

Health Benefit Exchange Questions and Answers

1. What is the Health Insurance Marketplace (referred to in the statute as the Exchange)?

Under the Patient Protection and Affordable Care Act, every state will have a Health Insurance Marketplace as a resource to help people compare and buy affordable health insurance. Depending on where you live in the U.S., you may see it referred to as a State Exchange or a Federally Facilitated Exchange. Washington Healthplanfinder is the Marketplace serving Washington residence.

2. Does the Health Insurance Marketplace notice have to be provided to all employees?

Beginning October 1, 2013, **every new employee** must receive this notice within 14 days from their date of hire regardless of benefit eligibility status or of part-time or full-time status.

3. Will eligible employees be allowed to waive PEBB coverage to enroll Marketplace coverage?

No. State employees who are eligible to receive the state employer contribution toward PEBB health insurance may not waive PEBB coverage to enroll in Marketplace coverage.

4. Will eligible employees be allowed to waive PEBB coverage for their spouse or dependent children to enroll them in Marketplace coverage?

Yes. Employees may waive or remove their spouse and/or dependent children during annual open enrollment and enroll them in Marketplace coverage for an effective date of January 1. The spouse and/or dependent children may be re-enrolled in PEBB benefits during a future annual open enrollment.

*Note: Marketplace availability is **not** considered a special open enrollment event and therefore, you may not remove dependents mid-year to enroll in Marketplace coverage or vice versa. Special open enrollment rules will continue to apply when qualifying events occur. For additional information on special open enrollment provisions, you may refer to PEBB [Policy 45-2A](#).*

5. If an employer chooses to deliver the notice electronically and does not have email addresses for some employees, does the employer have to provide the notice by first-class mail to those employees?

If an employer is not able to meet the Department of Labor's (DOL) electronic disclosure safe harbor requirements under 29CFR 2520.104b-1(c), the employee must deliver this notice by first-class mail.

The notice must be provided free of charge and in writing in a manner calculated to be understood by the average employee within the timeframes described in number 2 of this Q&A, or, under the DOL guidance provided in the [Technical Release 2013-02](#).

If you have additional questions as to whether your email notification method meets the requirements of DOL, you should contact your agency's legal counsel for further guidance.

6. Does the agency need to track whether every employee actually received the notice?

Currently, the DOL guidance does not instruct employers to track whether every employee receives the notice. The DOL has instructed employers to **provide** the notice. The DOL issued [Technical Release No. 2013-02](#), which describes the timing and delivery of the notice.

7. Is every United States citizen required to have health insurance coverage?

Yes. Beginning January 1, 2014 every individual is required to have health coverage or pay a penalty tax. Employees enrolled in a PEBB health plan satisfy this mandate. The new health insurance Marketplace is intended to assist individuals who do not have access to affordable employer coverage or Medicaid in satisfying the individual mandate.

8. Has HCA decided what the policy or practice will be with regards to how the Marketplace will impact PEBB benefits and current employees?

As described in the Marketplace notification and this Q&A, employees who **are** eligible to receive the state employer contribution toward PEBB health insurance will not be allowed to waive coverage to enroll in coverage through the Marketplace. Employees are not required to enroll their dependents in PEBB coverage and may enroll their dependents in the Exchange coverage.

Employees who are **not** eligible to receive the state employer contribution toward PEBB health insurance should consider Marketplace coverage options since they may qualify for a premium tax credit.

9. Can pre-Medicare retirees opt out of PEBB retiree enrollment and enroll in Marketplace health insurance?

Pre-Medicare eligible retirees may defer PEBB retiree coverage to enroll in the Marketplace coverage. They may do this one time per retirement.