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Massachusetts Health Care Reform Breaking News: HIRD Form and Free Rider Surcharge Regulations Withdrawn

In an unexpected move, the Division of Health Care Finance and Policy (DHCFP) of the Commonwealth of Massachusetts Executive Office of Health and Human Services recently issued a bulletin withdrawing two regulations implementing key features the Massachusetts health care reform act. The withdrawn measures include the Health Insurance Responsibility Disclosure (HIRD) form requirement and the Employer Surcharge for State Funded Health Costs (aka the “free rider surcharge”). The DHCFP said that it will hold new hearings and reissue these regulations in advance of the July 1 effective date.

The Health Insurance Responsibility Disclosure (HIRD) Form

The HIRD form requirement is discussed in our [January 5, 2007 Advisory](#). According to the bulletin, the revised regulation, once issued, will reflect the provisions of a technical correction, which significantly reduce the amount of information required to be collected from employers.

Employer Surcharge for State Funded Health Costs

New final regulations implementing the free rider surcharge requirement, once issued, will clarify changes made in technical corrections relating to what constitutes a “non-providing employer” subject to surcharge.

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If you have any questions concerning the information discussed in this advisory or any other employee benefits topic, please contact one of the attorneys listed below or your primary contact with the firm who can direct you to the right person. We would be delighted to work with you.

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