

Part I: **Premium Tax Credits**

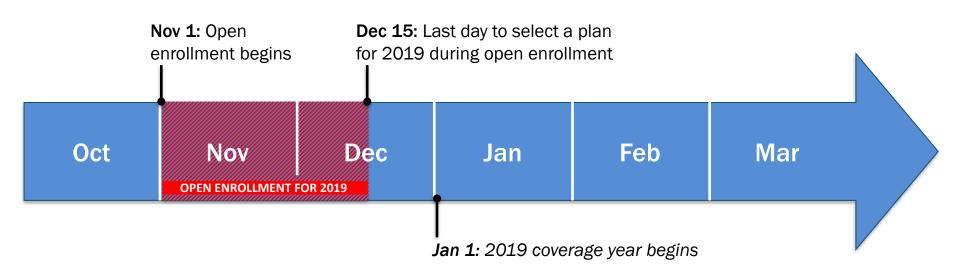
Coverage Year 2019

Center on Budget and Policy Priorities

September 13, 2018



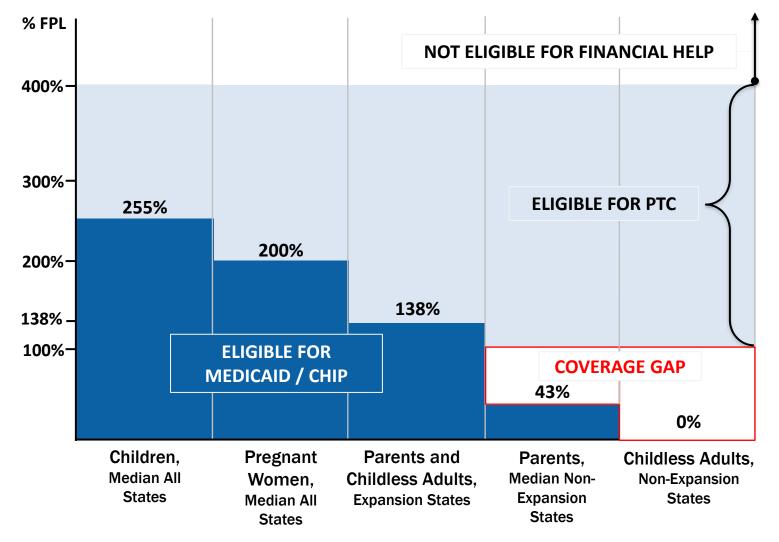
Open Enrollment for OE6



- Open enrollment will run from November 1 through December 15, 2018: 45 days in total
- State-Based Marketplaces can extend the open enrollment period by adding a supplemental special enrollment period

State-Based Marketplaces Open Enrollment Periods for 2019 Coverage

•	California	October 15, 2018 – January 15, 2019
•	Colorado	November 1, 2018 – January 15, 2019
•	Connecticut	November 1, 2018 – December 15, 2018 *not extended
•	District of Columbia	November 1, 2018 – January 31, 2019
•	Idaho	November 1, 2018 – December 15, 2018 *not extended
•	Maryland	November 1, 2018 – December 15, 2018 *not extended
•	Massachusetts	November 1, 2018 – January 23, 2019
•	Minnesota	November 1, 2018 – January 13, 2019
•	New York	November 1, 2018 – January 31, 2019
•	Rhode Island	November 1, 2018 – December 31, 2018
•	Vermont	November 1, 2018 – December 15, 2018 *not extended
•	Washington	November 1, 2018 – December 15, 2018 *not extended



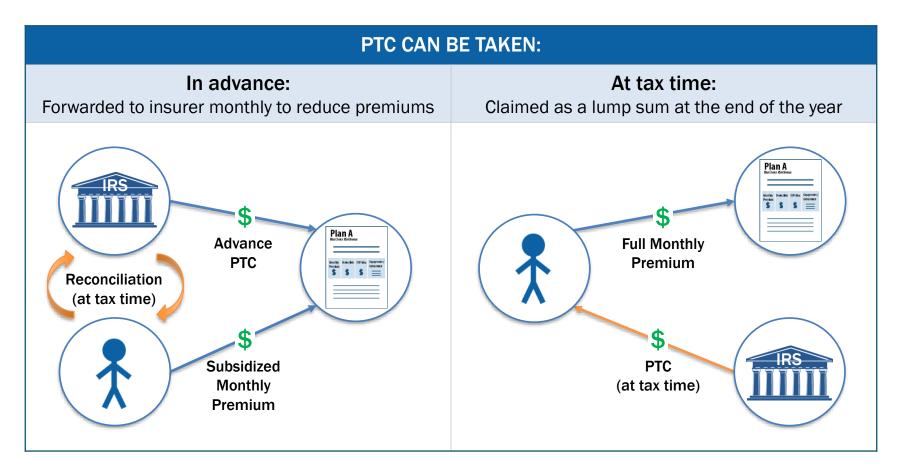
Health Reform: Beyond the Basics)

