

Application Deadline for “Mini-Med” Waiver Program

July 1, 2011

On June 17, 2011, the U.S. Department of Health and Human Services (“HHS”) released CIO Supplemental Guidance 2011-1D entitled: “Concluding the Annual Limit Waiver Application Process” (the “Supplemental Guidance”). The Supplemental Guidance modifies certain terms of the program under which a health plan or insurer may obtain a waiver from the minimum annual limit requirements contained in the Patient Protection and Affordable Care Act (the “Act”). Under the Supplemental Guidance, the waiver application process will conclude on September 22, 2011, and no new applications will be accepted after that time. Applicants seeking to renew their existing waiver can apply starting June 24, 2011. Applicants can extend their waiver until January 1, 2014. As a condition of the extension, the Supplemental Guidance requires annual limit updates to be filed annually on December 31, 2012 and December 31, 2013. Additionally, as part of the Supplemental Guidance, HHS issued new model notice language that must be used by plans and issuers to provide notice to all eligible participants of receipt of a waiver. The Supplemental Guidance can be found [here](#).