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HEALTH INSURANCE: EXECUTIVE ORDER



By Diane (Shepler) Klinger, Integrity Services & Solutions

On October 12, 2017, President Trump signed an Executive Order. What does this mean for health insurance? What changes will take place in the health insurance market now? What changes might happen to health insurance in the future?

The Department of Labor is directed to take a more broad approach to the interpretation of ERISA to allow employers expanded access to Association Health Plans. The re-interpretation of ERISA would include allowing employers to form arrangements across state lines for the express purpose of obtaining insurance. Currently, an association may not be established solely for the purpose of purchasing insurance.

The Executive Order directs the Departments of the Treasury, Labor and Health and Human Services (The Departments) to consider proposing rules to expand coverage through low-cost, short-term limited duration insurance. This insurance would not be subject to many of the insurance mandates under the ACA but would feature broader networks and high coverage limits.

The Departments are also asked to look at supporting increased flexibility for Health Reimbursement Arrangements. One instance of this flexibility would be the use of HRA's in non-group situations.

Equally as important to what may change is what the Executive Order does *not* change at this time:

1. The Employer mandate
2. ACA Reporting - Forms 1094C and 1095C must be filed where applicable.
3. Dependent coverage to age 26
4. No annual or lifetime dollar limits
5. Certain preventive care covered without cost-sharing
6. General prohibition on preexisting condition exclusions and health status rating.

While the changes above are not affecting the health insurance market today, we can expect to see changes shortly.

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