Source: Based on a national survey conducted by Kaiser Family Foundation with the Georgetown University Center for Children and Families, 2018: <u>www.kff.org/medicaid/fact-sheet/where-are-states-today-medicaid-and-chip</u>

Premium Tax Credit Eligibility

Health Reform: Beyond the Basics

Premium tax credit (PTC): Assistance with the cost of coverage for people purchasing coverage in the Health Insurance Marketplaces



Income: 100-400% FPL

- Income must be between 100% and 400% of the federal poverty line
- Some exceptions apply

Ineligible for Other MEC

- Cannot be eligible for another type of MEC, such as Medicaid or employer coverage
- Some exceptions apply

Eligible Filing Status

- If married, cannot file as married filing separately
- Cannot be a tax dependent
- Some exceptions apply

- In addition, requirements to enroll in Marketplace coverage include:
 - \rightarrow Must be a U.S. citizen or have a status considered "lawfully present" *
 - → Cannot be incarcerated (except if pending disposition of charges)
 - → Must be a resident of the service area of the Marketplace

Exception to the 100% FPL limit:

- Lawfully present individuals with income under the poverty line are eligible for PTC if they are ineligible for Medicaid because of their immigration status
- If someone projects income above 100% FPL and receives APTC, but at the end of the year has income below 100% FPL, they are protected by a safe harbor
 - → *New!* If someone attests on the application to having income above 100% FPL, but tax data say otherwise, the applicant may be asked to verify their income projection

Exception to the 400% FPL limit:

• None! If a taxpayer's income is 401% FPL or higher, the entire credit must be repaid

Household	% of Federal Poverty Line (2018 guidelines)						
Size	100%	138%	150%	200%	250%	300%	400%
1	\$12,140	\$16,753	\$18,210	\$24,280	\$30,350	\$36,420	\$48,560
2	\$16,460	\$22,715	\$24,690	\$32,920	\$41,150	\$49,380	\$65,840
3	\$20,780	\$28,676	\$31,170	\$41,560	\$51,950	\$62,340	\$83,120
4	\$25,100	\$34,638	\$37,650	\$50,200	\$62,750	\$75,300	\$100,400
5	\$29,420	\$40,600	\$44,130	\$58,840	\$73,550	\$88,260	\$117,680

Health Reform: **Beyond the Basics**

Note: 2018 federal poverty guidelines are used to determine eligibility for 2019 coverage.

- To qualify for PTC, a person cannot be eligible for another type of minimum essential coverage (MEC)
 - \rightarrow An <u>offer</u> of qualifying MEC bars eligibility, even if it is not taken
- To bar eligibility for PTC, the offer of MEC generally must be:



Considered affordable (for offers of employer coverage)

 Offers of employer coverage that cost under a certain percentage of household income bar eligibility for PTC



Comprehensive

- An offer of coverage with comprehensive benefits generally bars eligibility for PTC
 - → Most types of public coverage
 - → Employer coverage that meets a "minimum value" standard



 To bar eligibility for PTC, government-sponsored coverage must have comprehensive benefits

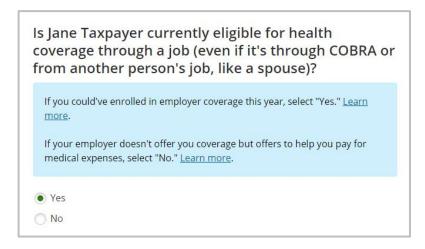
Comprehensive Benefits (NOT ELIGIBLE FOR PTC)	Limited Benefits (ELIGIBLE FOR PTC)
 Medicare Part A (premium free) 	 Medicaid providing <u>only</u>:
 Medicare Advantage 	 Family planning services
 Most Medicaid 	- Tuberculosis-related services
CHIP	 Emergency treatment
 State high-risk insurance pools beginning on 	 Pregnancy-related services*
or before 12/31/14	 Medicaid coverage of the medically needy*
 Refugee Medical Assistance 	 1115 Medicaid demonstration*
Most TRICARE	 Voluntary Medicare**
 DoD Continuation Coverage 	 Space-available TRICARE
(Nonappropriated Fund Health Benefits	 Line-of-duty TRICARE
Program)	AmeriCorps
 Peace Corps coverage 	AfterCorps (returning Peace Corps members)

* Coverage benefits vary by state (see <u>state-by-state MEC designations</u>). If coverage consists of or is equivalent to full Medicaid benefits, it is considered MEC and bars eligibility for PTC.

** Comprehensive but considered unaffordable regardless of income

Health Reform: Beyond the Basics

- To bar eligibility for PTC, offers of employer coverage must **both**:
 - 1. Meet minimum value (MV), and
 - 2. Be considered affordable
- Jumping the firewall: If the offer does not meet these requirements, the employee is eligible for PTC despite offer of coverage



Jumping the Firewall: Minimum Value (MV) Standard

If an offer of employer coverage does not meet MV, the employee is eligible for PTC despite the offer

Minimum Value

An employer plan does <u>not</u> meet minimum value if:

 It has an actuarial value of less than 60%

Actuarial value = % the plan pays of the cost of coverage for essential health benefits for a typical population, after accounting for cost-sharing charges required under the plan

Tell us about JobABC's health coverage.

