



Learn about...

New Consumer Protections Under the Affordable Care Act

Protecting Children With Pre-Existing Health Conditions

The Affordable Care Act contains new protections that prohibit health plans from limiting or denying benefits for a child because of a health problem or disability the child had before applying to join the plan.

Read more below and at www.HealthCare.gov.

What does this new protection mean for my child?

Before the Affordable Care Act, plans could refuse to accept anyone because of a pre-existing health condition, or they could limit or exclude benefits for that condition.

Under the Affordable Care Act, health plans cannot limit or deny benefits or deny coverage outright for a child younger than age 19 simply because the child has a “preexisting condition.”

The Affordable Care Act is the name given to the comprehensive health care reform law enacted on March 23, 2010.

The new law protects coverage for your child, whether or not your child’s health problem or disability was discovered or treated before you applied for coverage.

Does this new protection apply to my plan?

This new rule applies to all employment-based group health plans and to individual

health insurance policies you purchased for yourself and your family after March 23, 2010.

This rule **may not apply** to an individual health insurance policy you purchased for yourself or your family on or before March 23, 2010, because that plan may be “grandfathered”—or exempted from this part of the Affordable Care Act in order to ensure that people who like the coverage they have can keep it.

Your health policy must disclose in its plan materials whether it considers itself to be a grandfathered plan and must also advise consumers how to contact the U.S. Department of Labor (for consumers in employment-based group health plans) or the U.S. Department of Health and Human Services (for those with individual health insurance policies) for further information.

A pre-existing condition is any physical or mental health condition, disability, or illness that your child had before you applied for health care coverage for that child.

When does this new protection take effect?

The ban on pre-existing condition exclusions for children under 19 will apply to your plan as soon as it begins a new “plan year” or “policy year” on or after September 23, 2010.

A **plan year** refers to a 12-month period of benefits coverage—which may not be the same as the calendar year. This period is called a **policy year** for individual health insurance. To find out when your plan or policy year begins, you can check your plan or policy documents or contact your employer or insurer. For example: if your plan has a calendar plan year, the new rules would apply to your coverage beginning January 1, 2011.

How will the new provision affect medical care for my child?

If your child has a pre-existing condition, the new law can help your child receive health care coverage and benefits he or she might have otherwise been denied.

For example, on October 1, 2010, Sally purchased a new individual health policy for herself and her child, 13-year-old Miranda, who has been treated for asthma in the past. Sally’s new health policy excluded coverage for treatment of pre-existing conditions for all enrollees. On November 1, 2010—one month after coverage began for Sally and Miranda—Miranda was hospitalized for an asthma attack and the insurance company denied payment for the hospitalization under the policy because Miranda’s asthma is a pre-existing condition.

Under the new law, the insurer can’t deny payment for the hospitalization based on Miranda’s pre-existing asthma condition because:

- Miranda is under the age of 19.
- Sally bought her individual policy after March 23, 2010, so her policy is subject to the pre-existing condition rules of the Affordable Care Act.
- Sally’s policy year began after September 23, when the law’s rules on pre-existing conditions took effect.

What about adults with pre-existing conditions? Does the Affordable Care Act offer them the same protection it offers to children?

The Affordable Care Act will extend the same protection to Americans of all ages starting with plan or policy years that begin on or after January 1, 2014.

What other protections does the Affordable Care Act offer consumers?

The Affordable Care Act includes many other consumer protections that apply to most health coverage starting on or after September 23, 2010. These include rules that:

- Prohibit insurers from taking away your coverage based on an unintentional mistake on an application.
- Protect your choice of health care providers and access to emergency care.
- Allow consumers to add or keep children on their health policies until age 26.
- Stop insurers from putting annual and lifetime dollar limits on your coverage.

- Require plans to offer some important preventive services to enrollees at no additional charge.
- Help you receive maximum value for your premium dollars.
- Ensure your right to appeal to an independent entity when your plan denies payment for a service or treatment.

Visit www.HealthCare.gov to learn more about the Affordable Care Act and how you can make the most of your expanding health care choices.