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## Compliance Corner

January 24, 2017

### Health Care Reform

#### **Pres. Trump Signs Executive Order on PPACA Enforcement**

On Jan. 20, 2017, Pres. Trump signed an executive order relating to PPACA enforcement. The order states that it is the policy of Pres. Trump's administration to seek the prompt repeal of PPACA. In the meantime, to minimize unwarranted economic and regulatory burdens relating to PPACA, the order directs the agencies charged with implementing the law (e.g., HHS, DOL and IRS, as well as any other sub-regulatory agencies) to exercise all authority and discretion available to them to waive, defer, grant exemptions from, or delay implementation of any PPACA provision that would impose a fiscal burden.

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#### **PPACA FAQs, Part 37 Released**

### Announcements

#### **February Webinar Series, Register Now**

NFP Benefits Compliance is hosting a series of webinars in February. Training dates are Feb. 8, Feb. 15 and Feb. 22, 2017, at 3:00 pm ET, with the respective topics being: "Top 10 Commonly Asked Questions: What Are We Asked the Most?," "Leaves of Absence: Benefits and HR Considerations," and "What's New: What Changes Are in Store Following November's Election?"

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#### **Reminder: Upcoming Reporting Deadlines**

On Jan. 12, 2017, the DOL, HHS and Treasury jointly released Frequently Asked Questions About the ACA's Implementation, Part 37. The first two questions are related to integrated HRAs, while the remaining two questions provide mostly technical guidance aimed at insurers.

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### **CMS Releases Technical Guidance on the HHS-Administered Federal External Review Process Standards**

On Jan. 11, 2017, CMS provided guidance outlining the requirements for group health plans and health insurance issuers that are subject to the HHS-administered federal external review process.

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### **Federal Health Updates**

#### **IRS Publishes 2017 Version of Publication 15-B, Employer's Tax Guide to Fringe Benefits**

The IRS recently published the 2017 version of Publication 15-B, Employer's Tax Guide to Fringe Benefits. Publication 15-B contains information for employers on the tax treatment of certain fringe benefits, including accident and health coverage, employer assistance for adoption, dependent care and educational expenses, discount programs, group term life insurance, moving expense reimbursements, HSAs, FSAs and transportation benefits.

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#### **DOL Issues Final Rules Increasing ERISA Penalties**

#### *Form W-2 Cost of Coverage Reporting*

Large employers must report the cost of group health coverage provided to employees on the Form W-2. The requirement applies to employers that filed 250 or more Forms W-2 in 2015. Employer aggregation rules do not apply for this purpose. In other words, the number of Forms W-2 is calculated separately without consideration of controlled groups. Indian tribes, self-funded church plans and employers contributing to a multiemployer plan are exempt from the Form W-2 reporting requirement.

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#### **State Updates**



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#### **FAQ**

What obligation does an employer have to notify an employee, at termination, of the right to convert life insurance?

[Read the Answer »](#)

On Jan. 18, 2017, the DOL published a final rule adjusting for inflation civil monetary penalties under ERISA. As background, federal law requires agencies to adjust their civil monetary penalties for inflation on an annual basis. The DOL last adjusted certain penalties under ERISA in July of 2016 (as discussed in the July 12, 2016, edition of *Compliance Corner*).

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### **EBSA Publishes 2016 MHPAEA Enforcement Fact Sheet**

In Jan. 2017, the EBSA issued the FY 2016 MHPAEA Enforcement Fact Sheet. This fact sheet summarizes EBSA's enforcement activities related to the Mental Health Parity and Addiction Equity Act (MHPAEA) over the 2016 fiscal year (FY).

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### **Retirement Updates**

### **DOL Releases Two Conflict of Interest Rule FAQs and Proposes Rule on the Best Interest Contract Exemption for Insurance Intermediaries**

The DOL has released multiple documents relating to the Conflict of Interest Rule (the Rule). As background, the Rule amends ERISA's definition of 'fiduciary' by considering more communications to be investment advice that renders the person providing that advice a fiduciary. Additionally, the DOL introduced new prohibited transaction exemptions (PTEs) and amended others in order to permit common compensation structures and to cover certain types of transactions.

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## **Reference**

Commonly Used Acronyms

[Glossary »](#)

## IRS Proposes Rule Changing Definitions of Qualified Matching Contributions and Qualified Non-Elective Contributions

On Jan. 18, 2017, the IRS issued proposed regulations amending the definitions of qualified matching contributions (QMACs) and qualified non-elective contributions (QNECs) relating to certain qualified retirement plans that contain cash or deferred arrangements or that provide for matching contributions or employee contributions.

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