



## Compliance Corner

December 14, 2016

### Health Care Reform

#### IRS Publishes Proposed Regulations on Health Insurance Providers Fee

On Dec. 9, 2016, the IRS published two sets of proposed regulations amending the Health Insurance Providers Fee final regulations.

As background, PPACA instituted the Health Insurance Providers Fee to help fund the cost of PPACA implementation and exchanges. This fee, also called the “health insurance tax” or “HIT”, applies to any “covered entity” engaged in the business of providing health insurance to U.S. citizens, residents and certain other persons present in the U.S.

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#### Congress Passes “Cures Act” Allowing Stand-Alone HRAs for Small Employers

On Dec. 7, 2016, the US Congress passed HR 34, called the “21st Century Cures Act” (Cures Act). The Cures Act legislation will permit small employers

### Announcements

#### Next Edition of *Compliance Corner* Cancelled

The next edition of *Compliance Corner* is regularly scheduled to be released on, Tuesday, Dec. 27, 2016. That edition will be cancelled because of the holidays and the next edition will be released on Tuesday, Jan. 10, 2016.

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#### Recording of Webinar, *Post Election: What's the Future of the Affordable Care Act?*, Now Available

With President-Elect Donald Trump pledging to make significant alterations to the PPACA, the law’s future is very

(those with fewer than 50 full-time employees during a calendar year who are not subject to the employer mandate) who do not offer a group health plan to provide a qualified small employer health reimbursement arrangement (QSEHRA).

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## Federal Updates

### U.S. Supreme Court to Hear Church Plan ERISA Exemption Cases

On Dec. 2, 2016, the U.S. Supreme Court granted certiorari to three cases involving church affiliated hospitals and whether ERISA preemption applies. In December 2015, the United States Court of Appeals for the Third Circuit (Third Circuit) (ruled in *St. Peter's Healthcare v. Kaplan* (2015 WL 9487719(3d Cir. 2015))), that the employee pension plan maintained by the church affiliated hospital was subject to ERISA and did not fall under ERISA's exception for church plans. Similar decisions were issued by the Seventh Circuit in March 2016 in *Advocate Health Care v. Stapleton* (2016 WL 1055784(7th Cir. 2016)); and the Ninth Circuit in July 2016 in *Dignity Health v. Rollins* (2016 WL 3997259(9th Cir. 2016)).

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much up in the air. With Republicans controlling the White House and Congress, the door is open for huge changes to the law. At this point, it's not clear whether those changes will include complete repeal, major overhaul or minor tweaks. What is clear is the election results leave the PPACA, and perhaps other laws relating to employer-provided benefits, exposed. On Nov. 30, 2016, we walked through what changes are likely, which provisions could be maintained, and potential approaches to reform based on prior Republican strategies. If you were not able to join us, then you can listen now online.

[Watch the Webinar »](#)

### Employee Benefits Annual Limits White Paper Updated for 2017

The NFP Employee Benefits Annual Limits White Paper has been updated to reflect limits for 2017. The white paper includes an overview of the annual federal limits on health FSA contributions, retirement plan elective deferrals, HSA contributions (and catch-up contributions), and HSA-qualifying HDHP deductibles and out-of-pocket maximums. Please ask your advisor for a copy.

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## **Retirement Legal & Compliance Update Now Available**

The newest edition of the *Retirement Legal & Compliance Update* (Volume 6, No. 2) is now available. The newsletter includes an update on the DOL's Conflict of Interest rule, information on IRS updates to the Employee Plans Compliance Resolution System (EPCRS), and articles on the newest stock drop cases and complaints. The newsletter also contains an FAQ on the requirement to distribute Summary Annual Reports (SARs). Please ask your advisor for a copy.

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## **Upcoming IRS Webinar: Employee Plans Compliance Resolution System (EPCRS) Changes (Revenue Procedure 2016-51)**

On Dec. 15, 2016, at 2:00pm EST, the IRS is hosting a webinar on the EPCRS changes that were imposed through Revenue Procedure 2016-51. Interested individuals can register for the webinar to learn about the elimination of determination letter

application requirements, the new methodology for determining Audit CAP sanctions, modifications to the Self-Correction program, and consolidation of prior guidance.

[Register Here »](#)

## State Updates



Wisconsin

[Read Update »](#)

## FAQ

If I suspect that there are ineligible dependents on the group health plan, what are the parameters around conducting a dependent audit?

[Read the Answer »](#)

## Reference

Commonly Used Acronyms

[Glossary »](#)

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