

**OHIO DEPARTMENT OF INSURANCE  
STATE OF OHIO**

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**BULLETIN 2011-09**

**DEFINITION OF "SMALL EMPLOYER" AND "LARGE EMPLOYER" FOR PURPOSES OF MEDICAL LOSS  
RATIO (MLR) REPORTING AND REBATE REQUIREMENTS UNDER 45 C.F.R. PART 158**

**Effective October 24, 2011**

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Under the interim federal regulations adopted by the U.S. Department of Health and Human Services ("HHS") to address MLR reporting and rebate requirements, 45 C.F.R. Part 158, HHS has adopted a definition of "small employer" as "having an average of at least 1 but not more than 100 employees on business days during the preceding calendar year..." and a definition of "large employer" as "having an average of at least 101 employees on business days during the preceding calendar year...".

The definitions for "small employer" and "large employer" adopted by HHS include exceptions to the definitions, stating that until 2016 a State may substitute "50 employees" for "100 employees" in the definition of "small employer" and "51 employees" for "101 employees" in the definition of "large employer."

For the purposes of federal MLR reporting and rebate requirements only the Department will define "small employer" as one to one hundred employees and "large employer" as one hundred one employees and above.

  
Mary Taylor, Lt. Governor/Director