

Small Businesses May Be Able to Keep Existing Non-ACA Compliant Health Plans Through 2021
Policies Renewed Under Extended Non Enforcement Policy Must Comply by Jan. 1, 2022 On Jan. 31, 2020,

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On Jan. 31, 2020, the Department of Health and Human Services (HHS) extended an existing transition policy for certain health plans that do not comply with the Affordable Care Act (ACA) for an additional year, **to policy years beginning on or before Oct. 1, 2021**. Any plans that are renewed under this extended transition policy must **comply with the specified requirements by Jan. 1, 2022**.

In states that allow it, coverage subject to the non-enforcement policy will not be considered to be out of compliance with key ACA market reform requirements, including:

- The requirement to cover a core package of items and services known as essential health benefits;
- The requirement that any variations in premiums be limited with regard to a particular plan or coverage to age, tobacco use, family size, and geography;
- The requirements regarding guaranteed availability and renewability of coverage; and
- The requirements relating to coverage for individuals participating in approved clinical trials.

Plans renewed under this transition policy are often called “grandmothered” plans. Originally announced in 2013, the transition policy has already been extended several times.