



# TaxNewsFlash

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### Proposed regulations: Health reimbursement arrangements

The U.S. Treasury Department and IRS, along with the Labor Department and the Department of Health and Human Services, today jointly released for publication in the Federal Register proposed regulations (REG-136724-17) that are intended to expand the flexibility and use of health reimbursement arrangements so as to “expand opportunities for ... access [to] affordable, quality healthcare.”

The [proposed regulations](#) [PDF 492 KB] (58 pages) allow health reimbursement arrangements to be integrated with certain types of individual health insurance coverage, provided that specific conditions are met. The proposed regulations also set forth conditions under which certain health reimbursement arrangements would be recognized as limited excepted benefits.

- Treasury and the IRS are proposing rules regarding premium tax credit eligibility for individuals offered coverage under health reimbursement arrangements integrated with individual health insurance coverage.
- The Labor Department is proposing a clarification to provide plan sponsors with assurance that the individual health insurance coverage the premiums of which are reimbursed by a health reimbursement arrangements or a qualified small employer health reimbursement arrangement does not become part of an ERISA plan, provided certain conditions are met.
- The Department of Health and Human Services is proposing rules that would provide a special enrollment period in the individual market for individuals who gain access to a health reimbursement arrangements integrated with individual health insurance coverage or who are provided a qualified small employer health reimbursement arrangement.

Today’s proposed regulations are scheduled to be published in the Federal Register on Monday, October 29, 2018.

The purpose of this report is to provide text of the 58-page proposed regulations.

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