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Compliance Corner

February 24, 2015

HEALTH CARE REFORM

CMS Issues Final Notice of 2016 Benefit and Payment Parameters, Including 2016 Reinsurance Contribution Amount and Out-of-Pocket Maximums

On Feb. 20, 2015, CMS issued the Final HHS Notice of Benefit and Payment Parameters for 2016, which finalized several provisions including reinsurance contributions, minimum value plans, marketplace enrollment and operations, insurance premium rate approvals, the individual mandate, SHOP participation rates, essential health benefits (EHBs), and out-of-pocket maximum amounts.

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IRS Issues Temporary Relief Related to Employer Payment Plans

On Feb. 18, 2015, the IRS issued Notice 2015-17, which is related to employer payment plans. As background, the IRS has previously stated that an employer is prohibited from directly paying for or reimbursing an employee for the cost of an individual health insurance

ANNOUNCEMENTS

Training Opportunity Tomorrow: *Untangling the Web of Employer Notice Requirements and Deadlines*

NFP Benefits Compliance is hosting the last of its February webinars tomorrow, Feb. 25, 2015, at 3:00 pm ET: "Untangling the Web of Employer Notice Requirements and Deadlines."

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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 Medicare Part D eligible individuals must disclose to CMS on an annual basis whether the coverage

policy.

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DOL Releases Guidance on Excepted Benefits

On Feb. 13, 2015, the DOL posted a new frequently asked question (FAQ) to its FAQs about Affordable Care Act Implementation. The new FAQ, Part XXIII, provides guidance related to excepted benefits.

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Third Circuit Reverses Injunctions Barring Application of HHS Contraceptive Accommodation

On Feb. 11, 2015, the U.S. Court of Appeals for the Third Circuit lifted injunctions granted by two district courts, finding that the self-certification procedure required of religious organizations who seek to opt out of the contraceptive mandate does not violate the organizations' religious rights.

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IRS Releases Publication 5196: Getting Ready for Monthly Tracking

On Feb. 10, 2015, the IRS released Publication 5196, specifically directed at applicable large employers (those subject to PPACA's employer mandate, also known as the "employer shared responsibility requirement") and alerting them to the fact that reporting health coverage information for calendar year 2015 is required in early 2016.

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IRS ACA Information Page: Types of Employer Payments and How They Are Calculated

On Feb. 11, 2015, the IRS published a webpage entitled "Types of Employer Payments and How They Are Calculated" as part of an educational campaign to educate employers on PPACA's employer shared

non-creditable no later than 60 days after the beginning of each plan year. For calendar year plans, this date is March 1, 2015.

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Upcoming IRS Phone Forum: Retirement Plan Loans to Participants

On March 26, 2015 at 2 p.m. ET, the IRS will offer a phone forum on retirement plan loans to participants. Presenters will cover various topics, including the types of plans that can make loans to participants, the conditions that must be followed in order for a plan to make loans and the required terms of a plan loan.

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FAQ

In light of guidance prohibiting an employer from reimbursing an employee for the cost of individual coverage, is an employer still allowed to offer employees money for not electing employer-provided coverage? If so, how does this interact with the employer mandate?

[Read the answer »](#)

STATE UPDATES

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responsibility provisions (also known as the "employer mandate").

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CMS Announces New Special Enrollment Period and a Limited Enrollment Extension

On Feb. 20, 2015, CMS announced a new special enrollment period (SEP) for the federally facilitated exchange. Open enrollment for the exchange ended Feb. 15, 2015.

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FEDERAL UPDATES

Eighth Circuit Affirms Denial of Statutory Penalties for COBRA Notice Failure Due to No Harm Found

On Dec. 15, 2014, in *Cole v. Trinity Health Corp.*, No. 14-1408 (8th Cir. 2014), the U.S. Court of Appeals for the Eighth Circuit upheld a trial court's denial of statutory penalties relating to the employer's failure to provide a timely COBRA election notice. The employee had been on medical leave, had exhausted her short-term disability (STD) benefits and had applied for long-term disability benefits which were denied.

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CMS Issues Ruling Regarding Same-sex Marriages in Relation to Medicare

On Feb. 13, 2015, CMS announced its policy for recognition of same-sex marriages (consistent with the U.S. Supreme Court's *Windsor* decision) in relation to Medicare. This includes certain age-based and end-stage renal disease (ERSD) entitlement, eligibility and enrollment provisions of Medicare. The

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ruling explains that various Medicare provisions impacted by this ruling are controlled by either Title II or Title XVIII of the Social Security Act (SSA).

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IRS Revises Publication 4484: *Choose a Retirement Plan for Employees of Tax-Exempt and Government Entities*

On Feb. 10, 2015, the IRS published revised Publication 4484, *Choose a Retirement Plan for Employees of Tax-Exempt and Government Entities*. In this edition of the publication, the IRS reviews eight types of retirement plans available to employees of tax-exempt entities such as churches or charities.

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