



CMS Releases FAQ Regarding Federal Exchange Employer Notification Program

The Centers for Medicare & Medicaid Services (CMS) recently released an [FAQ](#) regarding the Employer Notification Program. **Federal exchanges will begin to notify certain employers if any of their employees have received an advance payment of premium tax credits (APTC) and cost sharing reductions (CSRs) through the Marketplace.**

What Information Will The Notification Contain?

The specific employee will be identified along with a statement that he/she is enrolled in Marketplace coverage and leveraging an APTC. The notices will NOT contain any personal health information or federal tax information.

What To Expect:

The interplay between marketplaces, the Feds and employers will become more commonplace in the year ahead. Attempts to justify subsidies issued to the employed will become more familiar and frequent, especially as the first round of 6055/6066 reporting plays itself forward. These attempts also may vary widely in terms of composition, as state-based exchanges will likely approach the process differently.

Will You Be Notified?

Possibly. As part of the "phase-in process" of this program, the first notifications will be mailed to employers with employees who received APTC for at least one month in 2016 AND provided an employer mailing address. The first batch of notifications will be mailed in Spring of 2016, but notices may arrive as soon as February. Waves of notifications will continue throughout the remainder of the 2016 plan year.

What You Should You Do If You Receive A Notice

If you offered the applicable full-time employee ACA-compliant coverage, then you have the right to appeal the notice within 90 days of receiving the letter. An employer appeal request form will be available on Healthcare.gov.

The CMS Has Plans To Expand the Process

Monitoring the success of the first notification mailings, the CMS will determine how to expand and improve the process in subsequent years. Distribution of the notifications will initially be sent via mail, however the CMS is considering alternatives (such as email notifications) for the future.

NEXT STEPS

➤ ***For The Best Defense, Think Offense!***

Make your plan information clear and easily accessible to employees, so that eligibility questions will be accurately answered by any employees applying for an APTC through the Marketplace.

Consider adding blatant reminders and attestations to your enrollment process. When eligible employees waive your coverage, you'll want to make very clear how that waiver impacts eligibility for APTCs.

➤ ***Get A Strategy!***

Develop a strategy for handling any exchange notifications and working your way to well articulated appeals when necessary. Having a solid plan can help you ward off any unfairly assessed penalties.

Need Expert ACA Advice?

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