

HEALTH CARE REFORM: GOVERNMENT PLANS - CLAIMS AND APPEALS - NEW HHS ELECTION/UPDATE NOTICE METHOD

Under the claims and appeals regulations of the Affordable Care Act (ACA) issued in 2011 (IRS Technical Release 2011-02), self-funded non-grandfathered government plans could elect to use either (i) the private accredited Independent Review Organization process established by the Department of Labor (DOL), or (ii) the U.S. Department of Health and Human Services (HHS) administered Federal External Review Process. In either case, sponsors had to notify HHS of their decision. If the HHS process was chosen, additional information (including contact information) had to be provided to the U.S. Office of Personnel Management (OPM) and the Centers for Medicare & Medicaid Services via e-mail.

On June 15, 2015, new instructions were issued regarding the notification process to elect the Federal External Review Process or update previously submitted information. This *Briefing* describes the method that must be used to inform HHS about the election or submit updated information.

INITIAL ELECTION OF FEDERAL EXTERNAL REVIEW PROCESS

Plans that have elected to use the federally-administered External Review Process are required to submit information regarding their election to HHS via the Health Insurance Oversight System (HIOS) no later than the date on which such plans intend to begin using the Federal External Review Process.

Instructions for electing the Federal External Review Process within HIOS for both new and existing users can be found at:

<http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/20150608-HHS-SRG-on-elections-FINAL-6-8-15-MM508.pdf>

UPDATING INFORMATION

Sponsors who previously registered for the Federal External Review Process via e-mail must submit any updated information via HIOS. If no information needs to be updated, then no action is required at this time.

Please contact your Keenan Account Manager for questions regarding this *Briefing* or if you require any additional information regarding the Affordable Care Act.

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