

ACA Regulatory Overview

Government Affairs & Sales

June 26, 2025

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The information provided in this webinar is for general information purposes and is not intended to be a substitute for either professional legal or financial advice. It is not meant as a professional legal opinion and should not be taken as a course of action without consulting with an attorney. Due to potential changing regulations, the content and examples referenced in this material are subject to revision.

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Agenda

- 01 Oscar's Education & Training Plan for Agents
- 02 Overview of Potential Expiration of Enhanced Tax Credits & Reconciliation Bill
- 03 Overview of Final CMS Program Integrity Rule
- 04 Deep-Dive into Key CMS Provisions & Recommended Actions
- 05 Oscar's Broker Portal Enhancements
- 06 What You Should Do & Next Steps

Oscar's Education & Training Plan

Oscar's education plan to keep brokers informed and provide actionable recommendations

Throughout the year, Oscar will provide:

Additional **deep-dive webinars** into enhanced tax credit expiration and CMS provisions and how to best navigate

Email series with actionable recommendations brokers can take to mitigate the impact of these regulations

One-pagers on available plan options to guide members to the best plan for them

Broker portal enhancements to proactively identify members who may be impacted by these changes

Select **in-person trainings and dedicated webinars** throughout the summer and fall

Oscar will continue to keep you informed on the latest regulatory news. All webinars, presentations, and education materials are available at <https://www.hioscar.com/oe26-policy-updates>.

Overview of Potential Expiration of Enhanced Tax Credits

Enhanced Tax Credits make ACA Plans Significantly More Affordable

- The American Rescue Plan Act (ARPA) expanded eligibility for APTC beyond that of the original ACA for Plan Years 2021 and 2022. The **Inflation Reduction Act (IRA)** extended this expanded eligibility for Plan Years 2023 through 2025.
- The enhanced ACA tax credits schedule increases tax credits across the board:
 - It extends them for the first time to people with incomes over 400% of the federal poverty level (FPL) by **capping premium contributions at 8.5% of income** - ending the previous “subsidy cliff” after 400% FPL.
 - It also guarantees **access to a plan with a zero dollar premium payment for people with incomes between 100-150% of poverty.**
- The tax credits are currently slated to expire **December 31, 2025, unless Congress takes action.**

Comparison of ACA vs. ARPA Enhanced Subsidies

Table 1: Percent of Income Paid for Marketplace Benchmark Silver Premium, by Income

INCOME (% of poverty)	AFFORDABLE CARE ACT (before legislative change)	ARPA (current law 2021-2025)
Under 100%	Not eligible for subsidies*	Not eligible for subsidies**
100% – 138%	2.07%	0.0%
138% – 150%	3.10% – 4.14%	0.0%
150% – 200%	4.14% – 6.52%	0.0% – 2.0%
200% – 250%	6.52% – 8.33%	2.0% – 4.0%
250% – 300%	8.33% – 9.83%	4.0% – 6.0%
300% – 400%	9.83%	6.0% – 8.5%
Over 400%	Not eligible for subsidies	8.5%

NOTES: *Lawfully present immigrants whose household incomes are below 100% FPL and are not otherwise eligible for Medicaid are eligible for tax subsidies through the Marketplace if they meet all other eligibility requirements.

**In the ARPA, lawfully present immigrants in states that have not expanded Medicaid would continue to be eligible for marketplace subsidies. In addition, people receiving Unemployment Insurance (UI) are treated as though their income is no more than 133% of poverty for the purposes of the premium tax credit. This could extend premium tax credits to some individuals with incomes below poverty.

