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Compliance Corner

February 9, 2016

Health Care Reform

Departments Publish Guidance on PPACA's Application to Student Health Coverage

On Feb. 6, 2016, the IRS, DOL and HHS (the Departments) published guidance (DOL Technical Release 2016-01 and IRS Notice 2016-17) relating to the application of certain PPACA provisions to premium reduction arrangements offered in connection with student health plans.

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IRS Publishes Revised Instructions for Form Insurers Use to Pay Fee on Health Insurance Providers

On Feb. 2, 2016, the IRS released revised Instructions for Form 8963. As background, PPACA imposes a fee on health insurance providers (called "covered entities") engaged in the business of

Announcements

Reminder: February Webinar Series Continues

Two webinars remain in our February series of benefits compliance webinars. "Deadline Extensions for 6055 and 6056 Reporting: A (Brief) Sigh of Relief" is scheduled for Wed. Feb. 10, 2016, and "Legislative Update," on Wed. Feb. 17, 2016.

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Deadline Approaching to Submit Medicare Part D Creditable/Non-creditable Coverage Notice to CMS

As a reminder, group health plan sponsors that provide prescription drug coverage to

providing health insurance with respect to United States health risks.

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IRS Addresses Expatriate Plans and the Fee on Health Insurance Providers

On Feb. 1, 2016, the IRS published Notice 2016-14 explaining how expatriate plans are to be treated in relation to the fee on health insurance providers (also known as the “health insurance tax”).

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IRS Revises Publication 5215: Understanding Reporting Requirements of the Health Care Law – Form 1095-B

On Jan. 25, 2016, the IRS released a revised version of Publication 5215 to reflect the delay in Sections 6055 and 6056 reporting for the 2015 reporting year. Forms 1095-B and 1095-C must now be distributed to employees by March 31, 2016, as opposed to the original due date of Feb. 1, 2016.

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IRS Publishes Health Care Tax Tips Relating to PPACA’s Employer Mandate

On Jan. 27, 2016, the IRS published *Health Care Tax Tip 2016-11: Why Size of Your Workforce Matters* and on Feb. 3, 2016, the IRS published *Health Care Tax Tip 2016-14: Averaging Full-time and Full-time Equivalent Employees and Why it Matters*. Both provide employers with helpful facts about how the size of their workforce, small or large, affects which parts of the employer mandate apply to them. Tax Tip 2016-11 is available in Spanish.

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Medicare Part D eligible individuals must disclose to CMS on an annual basis whether the coverage qualifies as creditable or non-creditable no later than 60 days after the beginning of each plan year.


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State Updates

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FAQ

For purposes of the employer mandate and reporting, what constitutes an ‘hour of service’? Does it include holiday, vacation, leave, jury duty and on-call pay, bereavement, overtime or on-call hours?

[Read the Answer »](#)

CMS Publishes 2017 Actuarial Value Methodology

On Jan. 21, 2016, CMS published the final 2017 actuarial value calculator methodology. As a reminder, non-grandfathered fully insured individual and small group policies are rated by metal tiers reflecting the plan's actuarial value: Bronze (60 percent), silver (70 percent), gold (80 percent) and platinum (90 percent). Each valuation is permitted a +/- 2 percentage-point variation. Carriers use the calculation and underlying methodology to determine the policies' value and respective tier.

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Federal Updates

Supreme Court Issues Ruling Related to Plan Subrogation and Reimbursement Provisions

Many plans have in place a provision related to subrogation and reimbursement. If a participant incurs expenses and those expenses are subsequently paid or reimbursed by a third party, the plan reserves the right to recover any amount that the plan previously paid for those expenses.

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CMS Releases Updated Culturally and Linguistically Appropriate Services County Data

On Jan. 28, 2016, the CMS Center for Consumer Information and Insurance Oversight (CCIIO) released the January 2016 list, known as "Culturally and Linguistically Appropriate Services County" (CLAS) data, of counties that meet or exceed the 10

Reference

Commonly Used Acronyms

[Glossary »](#)

percent threshold of people who are literate only in the same non-English language.

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DOL Issues Resources Regarding Joint Employers

On Jan. 20, 2016, the DOL published a variety of resources directed towards joint employers, including an administrator's interpretation, FAQs, graphical representations of the joint employment relationship and Fact Sheets #35 and #28N.

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IRS Publishes *Guide to Retirement Plan Reporting and Disclosure Requirements*

On Jan. 27, 2016, the IRS published an updated version of *Guide to Retirement Plan Reporting and Disclosure Requirements*. This publication lists the basic documents that a retirement plan sponsor may use to report to the IRS or disclose plan information to employees.

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IRS Now Allows Certain Mid-Year Changes to Safe Harbor Retirement Plans

On Jan. 29, 2016, the IRS published Notice 2016-16, which offers the opportunity for mid-year changes to safe harbor retirement plans.

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