

PY 2027 NBPP LITIGATION UPDATE

TOPIC	STATUS	DESCRIPTION
Failure to Reconcile (FTR)	✗ Stayed	Requires Federal Exchanges to use a one-year FTR policy and State Exchanges to transition to a one-year FTR policy.
Low-Income Income Verification	✗ Stayed	Requires additional income verification when trusted data source indicate household income may be below 100% FPL.
Income Attestation / Missing Tax Data	✗ Stayed	Removes the option to accept income attestations when tax data is unavailable.
SEP Verification Expansion	✗ Stayed	Expands special enrollment period verification requirements, including verification of a larger percentage of enrollments
Expanded Bronze MOOP Limits	✗ Stayed	Allows bronze plans to exceed the standard annual maximum out-of-pocket limit.
Expanded Catastrophic Eligibility	✗ Stayed	Expands eligibility for catastrophic coverage through additional hardship exemption pathways.
Network Adequacy Changes	✗ Stayed	Removes certain federal network adequacy requirements, including changes related to time and distance standards, Essential Community Providers (ECPs), provider access reviews, and state-based review processes.
Standardized Plan Requirement Elimination	✗ Stayed	Eliminates the requirement for issuers to offer standardized plan options.
Non-Standardized Plan Limit Removal	✗ Stayed	Removes limits on the number of non-standardized plans issuers may offer through the Marketplace.
Non-Network Plans	✓ Not Stayed	Allows certain plans without traditional provider networks to be certified as Qualified Health Plans.
CSR-Related Silver Plan Pricing / CSR-Related Changes	✓ Not Stayed	Requires issuers that load rates to account for unpaid CSRs to submit information related to CSR loading in rate filings and actuarial memoranda.
Catastrophic Plans Available for Up to 10 Years	✓ Not Stayed	Allows catastrophic plans to have terms of up to 10 consecutive years.
Premium Payment Threshold Changes	✓ Not Stayed	Removes the fixed-dollar and gross premium percentage payment threshold options, leaving only the net premium percentage threshold.