Comparison of ACA vs. ARPA Enhanced Subsidies

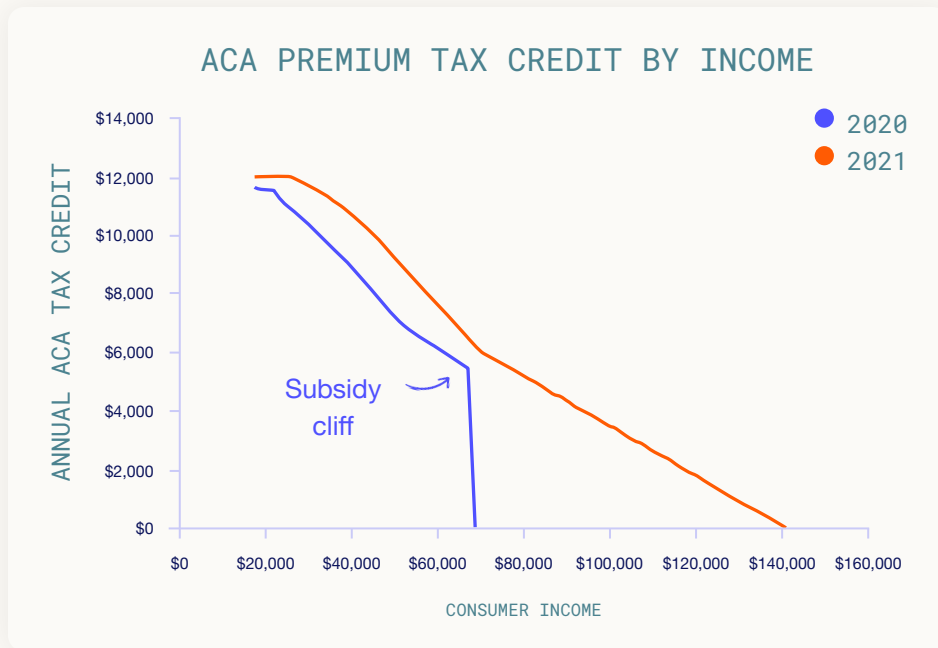
2020 (Pre-ARPA) tax credit schedule

focuses more on ensuring affordability for low income consumers.

It creates a subsidy cliff, where if a consumer makes above 400% FPL, they receive \$0 in subsidies.

2021 (ARPA) tax credit schedule improves affordability for consumers across the board, including increasing generosity for the lowest income.

Ends the subsidy cliff to provide working Americans with a premium that is affordable relative to their income.



**90%
increase**

in average Net
Premiums per enrollee
receiving enhanced tax
credits (\$100 per enrollee
per month or \$1,200
annually)

4-5M

Nationally projected
to become uninsured

7M

Fewer enrollees
by 2027

+5.9%

Average morbidity
of population

**Premiums will rise
disproportionately**

Republican state and rural
constituents will see higher
premiums and potentially
increased uninsured rates



Congress may renew ePTCs

(1) Inclusion in current budget reconciliation
negotiations (targeted for passage by July)

(2) Continuing resolution
submitted by September 30, 2025

(3) Create a “must-pass” bill funding a 10-year extension that would need ~\$335 billion over 2025-2034

OR

ePTCs renewed but modified

With enough pressure on both parties, a compromise could be made with concessions. For example:
Elimination of \$0 plans

The enhanced tax credits could be renewed at a smaller percentage, or for a smaller population based on FPL

OR

ePTCs expire entirely

In the absence of any Congressional action, PTCs will revert back to the pre-ARPA ACA tax credit schedule effective for PY 2026

Find out the impact on your book of business

Leverage the *Keep Americans Covered* Tax Credit Comparison Calculator to compare premium tax credits for specific incomes and household sizes by:

Zip code

Congressional district

State average



Overview of Reconciliation Bill

House Passed Reconciliation Language

COMMITTEE	KEY POINTS	EFFECTIVE DATES
ENERGY AND COMMERCE	Appropriates Cost Sharing Reductions (CSRs)	OE 2026
WAYS AND MEANS	Eliminates current limits on the federal government's ability to recoup overpaid APTC	2026
	Prohibits passive enrollments-verification required annually for eligibility, APTC, and CSR	2028

Timeline for Reconciliation passage & adoption

ESTIMATED DATE	TIMELINE SUMMARY
MID-MAY	Committee markups in Congress
LATE MAY - EARLY JUNE	House passed bill, moves to Senate
JUNE - JULY/AUGUST	Senate markups, compilation, and vote
JUNE - JULY/AUGUST	Final votes in both chambers, if passed, Trump signs bill and it becomes law
AUGUST	Congress in recess from 8/2 - 9/1

Final CMS Program Integrity Rule

What's new: CMS Program Integrity Rule is now final

WHAT IS IT?



The **first major individual market rule from the Trump Administration** in the president's second term.

Focused on **preventing fraud, waste, and abuse**, reducing adverse selection, and increasing affordability.

WHAT DOES IT MEAN?



Brokers will need to understand these new rules to:

- Ensure their members remain eligible for ACA plans & APTC.
- Properly communicate these changes to their members.
- Minimize the potential impact on their book of business.

WHAT DO I DO NOW?



You are in the right spot.

This training will help you **understand key provisions and recommended actions** to take now and during OEP.

Stay close to Oscar's future educational content to remain informed.

