



LEGAL ADVICE FOR HEALTH PLANS

HEALTH LAW ALERT

March 14, 2016

HHS Issues 2017 Notice of Benefit & Payment Parameters Establishes User Fees, Open Enrollments Dates

Last week, the Department of Health and Human Services published its 2017 Notice of Benefit and Payment Parameters, adopting modifications to over 60 rules implementing the Affordable Care Act. The Notice also set dates for the Annual Open Enrollment Periods for the 2017 calendar year and future calendar years and set Qualified Health Plan user fees for 2017.

The final rules are published at 81 *Federal Register* 12203 ([click here](#)). [Click here](#) for my compilation of Selected Federal Health Insurance Provisions incorporating the amendments into previously-published rules (*see* the first bullet under “Compiled Rules”) (or see the “Resources” page at [tbixbylaw.com](#)).

The dates for the Annual Open Enrollment Period will be:

- For the 2017 benefit year: November 1, 2016 through January 31, 2017;
- For the 2018 benefit year: November 1, 2017 through January 31, 2018;
- For the 2019 and subsequent benefit years, November 1 through December 15 of the previous calendar year.

The **Risk Adjustment User Fee** will decrease from \$1.75 per enrollee per year to \$1.56 per enrollee per year. HHS explains that the decrease reflects lower administrative costs for the 2017 benefit year and its ability to make more accurate enrollment projections, given actual experience with enrollment in the Exchanges.

The **Federally Facilitated Exchange User Fee** will remain the same as in previous years, at 3.5% of premium. The User Fee for Qualified Health Plans on a State-Based Exchange using the Federal platform for eligibility and enrollment services will be 1.5% of premium.

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For more information, please contact Tom Bixby at (608) 661-4310 or TBixby@tbixbylaw.com

Thomas D. Bixby Law Office LLC
(608) 661-4310 | www.tbixbylaw.com

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