First, print out and take the <u>Employer Coverage Tool</u> to JobABC to collect the information you need for this section to fill out the application. Instructions on the Employer Coverage Tool provide a step-by-step guide for using the tool to answer the questions in this section.

Does JobABC offer a health plan that meets the minimum value standard?

Yes

O No

🔵 I don't know

If an offer of employer coverage is considered unaffordable, the employee is eligible for PTC despite the offer

Affordability

An employer plan is considered <u>un</u>affordable if:

 Employee contribution for self-only coverage is more than 9.86% of household income (in 2019)

Employee contribution for self-only coverage is used to determine affordability for both the employee and other members of the family offered coverage

For the lowest-cost plan available only to Jane Taxpayer that meets the minimum value standard:

Most health plans offered by employers meet the minimum value standard. Only tell us about self-only plans offered to this employee. [Learn more about how to answer this question]

How much is the premium for this plan?

If the employer offers wellness programs, enter the premium that the employee would pay if the employee got the maximum discount for any tobacco cessation programs and didn't get any other discounts based on wellness programs.

I don't know

How often would the employee pay this amount?

Monthly

Offer of coverage through a family member's employer

- Employee contribution for self-only coverage is used to determine affordability for both the employee and other members of the family offered coverage
 - → **"Family glitch":** If the cost of the plan that covers the employee only is considered affordable, then any member of the family who is offered coverage through that employer is also ineligible for PTC (regardless of the actual cost of family coverage)
- Exception: If a family member is not on the same tax return as the employee, the offer of employer coverage does not bar eligibility for PTC regardless of cost

14

Example: Offers of ESI and Eligibility for PTC

- Monica and Roberto are married and have two children, Elena and Miguel
- Their household income is \$40,000
- Monica's employer offers one plan that meets minimum value. There are two premium options:
 - → Just Monica -- \$150 per month; or
 - → Monica and family -- \$450 per month
- Monica wants to know if she could qualify for PTC, despite her offer of ESI



Summary of Plan Costs and Household Income				
Household Income:	\$40,000			
Employee-only premium cost:	\$150/month			
Employee + family premium cost:	\$450/month			
Minimum value (MV):	Yes (80% AV)			



Does this offer of ESI make Monica or her family ineligible to receive PTC?

Employee firewall test:	Family firewall test:
Is the lowest-cost employee-only premium (for a plan that meets MV) less than 9.86% of	Same as Monica
household income?	 Even though family coverage costs 13.5%
 Monica's share of the cost of employee- only coverage is 4.5% of household income 	of income, the coverage is still considered affordable since <u>employee-only</u> coverage costs less than 9.86% of income
Monica is not eligible for PTC	Monica's family is not eligible for PTC

Summary of Plan Costs and Household Income				
Household Income:	\$40,000			
Employee-only premium cost:	\$150/month			
Employee + kids premium cost:	\$350/month			
Minimum value (MV):	Yes (80% AV)			
Spousal coverage:	No offer			



What if Monica's employer doesn't offer spousal coverage?

Firewall test for Monica plus kids:

Same as previous test: Is the <u>employee-only</u> premium less than 9.86% of income?

- Even though the cost to cover Monica and the kids is 10.5% of income, the firewall test only looks at the cost of <u>employee-only</u> coverage, which is 4.5% of income
- Not eligible for PTC

Roberto: No offer of ESI

- No firewall test
- No bar to receiving PTC, if otherwise eligible

Eligible for PTC

- If employer coverage is not affordable or MV but the **employee enrolls** anyway, they are not eligible for PTC in those months
 - \rightarrow Would need to drop the coverage to enroll in a marketplace plan with PTC
 - → Note: Dropping coverage for this reason does not trigger a special enrollment period
- If a person could've enrolled in employer coverage but missed the employer open enrollment period, that offer still bars eligibility for PTC if it meets affordability and MV standards
- If there is a waiting period before an employee can enroll in an employer plan, then eligible for PTC during those months
- Offers of COBRA or retiree coverage do not bar eligibility for PTC (unless currently enrolled)
 - → **Student health plans** work in the same way. They don't bar eligibility for PTC (unless currently enrolled)

Types of ESI That Do NOT Bar Eligibility for PTC

n months of a waiting period for ESI	Eligible for COBRA		
Can enroll in coverage with PTC during months in waiting period	* Unless currently enrolled What's Jane Taxpayer's current work status at JobABC? (Select one.) No longer working at this emplor		
 No Is Jane Taxpayer currently in a waiting or probationary period? Yes When could Jane Taxpayer enroll in 	Is the coverage from JobABC COBRA coverage? Learn more about COBRA coverage. Yes No		
coverage?	Eligible for retiree coverage		
MM/DD/YYYY No Is Jane Taxpayer a current or former employee of this employer?	* Unless currently enrolled What's Jane Taxpayer's current work status at JobABC? (Select one.)		
Yes No What's Jane Taxpayer's current work status at JobABC? (Select one.)	Retired • Is Jane Taxpayer's coverage from JobABC a retiree health plan?		
Currently working at this employ •	Yes No		

- Last month, Serena left a job where she had health insurance
- She has an offer of COBRA coverage through her former employer, but the premium is very expensive

She does not enroll in COBRA: Can Serena qualify for PTC?