Notable changes in the final CMS rule (1/2)

Provision	What to Know for OEP 2026	Other Notes
Delaying the shortening of OEP until OEP 2027 (Oscar's top ask)	<ul style="list-style-type: none"> • FFMs: OEP 2026 will run from Nov 1 to Jan 15 • SBEs: Dependent upon announcements from SBEs 	<ul style="list-style-type: none"> • FFMs: For OEP 27 and thereafter, OEP will run from Nov 1 - Dec 15 (1/1 effective dates) • Starting in OEP 27, SBEs may opt for an OEP between November 1 and December 31, not to exceed 9 weeks (1/1 effective dates)
Ending SEP for 150% FPL members	<ul style="list-style-type: none"> • ≤150% FPL members can no longer change carriers and plans monthly, starting August 25th, and in PY 2026 	<ul style="list-style-type: none"> • Effective 60 days after publication of final rule (8/25); Will sunset at the end of PY 2026
\$0 members who auto-renew and fail to verify eligibility will be subject to a \$5/month premium	<ul style="list-style-type: none"> • Only applies to FFMs and will sunset at the end of PY 2026 	<ul style="list-style-type: none"> • Starting PY 2027, SBEs may implement a similar process, subject to HHS approval

No additional provisions were included relative to the initial proposal in March

Notable changes in the final CMS rule (2/2)

Provision	What to Know for OEP 2026	Other Notes
Changing income eligibility checks (DMIs)	Will be in effect for OEP 2026	<p>For PY 2026 only</p> <ul style="list-style-type: none"> • DMI when data sources show income under 100% FPL will only apply to PY 2026 • Income verification when tax data is unavailable will only apply to PY 2026 <p>For 2026 and all subsequent PYs</p> <ul style="list-style-type: none"> • Removal of automatic 60 day extension does not have an end date
Reverting FTR process to 1 year	Will be in effect for OEP 2026	<ul style="list-style-type: none"> • Will sunset at the end of PY 2026 and revert back to current two-year process

Deep-Dive into Key CMS Provisions & Recommended Actions

Changes to Income Eligibility Checks (DMIs)

Effective OEP 2026; Duration of provisions will vary

Changes to income eligibility checks

There are **three major changes** to eligibility checks:

01

New data matching issue audits for members attesting to income above 100% FPL, when trusted data sources show income below 100% FPL.*

02

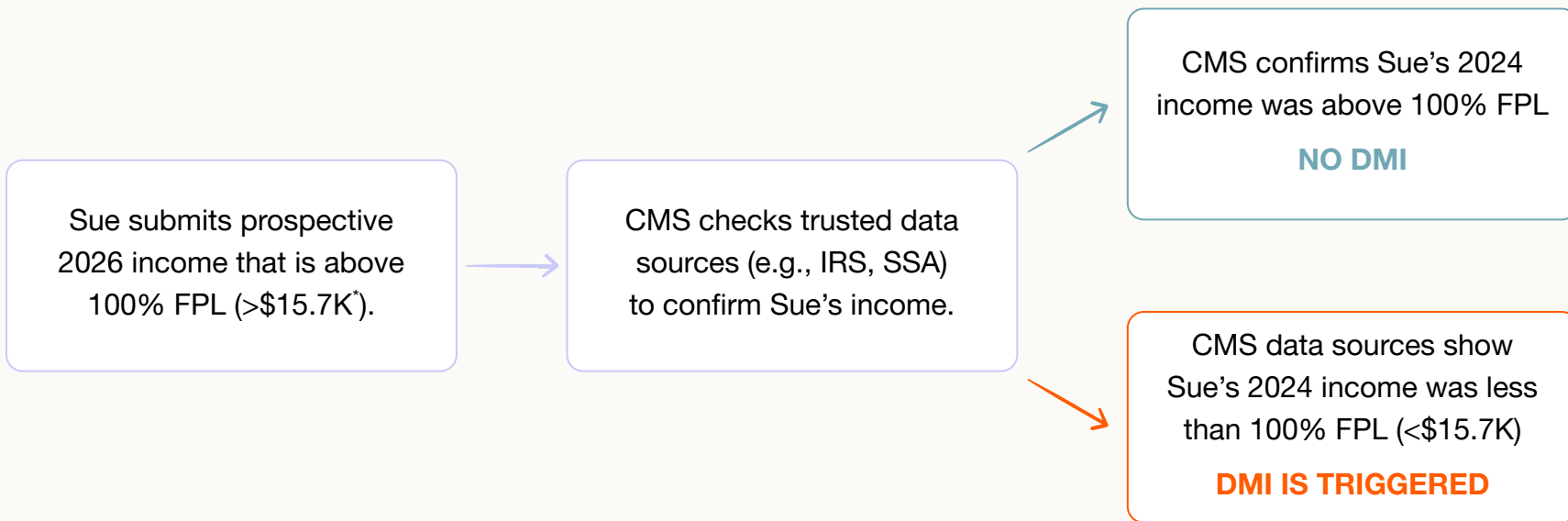
Exchanges may now require additional information when no tax return is available.*

