



Compliance Corner

August 22, 2017

Health Care Reform

IRS Releases Information Letters Regarding Continued Applicability of Employer and Individual Mandates

The IRS recently released IRS Information Letters 2017-0010, 2017-0011, 2017-0013 and 2017-0017 to address PPACA's employer and individual mandates following President Trump's executive order directing agencies to minimize PPACA's burdens. The executive order does not change the applicability of these laws.

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Appellate Court Deals Setback to Opponents of Contraceptive Coverage Mandate

On Aug. 4, 2017, the U.S. Court of Appeals for the Third Circuit – in *Real Alternatives v. HHS, No. 16-1275 (3rd Cir. Aug. 4, 2017)* – affirmed the district court's decision for the government. This case involved objections to the requirement to provide contraceptive coverage at no cost-sharing imposed by PPACA based on moral objections of a nonprofit, nonreligious organization and its employees.

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Federal Updates

Ninth Circuit Case Sheds Light on ERISA's Plan Document and SPD Requirements

Announcements

Podcast Episode 14: Potential Regulatory Changes to the ACA

Join Chase Cannon and Suzanne Spradley as they reconnect with the Trump Administration and GOP's continued efforts to repeal or amend the ACA. In this episode, the two break down what changes a regulatory agency, such as the IRS, could potentially make to the ACA – including employer reporting obligations and the employer mandate – the difference between statutes and regulations and how the IRS or DOL's hands may be tied by Congress's mandates in the law.

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Register Now for the Final August Webinar

NFP's Benefits Compliance team is rounding out their August webinar series this Wednesday, Aug. 23, 2017, at 3:00 p.m. ET with "HIPAA, HIPAA, HIPAA." Join for a discussion on HIPAA's privacy and security requirements, including tips employers

On Aug. 1, 2017, the U.S. Court of Appeals for the Ninth Circuit, in *Mull v. Motion Picture Indus. Health Plan, No. 15-56246 (9th Cir., Aug. 1, 2017)*, provided a reminder to employer plan sponsors on the importance of complying with ERISA's plan document and SPD requirements.

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Retirement Updates

DOL Releases Conflict of Interest FAQs

On Aug. 3, 2017, the DOL released a second set of Conflict of Interest FAQs that address the Fiduciary Rule's (the Rule) transition period. Specifically, Transition Period FAQ Set 2 discusses the Rule's impact on service providers' IRC Section 408(b)(2) disclosure responsibilities, recommendations to plan participants to increase contributions and recommendations to plan administrators regarding plan design changes intended to increase plan participation.

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IRS Modifies Memorandum on Multiple Loan Restrictions

On July 26, 2017, the IRS released a memo which clarifies a previous memo issued in April 2017 regarding retirement plan loan rules when a participant requests more than one loan during the year.

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can follow when administering their own plans.

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Get Ready: It's MLR Rebate Time Again

Now's the time to pay attention to 2017 medical loss ratio (MLR) rebates. PPACA requires insurers to submit an annual report to HHS accounting for plan costs. If an insurer does not meet MLR standards, they must provide rebates to policyholders. Rebates must be distributed to employer plan sponsors between Aug. 1, 2017, and Sept. 30, 2017.

Employers should keep in mind that, if they receive a rebate, there are strict guidelines as to how the rebate may be used or distributed to employees.

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State Updates

 [Massachusetts Read Update »](#)

 [New York Read Update »](#)

FAQ

How often must an employer distribute an SPD to plan participants?

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Reference

Commonly Used Acronyms
[Glossary »](#)

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