- Yes: The option to enroll in COBRA coverage does not bar a person from eligibility for a premium tax credit or cost-sharing reduction
 - → Can enroll in Marketplace coverage at the next open enrollment period or through the special enrollment period triggered by her loss of employer coverage

She does enroll: Can she drop COBRA coverage and qualify for PTC?

- It depends: An offer of COBRA doesn't bar eligibility for PTC, but once enrolled, the person is no longer eligible for PTC
 - → During open enrollment: Serena can drop COBRA and enroll in marketplace coverage with PTC
 - → Outside of open enrollment: Dropping COBRA coverage will not trigger a special enrollment period so Serena would not have access to marketplace coverage



Kala, 22 years old

- Graduate student, single tax filer
- Income: \$18,500 (152% FPL)
- Her dad's employer offers family coverage
 - → Even though she is no longer a tax dependent, Kala has the option of staying on her parent's ESI until she reaches age 26
 - → Offer does not bar eligibility for PTC because Kala is not on the same tax return as her dad
- Her school offers coverage through a student health plan
 - → Offer of a student health plan does not bar eligibility for PTC (unless currently enrolled)

OFFER 1 : Coverage from Dad's ESI		S	OFFER 2: Student Coverage		OFFER 3: Marketplace Coverage	
Cost	\$0/month (Dad pays cost)	Cost	\$150/month	Cost	\$123/month after PTC	
AV	90% AV	AV	70% AV	AV	87% after cost- sharing reduction	



3. Eligible Tax Filing Status

Must file a tax return and have an eligible filing status

- Cannot be a dependent of another taxpayer
 - → Dependents can be eligible for PTC if the taxpayer who claims them applies on their behalf
- If married, must file a joint return (i.e., cannot be Married Filing Separately)
 - → Three exceptions to joint filing requirement:
 - Head of Household
 - Survivors of domestic abuse
 - Abandoned spouses
 - → If eligible for exception, can indicate they are **not married** on application

You don't	Taxpayer plan to file a federal income tax return for 2016? have to file taxes to apply for coverage, but you'll need to file if you want to get a premium tax credit to help pay for now.
Yes	
O No	
ls Jane Tax	payer married?
Yes	
O No	
	Taxpayer plan to file a joint federal income tax return with e for 2016?
Yes	
O No	

Yes

return for 2016?

No

Head of Household

• A married person can claim to be unmarried on the application if they qualify to file as Head of Household

When can a married person file as Head of Household?

A married person is **considered unmarried** and is eligible to file as Head of Household if he or she can answer YES to each of the following questions:

- □ Will you file taxes separately from your spouse?
- □ Will you live apart from your spouse from July 1 to Dec 31?
- □ Will you pay more than half of the cost of keeping up your home?
- □ Is yours the main home of your child, stepchild, or foster child (of any age) for more than half the year?
- Are you eligible to claim the child as a dependent? (You meet this test if you are eligible to claim the child but the child is instead claimed by a noncustodial parent.)

If all the answers are Yes, the applicant is considered unmarried and can file as Head of Household. If the answer to any of these questions is No, the applicant cannot file as Head of Household.

Note: A special rule allows the resident spouse of a nonresident (as defined for tax purposes) to qualify as *considered unmarried* if they have a qualifying person and meet the other tests.

Is Jane Taxpayer married?

Yes

No

Exceptions to the Joint Filing Requirement for PTC

A married person can also claim to be unmarried on the marketplace application under either of these circumstances:

S	Jane Taxpayer m	arried?	
	Yes		
•	No		

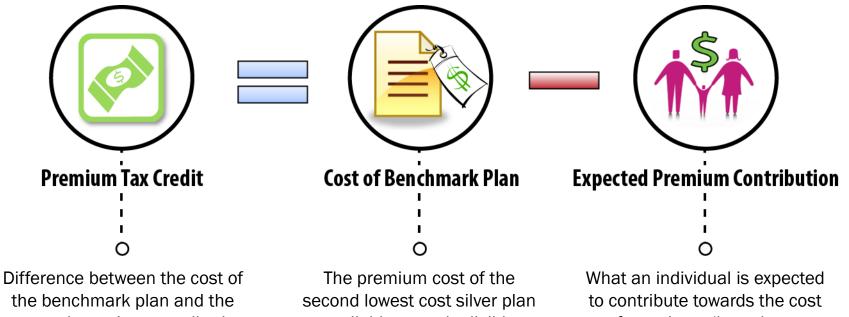
Domestic abuse

- A taxpayer who is Married Filing Separately can meet joint filing requirement if:
 - Live apart from their spouse
 - Unable to file a joint return because of domestic abuse

