

HIPAA Opt-Out Elections for Self-Funded Non-Federal Governmental Plans

This table, which will be updated periodically, reflects active HIPAA exemption elections, as authorized by section 2722(a)(2) of the Public Health Act (42 USC § 300gg-21(a)(2)), as amended, and implementing federal regulations at 45 CFR § 146.180.

For plans beginning before September 23, 2010, the seven requirement categories from which sponsors of self-funded non-federal governmental plans may elect to exempt those plans were:

1. Limitations on preexisting condition exclusion periods.
2. Special enrollment periods.
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status.
4. Standards relating to benefits for mothers and newborns.
5. Parity in the application of certain limits to mental health benefits.
6. Required coverage for reconstructive surgery following mastectomies.
7. Coverage of dependent students on medically necessary leave of absence.

Plans with plan years beginning on or after September 23, 2010 are not able to opt out of provisions #1-3 above. The opt-out elections of plans with collective bargaining agreements (CBAs) ratified before March 23, 2010, remain in effect until these plans' respective CBA's expire.

Plans with plan years beginning more than 180 days from December 29, 2022 are not able to opt out of provision #5 above. The opt-out election for provision #5 of plans with multiple CBAs of varying lengths ratified before

In this table, "X" means that the entity has opted out of this item; "-" means that the entity has not opted out of this item.

This table was last updated March 19, 2024

* Unless otherwise noted below, the opt-out(s) is/are in effect for one year from the Plan Effective Date.

| State | Sponsor | Plan Effective Date | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
|----------------|---|-------------------------|----------|----------|----------|----------|----------|----------|----------|
| Alabama | University of South Alabama - USA Health & Dental Plan | 01/01/2024 | --- | --- | --- | X | --- | --- | X |
| Arkansas | Arkansas Municipal League | 01/01/2024 | --- | --- | --- | X | --- | X | --- |
| California | Fresno Unified School District - CBA-covering: Fresno Teachers Association, California School | 07/01/2019-06/30/2024 | --- | --- | --- | --- | X | --- | --- |
| California | Los Angeles County Metropolitan Transportation Authority & Sheet, Metal, Air, Rail & | 7/1/2022-6/30/2025 | --- | --- | --- | --- | X | --- | --- |
| Florida | Lee Health Plan (LMHFJ05) | 01/01/2024 | - | - | - | X | --- | X | X |
| Florida | School Board of Orange County-CBA - covering: OESPA CBLT - Orange Education Support | 10/01/2022-06/30/2025 | --- | --- | --- | --- | X | --- | --- |
| Illinois | City of Loves Park | 12/01/2023 | --- | --- | --- | X | --- | --- | --- |
| Illinois | Community Consolidated School District #15 CBA) | 09/01/2016 - 08/31/2026 | --- | --- | --- | --- | X | --- | --- |
| Illinois | Order of Police, American Federation of State, County and Municipal Employees, and Laborers I | 12/1/2023-11/30/2025 | --- | --- | --- | X | X | X | X |
| Illinois | CWA Local 1180 Security Benefits Fund SDF 2022 -CBA | 12/1/2022-11/30/2025 | --- | --- | --- | X | X | X | X |
| Michigan | State of Michigan (State Health Plan PPO) | 1/1/2024 - 12/31/2024 | --- | --- | --- | --- | X | --- | --- |
| Michigan | State of Michigan (State HDHP with HSA)-CBA | 1/1/2024-12/31/2024 | --- | --- | --- | --- | X | --- | --- |
| Mississippi | Department of Finance and Administration State and School Employees' Life and Health Insuran | 01/01/2024 | --- | --- | --- | X | --- | X | --- |
| New York | CWA Local 1180 Security Benefits Fund SDF 2022 -CBA | 1/1/2024-6/12/2027 | --- | --- | --- | X | X | X | X |
| New York | Enlarged City School District of Middletown. CBA For Middletown Administrators Assoc., | 01/01/2018-06/30/2028 | --- | --- | --- | --- | X | --- | --- |
| New York | Niagara County - covering: Premium, Core, Value, and First Choice | 12/27/2023 - 12/27/2026 | --- | --- | --- | --- | X | --- | --- |
| North Carolina | County of Craven | 07/01/2023 | --- | --- | --- | X | --- | X | --- |
| Texas | County of Dallas (PEBC Dental Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Dallas (PEBC High Deductible Medical Plan HDP) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Dallas (PEBC PPO Medical Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Denton (PEBC Dental Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Denton (PEBC High Deductible Medical Plan HDP) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Denton (PEBC PPO Medical Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Montgomery (Montgomery County Employee Benefit Plan) | 01/01/2024 | --- | --- | --- | X | --- | X | --- |

| | | | | | | | | | |
|-------------------|---|-----------------------|-----|-----|-----|-----|-----|-----|-----|
| Texas | County of Parker (PEBC Dental Plan) | 12/29/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Parker (PEBC High Deductible Medical Plan HDP) | 12/28/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Parker (PEBC PPO Medical Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Tarrant (PEBC Dental Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Tarrant (PEBC High Deductible Medical Plan HDP) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | County of Tarrant (PEBC PPO Medical Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | Fort Bend County | 01/01/2024 | --- | --- | --- | X | --- | X | --- |
| Texas | ISD Plano Employee Benefit Plan Risk Pool | 09/01/2023 | --- | --- | --- | X | --- | --- | --- |
| Texas | Montgomery County Texas- (Montgomery County Retiree Benefit Plan) | 01/01/2024 | --- | --- | --- | X | --- | X | --- |
| Texas | North Texas Tollway Authority (PEBC Dental Plan) | 12/28/2023 | --- | --- | --- | X | --- | X | X |
| Texas | North Texas Tollway Authority (PEBC High Deductible Medical Plan HDP) | 12/28/2023 | --- | --- | --- | X | --- | X | X |
| Texas | North Texas Tollway Authority (PEBC PPO Medical Plan) | 12/30/2023 | --- | --- | --- | X | --- | X | X |
| Texas | The University of Texas System - UT SELECT | 09/01/2023 | --- | --- | --- | X | --- | X | X |
| Texas | TML MultiState Intergovernmental Employee Benefits Pool | 01/01/2024 | --- | --- | --- | X | --- | X | X |
| Texas | Uvalde County Hospital Authority | 04/01/2023 | --- | --- | --- | --- | X | --- | --- |
| Washington | City of Bellevue - General Core Plan-CBA | 1/1/2024-12/31/2025 | --- | --- | --- | --- | X | --- | --- |
| Washington | City of Renton-CBA | 1/1/2024 - 12/31/2024 | --- | --- | --- | --- | X | --- | --- |