03

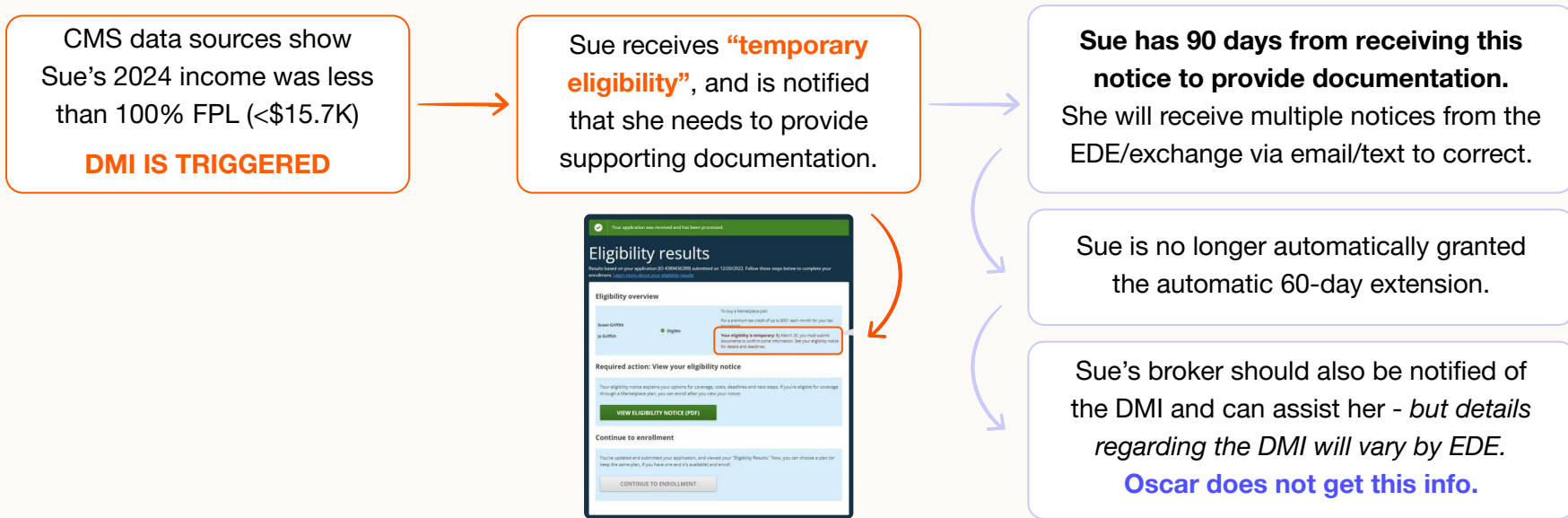
Removal of the automatic 60-Day extension for a DMI.

*DMI and requirement for additional info will be effective for PY 2026 only.

Process flow of an income-driven DMI - Triggering a DMI



Process flow of an income-driven DMI - Resolving a DMI



Compiling income verification documents

CMS has several resources to help identify which documents can be used to verify prospective income.

1. CMS will provide the member with information on which documents they can submit to verify their prospective income in their eligibility notice. See different [eligibility determination notices from CMS](#).
2. The [CMS Guide to Confirming Your Income Information](#) provides helpful examples on how to verify prospective income.
3. CMS also lists [potential documents to confirm your income](#) on their website.

1

Health Insurance Marketplace [Date]

Application ID # XXXXXXXXXX
Application date: [Date]

2025 Marketplace Eligibility Notice
Remember to update your application during the year with any changes.

Results

Premium tax credit available for this household: \$1,042/month Estimated 2025 income used to determine eligibility for financial help: \$45,000/year

	Household 1	Household 2
Applied for coverage:	•	•
Eligible to enroll in a Marketplace plan until January 15, 2025:	•	•
Eligible to use the premium tax credit to pay for a Marketplace plan. Can use up to \$1,042/month for this household:	•	•
Eligible for extra savings (cost-sharing reductions). Will pay less for copayments, coinsurance, and deductibles when you're enrolled in a silver plan:	•	•
The Marketplace needs documents that confirm information in your application. (Details below.)	•	•

ACTION: Next steps

By December 15, choose a Marketplace plan for coverage to start January 1. See Eligibility Guide , page 4.	•	•
By [date], submit documents to confirm household income. See Submitting Documents , attached.	•	•
By [date], submit documents to confirm citizenship. See Submitting Documents , attached.	•	•
Choose a silver plan to get extra savings.	•	•
Take steps to make sure you get the right amount of financial help. See Eligibility Guide , page 6.	•	•

See next pages to learn why you may not have qualified for other programs.