Abandoned spouses

- A taxpayer who is Married Filing Separately can meet joint filing requirement if:
 - Live apart from their spouse
 - Unable to locate spouse after using reasonable diligence

Calculation of the Premium Tax Credit

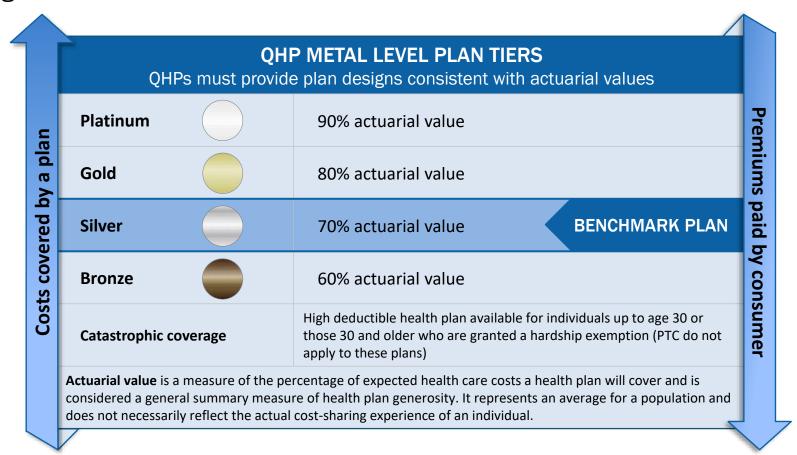


expected premium contribution an individual is expected to pay

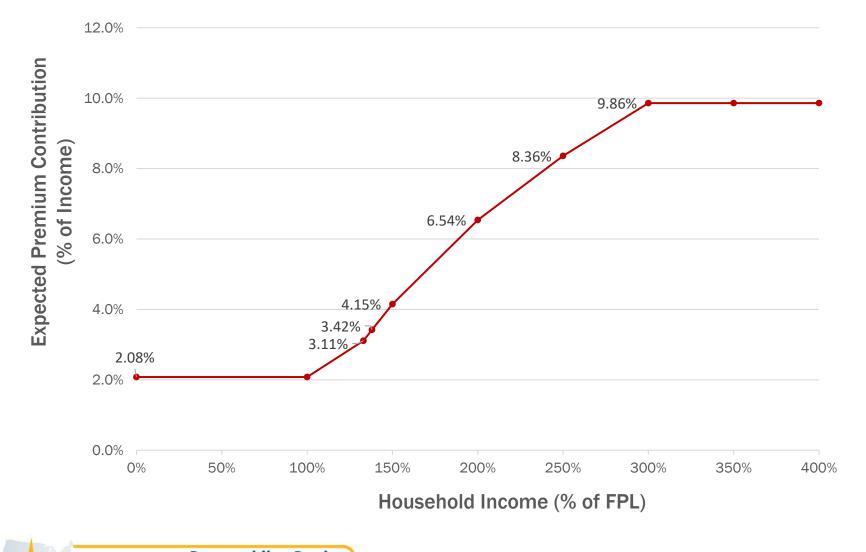
available to each eligible household member

of premiums (based on a sliding scale tied to household income)

The benchmark plan is the second lowest cost silver plan available to each eligible household member



Expected Premium Contributions for 2019 Plan Year



Health Reform: **Beyond the Basics**)

Annual H	ousehold Income	Expected Premium Contribution			
% of FPL Income Amount (For HH of 1 using 2018 FPL)		% of Income	Monthly Dollar Amount (For HH of 1 using 2018 FPL)		
< 133% ¹	<\$16,146	2.08%	\$28		
133% ¹	\$16,146	3.11%	\$42		
138% ¹	\$16,753	3.42%	\$48		
150%	\$18,210	4.15%	\$63		
200%	\$24,280	6.54%	\$132		
250%	\$30,350	8.36%	\$211		
300%	\$36,420	9.86%	\$299		
350%	\$42,490	9.86%	\$349		
400%	\$48,560	9.86%	\$399		
> 400%	> \$48,560	n/a	n/a		
¹ Individuals with <138% FPL that would be eligible for Medicaid are ineligible for PTC					



Note: 2018 federal poverty guidelines are used to determine eligibility for 2019 coverage.

Age

- Limited to no more than 3 to 1 variation
- Each family member is rated separately

Family size

- Total premium for family = Sum of premiums for each family member
 - → In families with > 3 members under 21, count only 3 oldest children

Geographic area

Tobacco use

- Limit to no more than 1.5-to-1 variation
- Difference due to tobacco use is not accounted for in PTC calculation

Plan chosen by consumer

- Amount of PTC pegged to second-lowest cost silver plan
- But consumer can purchase any metal plan

