

As employers prepare for the 2026 plan year, several regulatory updates will affect benefit strategies, contribution limits, and communication requirements. This summary highlights the key changes employers need to plan for in 2026.



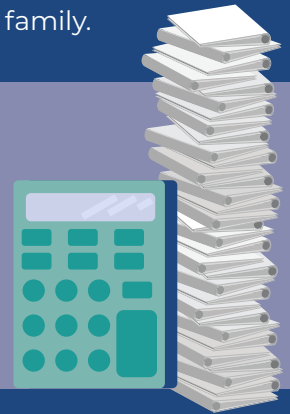
Health Savings Accounts (HSAs)

- **Direct Primary Care:** Fees up to \$150/month (individual) or \$300/month (family) qualify for HSA use (additional requirements may apply).
- **Plan Eligibility:** Marketplace Bronze & Catastrophic plans (individual market only) will be HSA-eligible.
- **Contribution Limits:** \$4,400 individual / \$8,750 family.



High Deductible Health Plans (HDHPs)

- **Minimum Deductible:** \$1,700 individual / \$3,400 family.
- **Out-of-Pocket Maximum:** \$8,500 individual / \$17,000 family.
- **Telehealth Safe Harbor:** Permanently extended—HDHPs may cover telehealth before the deductible without affecting HSA eligibility (retroactive to 1/1/25).



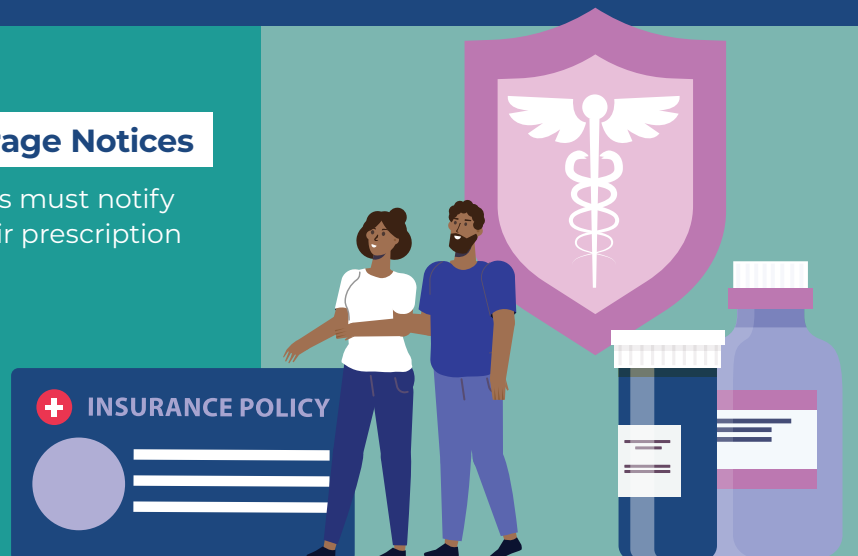
Flexible Spending Accounts (FSAs)

- **Medical FSA Maximum:** \$3,300.
- **Dependent Care FSA Maximum:** \$7,500.
- **Note:** Nondiscrimination testing still applies.



Medicare Part D – Creditable Coverage Notices

- **Deadline:** October 14 each year. Employers must notify Medicare-eligible employees whether their prescription drug coverage is creditable.
- **Testing Changes:**
 - Notices due Oct. 14, 2025: May use current or new CMS test.
 - Notices due Oct. 14, 2026: Must use new CMS methodology; old methods no longer valid.



ACA Employer Requirements

- **Applicable Large Employer (ALE):** Employers with 50+ full-time employees (including FTEs) based on prior-year averages.
- **Affordability:** Coverage is affordable if the employee share of the lowest-cost self-only plan is less than or equal to 9.96% of income using one of three safe harbors:
 - W-2 Wages (Box 1)
 - Rate of Pay
 - Federal Poverty Line (FPL)



Employer Shared Responsibility Penalties

- **4980H(a):** If coverage is not offered to at least 95% of full-time employees and dependents, the penalty is \$3,340 per full-time employee (excluding the first 30).
- **4980H(b):** Applies when coverage is offered but is unaffordable or fails to meet minimum value, resulting in a \$5,010 penalty per affected full-time employee.



ACA Marketplace Rules (Individual & Family Plans)

- **Open Enrollment:** November 1 – December 15 (state deadlines may vary).
- **Affordability Threshold (2026):** 9.96% of household income (up from 9.02% in 2025).



Marketplace Updates

- **New HSA-Eligible Plans:** Marketplace *Bronze* and *Catastrophic* plans now qualify for HSAs.
- **Verification Requirements:** Marketplaces must confirm income, residency, immigration status, and family size before enrollment.
- **APTC Eligibility:** Must be verified before plan selection; passive reenrollment subsidies are no longer allowed — consumers must reverify annually.
- **APTC Repayment:** Excess subsidies must be repaid unless the error was in good faith and income is below 100% FPL.
- **Income-Only SEPs:** No longer trigger subsidy eligibility without another qualifying event.
- **Enhanced APTCs:** Scheduled to expire December 31, 2025.
- **CMS Rule Litigation:** Implementation of parts of the *Marketplace Integrity & Affordability Rule (June 2025)* is paused due to *City of Columbus et al. v. Kennedy et al.*, which may delay enforcement of certain verification and eligibility provisions.



Consult a NABIP professional

To learn how these updates may impact your organization and to identify the benefit strategies and plans that best support your employees — connect with a trusted health insurance professional through NABIP's Find an Agent tool.



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