

Comment #3 – 1/26/15 – 11:55 a.m.

Section 3.1 states:

HHS and the Internal Revenue Service (IRS) requires use of the MV Calculator to determine whether an employer-sponsored health insurance plan meets minimum coverage requirements, unless the actuary determines that the safe harbor requirements established by HHS or the IRS are met.

Per the IRS notice concerning Minimum Value (<http://www.irs.gov/pub/irs-drop/n-12-31.pdf>), when using design-based safe harbors, an actuary is not required be involved with the determination of MV. In fact, the use of the safe harbors are a “way to ascertain that employer-sponsored plans provide minimum value without the need to perform any calculations or obtain the assistance of an actuary.”

I would suggest changing the second clause of this sentence to “unless it is determined that the safe harbor requirements established by HHS or the IRS are met.”

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