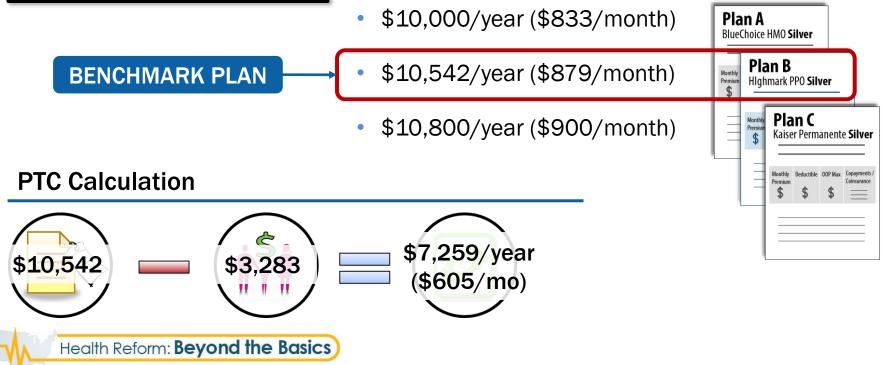
Example: Calculating the PTC



Teresa, Antonio, Gaby, and Michael

- Income: \$50,200/year (200% FPL)
- Expected contribution: 6.54% of income (\$3,283/year, \$273.60/month)

3 LOWEST COST SILVER PLANS THAT COVER ALL:



Example: Impact of Benchmark Plan on PTC Calculation

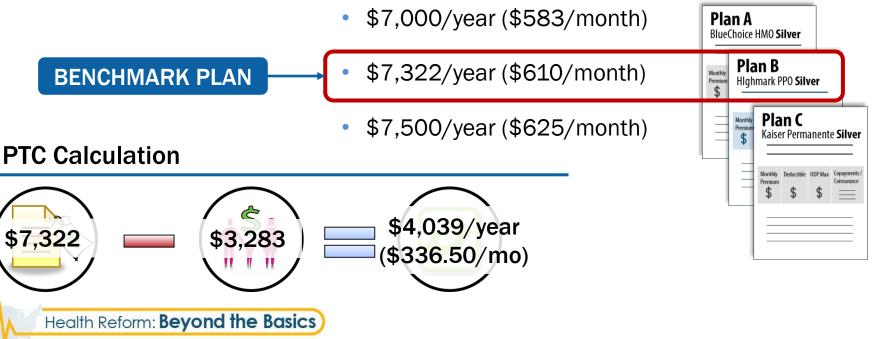


Teresa, Antonio, Gaby, and Michael

- Income: \$50,200/year (200% FPL)
- Expected contribution: 6.54% of income (\$3,283/year, \$273.60/month)

→ Kids eligible for CHIP

3 LOWEST COST SILVER PLANS THAT COVER TERESA AND ANTONIO:

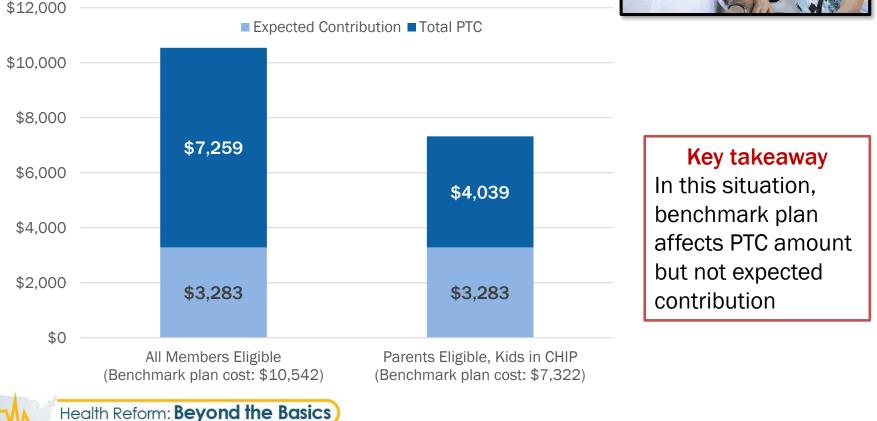


Example: Impact of Benchmark Plan on PTC Calculation

Teresa, Antonio, Gaby, and Michael

- Income: \$50,200/year (200% FPL)
- Expected contribution: 6.54% of income (\$3,283/year, \$273.60/month)





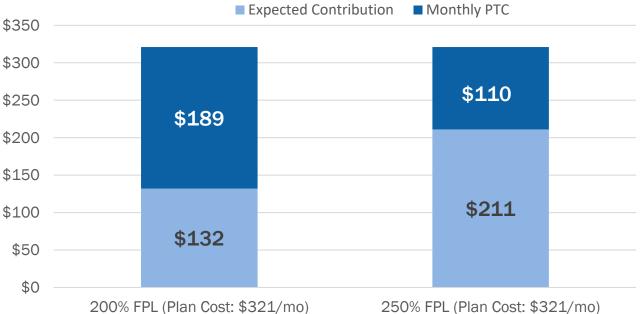
Example: Impact of Expected Contribution on PTC



John, 24 years old

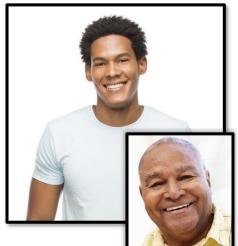
 Benchmark Plan: \$3,852/year, \$321/month