To learn when and how you can appeal, see [Eligibility Guide](#), page 8.
Questions about results or next steps? See the [Eligibility Guide](#) included with this notice.

For more help

HealthCare.gov Marketplace Call Center: 1-800-318-2796 TTY: 1-800-489-4325 Locally: healthcare.gov (for help in your area)	(State Medicaid name): [phone number]	(State CHIP name): [phone number]
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2

Name	Income type	Document	Gross* amount	Multiply by how often this person gets the income		Total
				Weekly: x12 Twice a month: x24 Every 2 weeks: x26	Monthly: x12 Quarterly: x4 Annually: x1	
Aaron Turner	Job	Best Coffee pay stub	\$500	x 26		\$13,000

3

Documents to confirm your household income

The documents you submit to the Marketplace to confirm your household income must show a yearly income amount that closely matches the yearly income amount you entered on your application. For example, if you have a different job than you had last year, send the Marketplace recent pay stubs from your new job, instead of last year's tax return or W2.

- 1040 federal or state tax return.** Must contain your first and last name, income amount, and tax year. If you file Schedule 1, you must submit it with your 1040.
- Wages and tax statement (W-2 and/or 1099, including 1099 MISC, 1099G, 1099R, 1099SSA, 1099DIV, 1099SS, 1099INT).** Must contain your first and last name, income amount, tax year, and employer name (if applicable).
- Pay stub.** Must contain your first and last name, income amount, and pay period or frequency of pay with the date of payment. If a pay stub includes overtime, tell us the average overtime amount per paycheck.
- Self-employment ledger documentation** (can be a Schedule C, the most recent quarterly or yearly-to-date profit and loss statement, or a self-employment ledger). Must contain your first and last name, company name, and income amount. If you're submitting a self-employment ledger, include the dates covered by the ledger, and the net income from profits/loss.
- Social Security Administration Statements** (Social Security Benefits Letter). Must contain first and last name, benefit amount, and frequency of pay.
- Unemployment Benefits Letter.** Must contain your first and last name, source/agency, benefits amount, and duration (start and end date, if applicable).
- Or, complete a written explanation form (PDF, 126 KB).** To submit this form, select "Other" from the drop-down menu when you're on the upload screen in the application.

Preparing to help members resolve DMIs

What can brokers do **now**?

- Have existing members gather key documents
- Start conversations with members early because of these new eligibility checks

What can brokers do **during OEP**?

- Inform members of the 90-day window
- Provide CMS resources that list eligible verification documents

Helpful Resources for Resolving DMIs



[CMS Guide to Confirming Your Income Information](#)

[Potential Documents to Confirm Income, Immigration, and Citizenship from CMS](#)

[Example Eligibility Determination Notices from CMS](#)

Ending SEP for 150% FPL MMs

Effective August 25th; Sunsets after PY 2026

Ending monthly SEP for members at or below 150% FPL

What is the final provision?

Starting on August 25th, members at or below 150% FPL are no longer eligible for monthly SEP, for all exchanges. This provision will sunset after PY 2026.

How does it impact me and my members?

150% FPL members will no longer be able to change carriers and plans monthly.

What should I do about this rule?

Educate 150% FPL members that they will lose this enrollment option, and help members to enroll during OEP or via eligible SEPs.

How will Oscar help?

Provide awareness to the removal of this enrollment method. Advocate that brokers communicate this change to their 150% FPL members.



Delaying Shortened OEP Until OEP 2027

Delaying shortened OEP until OEP 2027

Thanks to Oscar's advocacy, brokers and members will now have adequate time to choose the right plan and confirm their eligibility for PY 2026.

MARKETPLACE	OEP 2026	OEP 2027+
FFM	Nov 1, 2025 to Jan 15, 2026	Nov 1 - Dec 15 (For 1/1 effective dates)
SBE	Dependent upon announcements from SBEs	SBEs may opt for an OEP between November 1 and December 31, that does not exceed 9 weeks (For 1/1 effective dates)

Revert Failure to File and Reconcile (FTR) Process to 1 Year

Effective for OEP 2026 (Fall 2025); Sunsets at the end of 2026

Revert Failure to File and Reconcile (FTR) process to 1 year

What is the final provision?

