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MELTZER  
GROUP



## Compliance Corner

**April 8, 2014**

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### HEALTH CARE REFORM

## PPACA's Annual Deductible Maximum Requirement Repealed

On April 1, 2014, President Obama signed HR 4302 into law, creating Public Law No. 113-92. The law, Protecting Access to Medicare Act of 2014, includes a provision eliminating the annual deductible maximum of \$2,000 for single and \$4,000 for other than self-only coverage. This annual deductible applied only to non-grandfathered small group insurance market plans (not to grandfathered small group, self-insured employer plans or large group plans).

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### FEDERAL UPDATES

## IRS Releases Health FSA Guidance

On March 28, 2014, the IRS released Chief Counsel Memorandum Number 201413006, which clarifies the correction procedures for ineligible expenses that have been paid or reimbursed from a health FSA. The correction procedures for improper debit card payments provided for in the 2007 proposed cafeteria plan regulations may be used for other ineligible expenses paid under the plan, even those not related to debit card payments.

### FAQ

The number of our employees fluctuates throughout the year. When does an employer become subject to FMLA?

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## HHS Announces Availability of HIPAA Self-assessment Tool

HHS recently announced the availability of the Security Risk Assessment Tool (SRA Tool), which is meant to assist health providers and covered entities (including group health plans and business associates (BAs)) as they perform and document HIPAA risk assessments. As background, HIPAA's security rules require most covered entities and BAs to conduct an accurate and thorough assessment of the potential risks and vulnerabilities to the confidentiality, integrity and availability of their electronic protected health information (PHI). The SRA Tool is an independent application that can be downloaded from the HHS website (or downloaded in a paper-based version).

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## IRS Issues Guidance Regarding Retirement Plan Rollovers

On April 3, 2014, the IRS issued Revenue Ruling 2014-9, which provides new guidance that simplifies the retirement plan rollover process. It does this by introducing an easy way for a receiving plan to confirm the sending plan's tax-qualified status.

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## IRS Issues Notice and FAQs Detailing Application of *Windsor* Decision and Subsequent Guidance to Qualified Retirement Plans

On April 4, 2014, the IRS issued Notice 2014-19 and related FAQs regarding the application of last summer's *Windsor* decision and Revenue Ruling 2013-17 to qualified retirement plans. In the *Windsor* decision, the Supreme Court held that Section 3 of DOMA (which applied for purposes of determining an individual's marital status under federal law) is unconstitutional. In the absence of Section 3 of DOMA, any retirement plan qualification rule that applies because a participant is married must be applied with respect to a participant who is married to an individual of the same sex.

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