200% FPL	250% FPL			
Income: \$24,280 (200% FPL)	Income: \$30,350 (250% FPL)			
Expected Contribution: \$1,588/year, \$132/mo (6.54% of income)	Expected Contribution: \$2,537/year, \$211/mo (8.36% of income)			
PTC: \$2,264 (\$189/mo)	PTC: \$1,315 (\$110/mo)			
\$400 Expected Contribution Monthly PTC				
\$350 Expected	Contribution Monthly PTC			
\$300				



Health Reform: **Beyond the Basics**

Example: Impact of Age on PTC Calculation



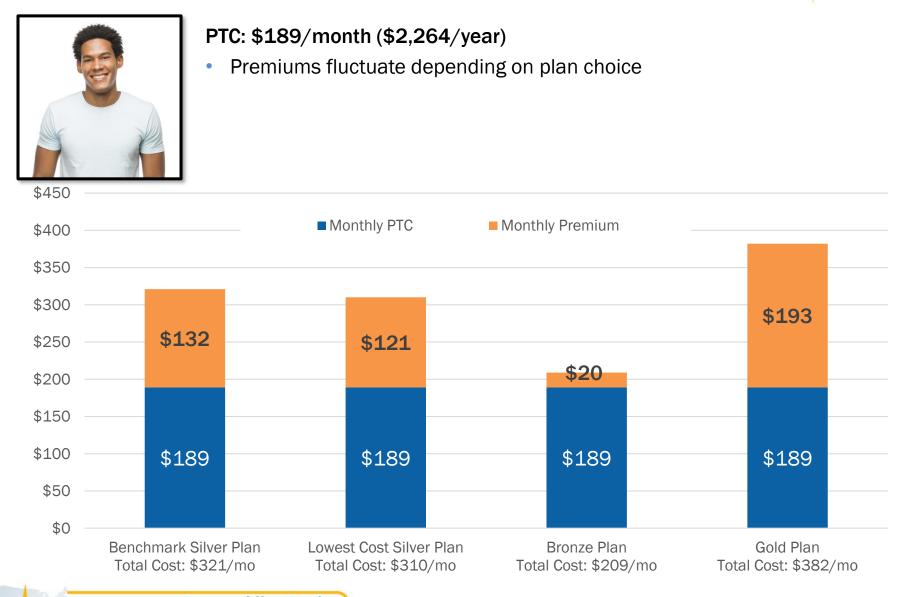
John

- Income: \$24,280 (200% FPL)
- Expected Contribution:
 6.54% of income,
 \$1,588
 (\$132/month)

_			_			
		Age: 24	VS.		Age: 64	
	Benchmark Plan Cost: \$3,852 (\$321/mo)				a rk Plan Cost: (\$964/mo)	
	PTC:	: \$2,264 (\$189/mo)		PTC: \$9,9)80 (\$832/m	io)
\$1,2 \$1,2		Expected Contr	ibuti	on ∎Month	ly PTC	
	300 -					
\$6	800 -				\$832	
\$4	-00					
\$2	200 —	\$189				
	\$0 -	\$132			\$132	
	φ0 —	24 years old (Plan Cost: \$321/m	0)	64 years	old (Plan Cost: \$	964/mo.)

Health Reform: Beyond the Basics)

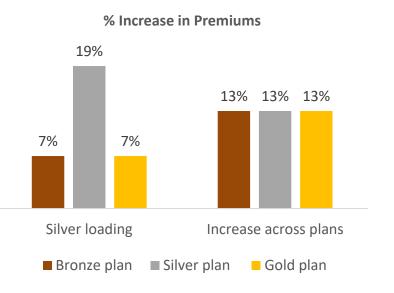
Example: Impact of Plan Choice on Premiums



Health Reform: Beyond the Basics

Silver Loading

- Last year, reimbursements to insurance companies for cost-sharing reduction (CSR) plans were terminated
 - \rightarrow People who are eligible for CSR are still eligible and can enroll in a plan with CSR
- Silver loading: Many states allowed insurers to load the costs resulting from the termination of CSR payments entirely on silver-level premiums
 - → Silver plan premiums rose. In many areas, the unsubsidized lowest-cost gold plan has comparable cost to the lowest-cost silver plan.
 - → PTC rose to cover the premium increases, even in states where insurers increased premiums across plans, not just in the silver tier.
 - → Bronze plan premiums can be near zero cost after PTC