If a member does not file their income taxes for tax year 2023 or 2024, and received APTC in those years, they will be given an FTR status. Effective for OEP 2026, but will sunset at the end of PY 2026*.

How does it impact me and my members?

If a member does not resolve their FTR status by the end of OEP, they will lose APTC for PY26, starting on 1/1/26.

What should I do about this rule?



Remind members to file taxes and Form 8962 for each year they received APTC, before the end of OEP.

How will Oscar help?

Oscar will not know if a member has an FTR status. However, we will communicate to members the importance of filing taxes to maintain APTC.

\$5 Premium for Auto-Renewed MMs

Only applies to FFM's – will sunset at the end of PY 2026

Starting PY 2027, SBEs may implement a similar process, subject to HHS approval

Fully subsidized, passively renewed members may have a \$5 monthly fee

What is the final provision?

Applies for OEP 2026, only for FFM's, and will sunset at the end of PY 2026*: Members auto-renewing (or passively renewing) into a \$0 plan who do not verify APTC eligibility will face a \$5 monthly fee, beginning 1/1/26, until confirmed.

How does it impact me and my members?

Fully subsidized members will need to reconfirm their subsidy eligibility or risk a \$5/month fee. Once CMS confirms eligibility, full APTC will be reinstated going forward.

What should I do about this rule?

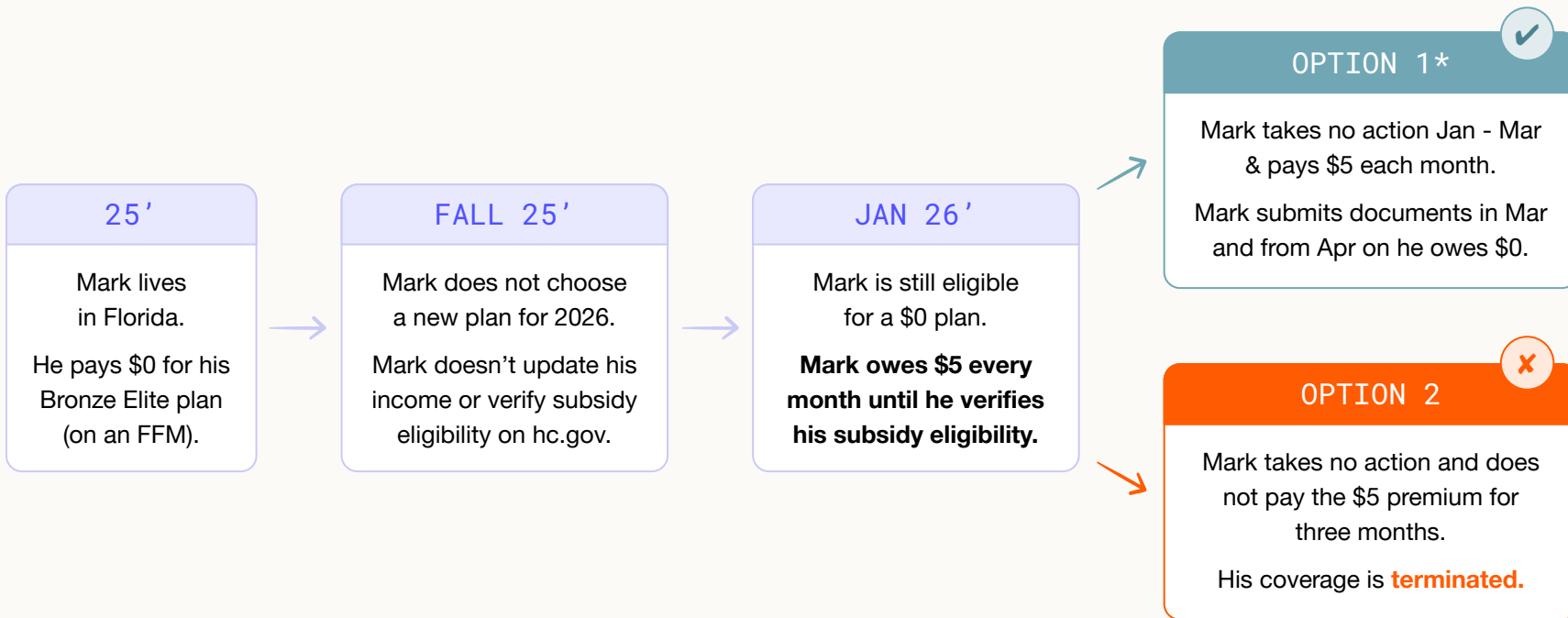
- Inform members with \$0 plans about this rule.
- Emphasize the need to actively update and confirm their subsidy eligibility during OEP.
- Be prepared to assist members in updating eligibility ([Citizenship](#) and [Immigration](#) documents lists from CMS).

