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Expatriate Health Coverage Clarification Act of 2014

On December 16th 2014, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, which includes the Expatriate Health Coverage Clarification Act of 2014.

The Expatriate Health Coverage Clarification Act provides appropriate and necessary exemptions from specific Affordable Care Act (ACA) provisions for multinational employers, globally mobile individuals, and U.S. providers of expatriate insurance coverage.

Some of the provisions contained in this legislation are:

- Deems expatriate health coverage to be minimum essential coverage for expatriate employees and their dependents.
- Exempts expatriate health plans, employers acting as sponsors of such plans, and health insurance issuers providing coverage under such plans from certain health care coverage requirements of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.
- Declares that a qualified expatriate (and any dependent) enrolled in an expatriate health plan shall not be considered a U.S. health risk for purposes of assessing the annual fee on health insurance providers that provide health coverage to any U.S. health risk for any year after 2014.
- Defines a "qualified expatriate" as: (1) a participant in a group health plan who is an alien residing outside the United States, a U.S. national, a lawful permanent resident, or a nonimmigrant about whom there is a good faith expectation of being abroad, in connection with his or her employment, for at least 180 days in a consecutive 12-month period; or (2) an individual who is abroad as a member of a group determined appropriate by the Secretary of Health and Human Services (HHS).

As with any legislation, regulations and guidance will be forthcoming. The Department of Health and Human Services, Department of Labor, and Department of Treasury will provide rules and instructions for the enactment of this bill.

MSH INTERNATIONAL will continue to monitor this Act and the anticipated regulations and guidance.

Sincerely,

MSH INTERNATIONAL