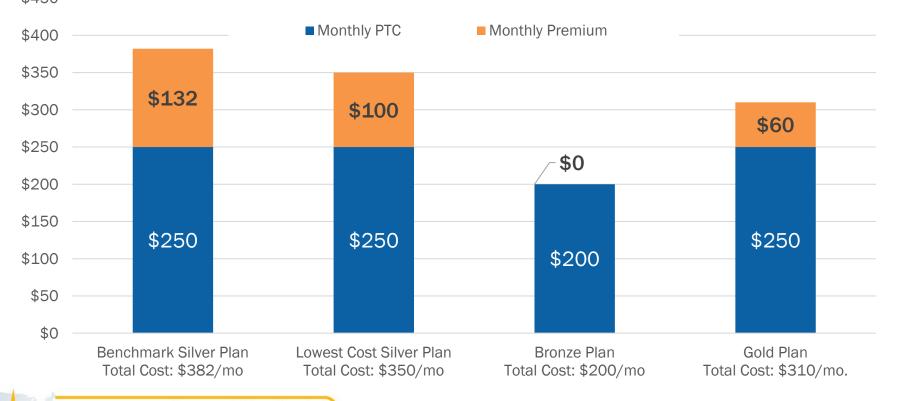
For more information on impact on premiums due to silver loading, see Kaiser Family Foundation: <u>www.kff.org/health-reform/issue-brief/how-premiums-are-</u> <u>changing-in-2018</u>

Example: Impact of Silver Loading on Premiums



PTC: \$250/month (3,000/year)

- Silver loading raised silver plan premiums and PTC
 - \rightarrow In some areas, gold plans may be cheaper than silver plans
 - → Larger PTC make bronze plans much cheaper, or even zero cost



Health Reform: **Beyond the Basics**)

Reconciliation of the Premium Tax Credit

- If a taxpayer receives excess advance payments of the PTC, some or all of it must be paid back.
- There are no repayment caps for:
 - \rightarrow People with income over 400% FPL
 - → Undocumented immigrants

REPAYMENT LIMITS (2018)				
Income (as % of FPL)	SINGLE taxpayers will pay back no more than	OTHER taxpayers will pay back no more than		
Under 200%	\$300	\$600		
At least 200% but less than 300%	\$775	\$1,550		
At least 300% but less than 400%	\$1,300	\$2,600		
400% and above	None: Full repayment	None: Full repayment		

Form 1095-A

Part III Coverage Information				
Month	A. Monthly enrollment premiums	B. Monthly second lowest cost silver plan (SLCSP) premium	C. Monthly advance payment of premium tax credit	
21 January	\$400	\$350	\$300	
22 February	\$400	\$350	\$300	
23 March	\$400	\$350	\$300	
24 April	\$400	\$350	\$300	
25 May		\$350	\$300	

- There is a 3-month grace period for nonpayment of premiums. If the taxpayer doesn't catch up on all missed premiums, coverage is terminated *retroactively* as of the end of the first month of nonpayment.
- Taxpayer will owe back the APTC for that month of nonpayment (\$300) *or* the taxpayer can pay the premium for the month prior to the tax deadline (\$100).
- If there are multiple months of APTC without a premium in column A, this is an error.

Form 1095-A

Month	A. Monthly enrollment premiums	B. Monthly second lowest cost silver plan (SLCSP) premium	C. Monthly advance payment of premium tax credit
21 January	\$300	\$300	\$200
22 February	\$300	\$300	\$200
23 March	\$300	\$300	\$200
24 April	\$300	$\left(\right)$	
25 May	\$300		

- If SLCSP is <u>blank</u>, the person likely didn't get APTC for marketplace insurance in those months
- If SLCSP is <u>incorrect</u>, it's likely that there was a change in circumstances that was not reported to the marketplace.
- To determine the correct tax credit, determine eligibility for the credit for the months a premium was paid and add or correct the SLCSP using the marketplace tax lookup tool. This can be done without requesting an amended tax form.

In general, to be eligible for PTC, the taxpayer must not be eligible for (or enrolled in) other minimum essential coverage (MEC), but....

First day rule	People who are eligible for PTC on the first day of the month are considered eligible for the full month
Medicaid	 If a person is enrolled in APTC but later determined eligible Medicaid: PTC is allowed for months of retroactive Medicaid coverage The person is generally eligible for PTC for the entire calendar year but may be identified through data matching
Medicare	A person loses eligibility for PTC when they become Medicare- eligible, even if they fail to enroll in Medicare. The loss of eligibility occurs on <i>the first day of the fourth full month</i> after the person became eligible for Medicare.
Employer- sponsored coverage	If the taxpayer accurately informed the marketplace of the cost of employer-sponsored coverage and, despite the affordable offer, it awarded APTC anyway, the taxpayer can claim PTC.

Resources

- Reference Guide: <u>Yearly Guidelines and Thresholds</u>
 - \rightarrow <u>Coverage Year 2019 (PDF)</u>
- Reference Chart: <u>Minimum Essential Coverage</u>
- Key Facts:
 - → Premium Tax Credits
 - → Employer-Sponsored Coverage and PTC Eligibility

Contact Info

- Tara Straw, <u>tstraw@cbpp.org</u>
- Halley Cloud, <u>cloud@cbpp.org</u>
- General inquiries: <u>beyondthebasics@cbpp.org</u>

For more information and resources, please visit: <u>www.healthreformbeyondthebasics.org</u>

This is a project of the Center on Budget and Policy Priorities, <u>www.cbpp.orq</u>