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Ken Berry, JD • Feb. 27, 2014

With about a month to go before the open enrollment period for Obamacare ends – the official deadline is March 31, 2014 – the federal government continues to tweak the rules for the landmark healthcare legislation.

Notably, new final regulations governing the employer mandate provide guidance on numerous issues. With apologies to *Late Night With David Letterman*, here's our "top ten list" of Obamacare changes so far this year.

Number 10. The look-back rule. The employer mandate to provide coverage only applies to firms with 50 or more full-time employees. Incorporating earlier proposed regulations, the new final regulations allow employers to look back to the prior year to determine employee status.

Number 9. Definition of part-time employee. Previously there was no definitive definition of a part-time employee in the law. The latest regs define a "part-timer" as someone who is reasonably expected to be employed on average less than 30 hours of service per week during the initial measurement period.

Number 8. Definition of "seasonal" worker. If seasonal workers are counted as full-time workers, they might push an employer past the 50-worker threshold. Now the IRS says employers don't have to count someone who customarily works for six months or less during the year.

Number 7. Definition of dependent. Obamacare generally requires coverage of an employee's dependent children until the child reaches age 26. The new regulations exclude stepchildren and foster children.

Number 6. Volunteer service hours. The proposed regulations didn't address the

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out-of-pocket costs for deductibles, co-payments, and co-insurance. For 2014, the limits are \$6,350 per year for individuals and \$12,700 per year for families.

Number 3. Penalties for individuals. The law imposes penalties on individuals failing to obtain minimal coverage after the grace period ending March 31. The penalty for 2014 is the greater of \$95 per individual (\$47.50 per child under 18), up to a family maximum of \$285, or 1 percent of household income.

Number 2. Liberalization for large employers. Initially, employers with 100 or more full-time employees were required to provide coverage to at least 95 percent of those workers. The requirement has been reduced to 70 percent for 2015 before increasing to 95 percent in 2016.

And the Number 1 change in Obamacare is... The mandate for employers with 50 to 99 full-time workers has been postponed to January 1, 2016. Following the earlier one-year delay, this gives mid-sized firms yet another entire year to put their house in order.

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