



Compliance Corner

April 18, 2017

Health Care Reform

CMS Issues Final Market Stabilization Rules

On April 13, 2017, CMS issued the final regulations related to Market Stability. The rules included few changes from the proposed rules issued in February 2017, which were summarized in the Feb. 22, 2017 edition of *Compliance Corner*.

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Treasury Releases Report Detailing Efforts to Enforce the Employer Mandate

On April 7, 2017, The Treasury Inspector General for Tax Administration (TIGTA) released a report entitled “Affordable Care Act: Assessment of Efforts to Implement the Employer Shared Responsibility Provision.” TIGTA was tasked with assessing the IRS’ preparations for enforcing the employer mandate and reporting requirements.

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IRS PPACA Information Page: Types of Employer Payments and How They Are Calculated

On April 6, 2017, the IRS revised a webpage entitled “Types of Employer Payments and How They Are Calculated,” which educates applicable large employers (ALEs) (generally those employers with 50 or more full-time employees including full-time equivalent employees in the preceding calendar year)

Announcements

Benefits Compliance Portal Updated

NFP’s Benefits Compliance Portal is a comprehensive tool to assist employer plan sponsors with their compliance efforts with federal requirements such as the ACA, ERISA, COBRA, HIPAA, FMLA, Nondiscrimination and Section 125. Each requirement is identified on a checklist containing model notices, an employer’s obligation, timeline for compliance and penalties for noncompliance.

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Benefits Compliance Podcast Episode 6

This week Suzanne Spradley and Chase Cannon dive into potential regulatory hurdles when it comes to the Republican effort to repeal and replace the ACA, including Pres. Trump’s executive order requiring regulatory agencies to revoke two regulations for every new rule issued. The two also discuss the meaning,

on PPACA's employer shared responsibility provisions (also known as the "employer mandate").

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Federal Health Updates

Seventh Circuit: Sexual Orientation is Protected Under Title VII

On April 4, 2017, the U.S. Court of Appeals for the Seventh Circuit, in *Hively v. Ivy Tech Community College of Indiana* (No. 15-1720), held that discrimination based on sexual orientation is protected under Title VII of the Civil Rights Act of 1964. The case involves an openly gay woman who is a part-time adjunct professor at a college.

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Orion Energy Systems Wellness Program and EEOC Settlement

On April 5, 2017, the EEOC announced that it has entered into a settlement to resolve its lawsuit against Orion Energy Systems Inc., a Wisconsin lighting company. The EEOC was challenging Orion's wellness program under the ADA and alleging that the employer retaliated against an employee who objected to the program.

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CMS Issues Medicare Part D Benefit Parameters for 2018

On April 3, 2017, CMS issued an announcement and press release relating to Medicare Part D benefit parameters for 2018. As background, employer plan sponsors that offer prescription drug coverage to Part D-eligible individuals must disclose to those individuals and to CMS whether the prescription plan coverage is creditable (as compared to Part D coverage).

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Retirement Updates

DOL Finalizes Delay of Conflict of Interest Rule

background and regulatory change attempts relating to the ACA's essential health benefits requirement, including federal and state tensions.

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May Webinar Series, Register Now

NFP Benefits Compliance is hosting a series of webinars in May. Training dates are May 10, May 17 and May 24, 2017, at 3:00 pm EDT, with the respective topics being: "What's Going On with Health Care Reform?," "Much Ado about Everything: Headlines and General Tips for the Retirement Plan Sponsor," and "ERISA: Why the 40-Year-Old Law is Still a Top Priority".

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State Updates

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On April 7, 2017, the DOL finalized a 60-day delay of the Conflict of Interest Rule applicability date. As we mentioned in recent editions of *Compliance Corner*, the DOL requested the delay after President Trump instructed the DOL to conduct additional analysis of the rule and its impact on American investors.

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Pres. Trump Signs Joint Resolution Nullifying Safe Harbor for State-Run IRA Programs

On April 13, 2017, Pres. Trump signed H.J. Resolution 67, after it was passed by the House of Representatives and Senate. The resolution nullifies the safe harbor that the DOL recently extended to state-run IRA programs. As background, the final rules on this issue provided “a safe harbor from ERISA coverage to reduce risk of ERISA preemption of the relevant state laws.” In other words, if a state program was designed to meet the safe harbor criteria, a private employer would not be required to meet the ERISA obligations for the plan including plan documents and reporting.

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FAQ

Assuming an employee meets the other requirements to contribute to an HSA, will a spouse’s FSA or HRA jeopardize the employee’s HSA-eligibility?

[Read the Answer »](#)

Reference

Commonly Used Acronyms
[Glossary »](#)

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