



Legal Alert: Insurance Web Portal Guidelines Issued by Health and Human Services

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The Patient Protection and Affordable Care Act requires the establishment of an internet web site through which individuals and small businesses may obtain information about insurance coverage options that are available to them in their state. On May 5, 2010, Health and Human Services issued an interim final rule that provides the timeline for when the web portal will be established and the information that will be contained on the website. The web portal will be rolled out in two phases – the first on July 1, 2010, and the second phase on October 1, 2010. Thereafter, the web portal will be updated periodically as changes are implemented with regard to the insurance coverage options. The web portal will contain general educational information regarding insurance terms but also more specific information on health insurance coverage offered by private insurers, Medicaid coverage, children's health insurance programs, state health benefits high risk pool coverage, coverage under the high risk pool created by Health and Human Services and coverage within the small group market for small businesses and their employees. The initial release of the web portal on July 1, 2010 will contain summary information about health insurance products that are available in the individual and small group market, including the insurers' names, the types of products available, summaries of the services that are covered, links to provider networks, and contact information for the insurers. The information on the web portal will also include eligibility and coverage information regarding Medicaid and CHIP programs. Additionally information on reinsurance for early retirees and information regarding the small employer tax credits will be provided on the web portal. The second release of the web portal on October 1, 2010 will include detailed pricing and benefit information on the coverage options available. Additionally the medical loss ratios and certain quality and performance information on small group insurance policies will be posted on the web portal. Insurance companies' CEOs or CFOs will be required to verify and certify the completeness and accuracy of all the data submitted that will be posted on the web portal. After 2010 an update and verification of all the data submitted by insurance companies must be conducted annually. Health and Human Services also must be notified within 30 days of any changes in premiums, cost sharing, types of services covered, coverage limitations or exclusions regarding any of the individual or small group insurance plans. These changes in turn will be noted on the web portal. **Employers' Bottom Line:** Small employers (generally defined as employers with 100 or fewer employees) should utilize the first phase of the insurance web portal as a resource to help ensure they are evaluating all of the available options for health insurance in the small group market. The web portal will also be a good resource for employers

who do not offer group medical insurance to provide to their employees. As more information is added to the web portal in the second phase and beyond, the web portal should also prove to be a valuable resource to help small employers ensure they receive the best value for the health coverage provided to their employees.

If you have any questions regarding this Legal Alert or other employee benefits issues, please contact the author, Daniel Sulton, dsulton@fordharrison.com, any member of Ford & Harrison's Employee Benefits practice group, or the Ford & Harrison attorney with whom you usually work.