

Interim Final Rules Regarding Whistleblower Complaints under PPACA

March 7, 2013

The Occupational Safety and Health Administration (OSHA) recently issued interim final regulations governing the employee protection (i.e., whistleblower) provisions of PPACA. PPACA amended the Fair Labor Standards Act to provide protection to an employee against retaliation by an employer for engaging in certain protected activities, including (1) receiving a premium tax credit or cost-sharing subsidy for health insurance coverage that the employee obtained through a healthcare exchange; (2) providing information to the employer or the government related to a violation, or an act reasonably believed to be a violation, of the requirements of PPACA (such as the prohibition on lifetime dollar limits on coverage or preventive care coverage requirements); (3) testifying in, or assisting with, a proceeding concerning such a violation; or (4) objecting to, or refusing to participate in, an activity that may be in violation of PPACA. The interim final regulations, which were effective on February 27, 2013, clarify that the PPACA whistleblower protections are afforded not only to current employees but also to former employees and applicants for employment. OSHA also issued a Fact Sheet discussing the whistleblower procedures. A copy of the regulations can be found [here](#). A copy of Fact Sheet can be found [here](#).