Compliance Corner

September 19, 2017

Health Care Reform

IRS Releases Updated PPACA Information Returns (AIR) Submission Composition and Reference Guide

On Sept. 13, 2017, the IRS released Publication 5258: ACA Information Returns (AIR) Submission Composition and Reference Guide. The guide has been updated for use in 2018. This resource is meant to assist various entities with electronic information return (AIR) submissions required under PPACA, i.e., Forms 1094-B and 1095-B under Section 6055 and Forms 1094-C and 1095-C under Section 6056.

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IRS Releases Updated Publication 5165 for Electronically Filing ACA Information Returns

On Sept. 14, 2017, the IRS released a revised version of Publication 5165, entitled “Guide for Electronically Filing Affordable Care (ACA) Information Returns for Software Developers and Transmitters,” for tax year 2017 (processing year 2018). This publication outlines the communication procedures, transmission formats, business rules and validation procedures for returns transmitted electronically through the Affordable Care Act Information Return System (AIR). Employers who plan to electronically file Forms 1094-B, 1095-B, 1094-C or 1095-C should review the latest guidance and make any necessary adjustments to their filing process.

Announcements

Podcast Episode 16: State Paid Family Leave Laws Trending Upward

In this episode, Chase Cannon and Suzanne Spradley step back from the ACA repeal-and-replace debate to explore a new trend in the U.S.: state paid family leave (PFL). PFL laws attempt to provide protection for employees who have to miss work because of a family’s medical emergency or similar family crisis.

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Reminder: Calendar Year SAR Must Be Distributed by Sept. 30, 2017

Plans that are subject to ERISA and Form 5500 filing must distribute the Summary Annual Report (SAR) to participants within nine months of the end of the plan year; thus, a calendar year plan is required to distribute the SAR for the 2016 plan year by Sept. 30, 2017. If the plan applied for an extension to the Form 5500 filing, the

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Federal Updates

IRS and DOL Publish Guidance for Those Impacted by Hurricane Irma

Similar to action taken a few weeks ago in response to Hurricane Harvey, the IRS and DOL both recently published guidance containing certain relief for those individuals and businesses in Hurricane Irma's path.

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Retiree-Only Plan May Include Lifetime Limit; Ruling Highlights Importance of SPD and SMM

On Sept. 8, 2017, the U.S. Court of Appeals for the Ninth Circuit ruled in *King vs. Blue Cross and Blue Shield of Illinois; UPS of American, Inc.; UPS Health and Welfare Plan for Retired Employees*, No. 15-55880, 2017 WL 3928339 (9th Cir. Sept. 8, 2017) that a retiree-only plan is not subject to the ACA's prohibition on lifetime annual dollar limits. This was the previous interpretation, so the ruling does not indicate a change in case law. However, please note that the ruling would have been different if the plan included both active and retired participants. The same exclusion does not apply to those plans.

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SAR is then due within two months following that filing.

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It's MLR Rebate Time Again!

PPACA requires insurers to submit an annual report to HHS accounting for plan costs. If the insurer does not meet the medical loss ratio (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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Save the Date: October Webinar Miniseries on State Leave Laws in NY, D.C. and CA

While most employers focus on benefits compliance at the federal level, states have jumped in the game with their own rules and regulations. To help employers become more acquainted with the intricacies of these state rules, NFP's Benefits Compliance team is holding a webinar miniseries in October focused on three particularly burdensome states: New York, the District of Columbia and California.

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Reminder: Medicare Part D Notice to Employees Deadline Is Oct. 14, 2017

Employers must notify individuals who are eligible to participate in their medical plan whether the plan’s prescription drug coverage is “creditable” or “non-creditable” as compared to Medicare Part D coverage.

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State Updates

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FAQ

We would like to minimize our plan’s printing costs. Can employers use their benefit administration portal or intranet to distribute required notices and other plan documents to employees?

Read the Answer »

Reference

Commonly Used Acronyms

[Glossary »](#)

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