How will Oscar help? (More details in the following section)

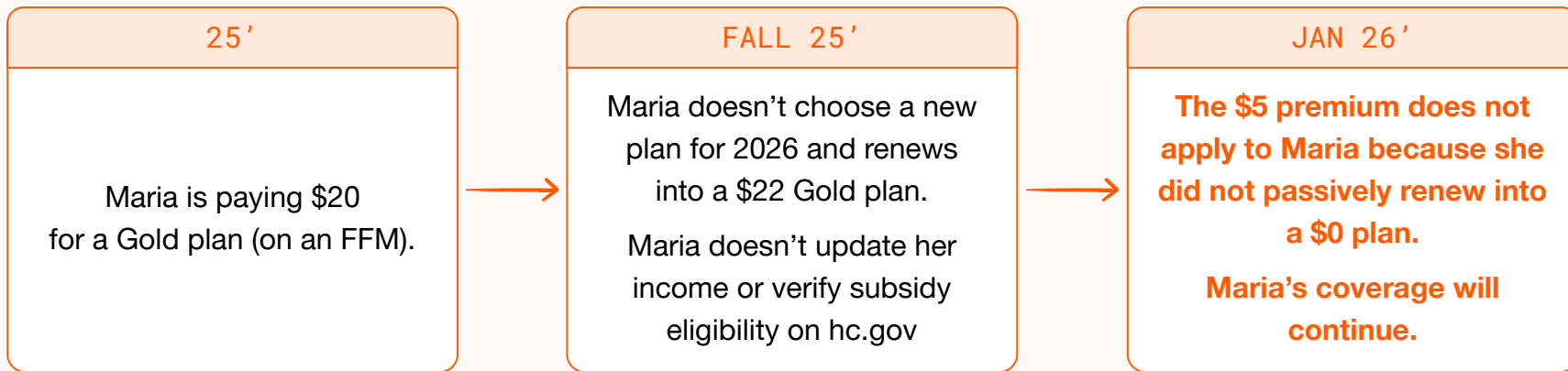
We are working behind the scenes to make these administrative tasks easier on our broker partners.



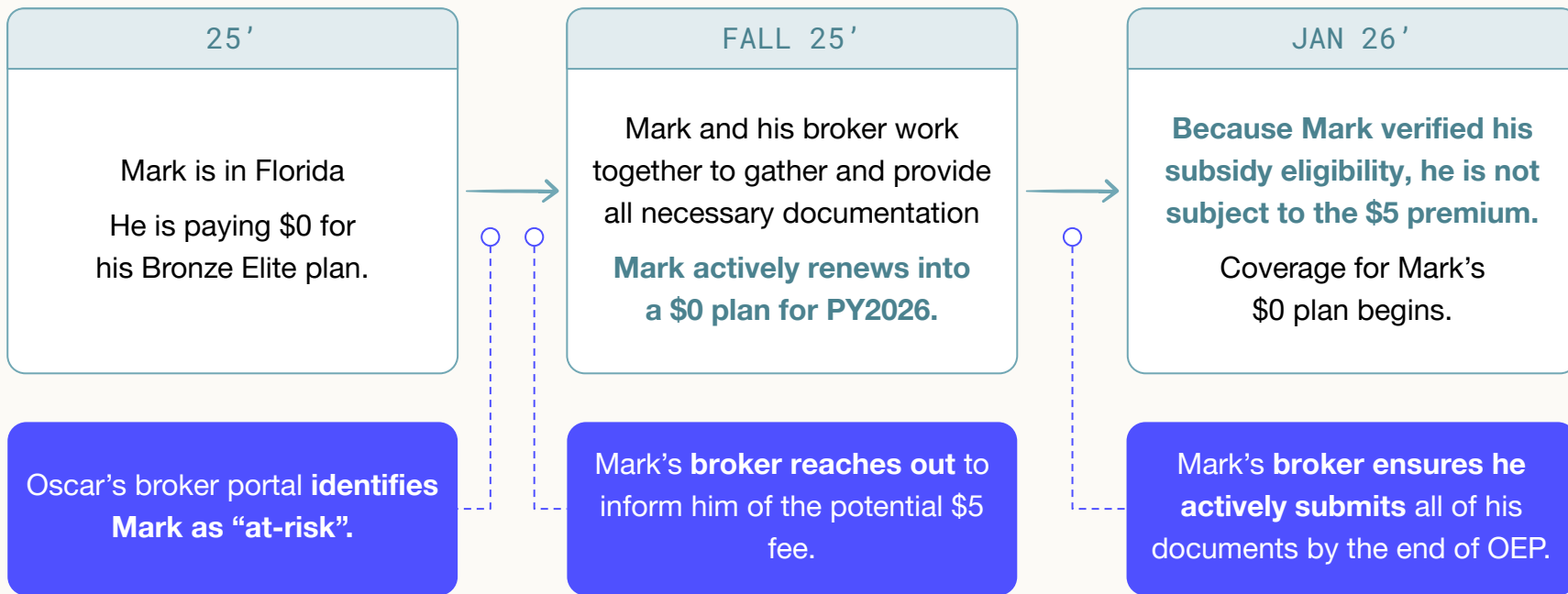
Walking through the \$5 monthly premium*



