[HTTP://WWW.NCCMP.ORG/FOREMAILS/NCCMPCOMMENTSREINSURANCE.PDF](http://www.nccmp.org/foremails/nccmpcommentsreinsurance.pdf)

PURPOSE: **REQUEST FOR COMMENTS**

CATEGORY: **REGULATORY**

ISSUER: **HEALTH AND HUMAN SERVICES**

TARGET AUDIENCE: **HEALTH AND WELFARE FUND TRUSTEES AND PROFESSIONAL ADVISORS**

INPUT REQUESTED: **REVIEW AND RESPOND TO NCCMP ON DRAFT COMMENTS**

DUE DATE: **DECEMBER 28, 2012**

FORWARD COMMENTS TO: Multi-Elert@nccmp.org

REFERENCE: **VOLUME XII, ISSUE 9**

FOR ADDITIONAL BACKGROUND SEE: **Patient Protection and Affordable Care Act
HHS Notice of Benefit and Payment Parameters for 2014
Proposed Rule
File Code CMS-9964-P
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-07/html/2012-29184.htm>**

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We strive to ensure that the information contained in this and every issue of Multi-Elert is correct to the extent information is available. Nevertheless, the NCCMP does not offer legal advice. Plan fiduciaries should rely on their own attorneys and other professional advisors for advice on the meaning and application of any Federal laws or regulations to their plans.

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If you have questions about the NCCMP, or about this or other issues of Multi-Elert, please contact the NCCMP, by phone at (202) 737-5315 or by e-mail at nccmp@nccmp.org.
