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Year-End To-Do List

Now that everyone has finished their Thanksgiving dinner and gotten through Black Friday, it is back to work.

<http://bit.ly/1IU3xiJ>

<http://bit.ly/1Tg7qJb>

These are two pretty good year-end checklists to ensure that all the t's are crossed and the i's dotted before year's end.

IRS Form 1095 Reporting for Union Employees

By now everyone should be aware of the fast approaching reporting requirements under health care reform (i.e. IRS Form 1094 and IRS Form 1095). The following article talks about the reporting requirements applicable to union employees participating in a multiemployer plan.

<http://bit.ly/1Mi9Uov>

There is nothing new here. However, this is a short article devoted exclusively to the reporting requirements under a multiemployer plan.

New Rules for Disability Plan Claim Procedures

ERISA requires all plans have claims procedures. The Department of Labor issued proposed rules changing the claims procedures for disability plans.

<http://bit.ly/1I27IsE>

<http://bit.ly/1Nlal2Y>

The new rules are designed to provide more protections for employees and the new rules are more akin to the claim rules applicable to health plans.

Government Finalizes Some ACA Rules

Health care reform was enacted almost six years ago and the government has issued pages and pages of regulations. Many of the regulations are in proposed format. Additionally, the government issues other guidance in the form of Q&As, bulletins, etc. The government recently issued a set of final regulations on a number of topics.

<http://bit.ly/1j3x3R6>

<http://bit.ly/1PVUoTk>

The final regulations replace rules that have been in effect for five years. The final rules do not, for the most part, make major changes. However, the final regulations expand upon the proposed regulations, plus incorporate more informational guidance.

More Protection for Consumers

One of the things carriers are doing to increase profits from health care exchanges or marketplaces is to offer products with limited networks. The government is stepping in and issued proposed rules that would help protect people who are covered under those products.

<http://bit.ly/1IU458i>

<http://bit.ly/1XCByj4>

First, the new rules would say that the amount the person pays to an out-of-network provider would count toward the annual out-of-pocket maximum if (1) the services were provided at an in-network facility and (2) the person was not forewarned he or she would be balance billed by the provider.

The second protection would be that the states, with the Federal government's approval, be able to set standards for the plan's provider networks.

EEOC and GINA Proposed Rules

As we previously reported, the EEOC has added another layer of complexity on the wellness rules. Health care reform expanded the rules governing wellness programs. The EEOC then came out with more restrictive rules showing how wellness programs have to comply with the Americans with Disabilities Act or ADA.

<http://bit.ly/1IU47gu>

<http://bit.ly/1Llwfr>

To further muddy the waters, the EEOC recently issued another set of proposed rules talking about wellness programs and GINA (i.e. the Genetic Information

Nondiscrimination Act). Life would be a lot easier if there was one set of rules but the government keeps issuing different standards for wellness programs.

IRS Devotes New Webpage to Transitional Relief from ACA

In what looks like political motivation, the government has postponed (and in some cases repealed) certain parts of health care reform.

<http://1.usa.gov/1NlazHt>

This new IRS webpage talks about how the employer mandate or play or pay rules have been postponed for some employers. Note that the reporting requirements (i.e. IRS Form 1094 and IRS Form 1095) have not been postponed and the forms have to be submitted to the IRS and distributed to employees early next year.

United Healthcare Considers Tapping Out

United Healthcare, one of the largest carriers in the country, is considering getting out of the health care exchanges or marketplaces in 2017.

<http://bit.ly/1jtzP2d>

This would be a major blow to health care reform. United Healthcare says it is losing money on products offered through the health care exchanges or marketplace. It brings into question the viability of the exchanges or marketplaces. If one of the largest carriers cannot make money on those products, one questions how any carrier can survive offering those types of products.

Group Term Life Insurance Discrimination Rules

As a general proposition, the Internal Revenue Code is set up so that, in exchange for tax-favored status, the benefit has to meet certain discrimination rules. For example, qualified retirement plans have to meet various discrimination rules to get the tax-favored status. Group term life insurance is subject to discrimination rules and this article talks about those rules.

<http://bit.ly/1NlaEuU>

As a practical matter, the discrimination rules applicable to group term life insurance are pretty easy to satisfy and generally are not a major concern.

Severance Plans – ERISA or Not?

ERISA governs various types of employee benefit plans (i.e. retirement plans and welfare benefit plans). Most of the time it is pretty easy to determine if the program is

covered under ERISA. For example, a group health plan for active employees clearly is subject to ERISA. However, sometimes the determination is less clear.

<http://bit.ly/1MZng7b>

This can be the case with a severance arrangement. For example, the severance arrangement could simply be a contract between the employer and a single employee. This article talks about severance programs and their status under ERISA.