Walking through the \$5 monthly premium



How Oscar and his broker can help Mark



Recap

Reminder of what to know for OEP 2026

Provision	What to Know for OEP 2026
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Changing income eligibility checks (DMIs)	<ul style="list-style-type: none"> • Will be in effect for OEP 2026
Reverting FTR process to 1 year	<ul style="list-style-type: none"> • Will be in effect for OEP 2026

Broker Portal Enhancements

Enhancements to Oscar's Broker Portal

ENHANCEMENT	DESCRIPTION	TIMING
Knowledge center	<ul style="list-style-type: none"> A one-stop shop for all of Oscar's regulatory education and training content, including webinar recordings, FAQs, one-pagers, etc. 	Late Summer
Newsfeed	<ul style="list-style-type: none"> A "what's coming next" feed highlighting upcoming trainings, webinars, and critical deadlines. 	Late Summer
At-risk member flags	<ul style="list-style-type: none"> Flag members likely facing large premium increases (if enhanced tax credits are not extended). Flag members auto-renewed into \$0 plans who may face a \$5 premium and need active confirmation. 	Prior to OEP
Guided workflows	<ul style="list-style-type: none"> Provide clear plan selection strategies based on projected premium increases and member characteristics. Provide recommendations to ensure members retain eligibility and APTC (e.g., "Confirm eligibility for these members facing a \$5 premium). 	Prior to OEP

A Brief Update on ICHRA

Individual

Coverage

Health

Reimbursement

Arrangement



Individual Coverage for the Group Market

Employers use tax-advantaged dollars to reimburse employees for the premiums of ACA-compliant individual health plans



Broad Eligibility

Available to employers of all sizes with no reimbursement caps or group participation requirements



Employee Choice

Employees can select the insurer and plan of their choice individually or with the assistance of a broker and/or ICHRA administrator

House Reconciliation Language: *ICHRA*

- 1 Rebranding as “Custom Health Option And Individual Care Expense Arrangements” or “CHOICE” arrangements
- 2 Codification of HHS regulations on ICHRA into law
- 3 Creates two-year federal tax incentive for small businesses adopting ICHRA for the first time. The general business credit amount is \$100 per employee, per month in the first year and \$50 per employee, per month in the second year
- 4 Allows small employers to offer both an ICHRA and a traditional group health plan within a single class
- 5 Exclude ICHRA from IRS Section 125 rule, allowing cafeteria dollars to be used for ICHRA premiums on-ex and removing the current tax incentive to enroll off-ex
- 6 Gives the Secretary of HHS discretion to add new class types via regulation

Next Steps

Broker checklists to ensure a successful OEP

Broker checklist for existing members



- ☒ Reach out to members prior to the beginning of OEP and start the conversation early.

- ☒ Let your members know all of the potential documentation to pull together ahead of time.

- ☒ **Income verification:** [List of potential income verification documents from CMS.](#)

- ☒ **Citizenship or Immigration:** [List of potential confirmation documents from CMS.](#)

- ☒ **Tax filings:** Remind members to file taxes for each year they received APTC.

Broker checklist for new members



- ☒ Ask prospective member to gather a list of documents so you can ensure the smoothest enrollment possible.

- ☒ Inform prospective members of all the potential documentation to pull together ahead of time.

- ☒ **Income verification:** [List of potential income verification documents from CMS.](#)

- ☒ **Citizenship or Immigration:** [List of potential confirmation documents from CMS.](#)

- ☒ **Tax filings:** Remind members to file taxes for each year they received APTC.

Thank you!