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Compliance Corner

July 29, 2014

HEALTH CARE REFORM

Appellate Courts Disagree on IRS Ability to Administer Premium Tax Credits and Cost-sharing Subsidies in Federally Facilitated Exchanges

On July 22, 2014, two federal appeals courts issued conflicting rulings on a key PPACA provision relating to the availability of premium tax credits and cost-sharing subsidies on the federally facilitated exchanges.

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DOL FAQ Clarifies Notification Requirement for Certain Employers Limiting Contraceptive Coverage

On July 17, 2014, the DOL published FAQ Part XX addressing the recent U.S. Supreme Court decision in *Burwell v. Hobby Lobby*, 2014 WL 2921709 (U.S. June 30, 2014). The FAQ is very narrow in scope, addressing only closely held for-profit corporations that may discontinue providing coverage for some or all contraceptive services mid-plan year as a result of the Supreme Court's decision.

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IRS Releases 6055 and 6056 Reporting Forms

ANNOUNCEMENTS

August Training Opportunities, Register Now

NFP Benefits Compliance is hosting a series of webinars in August. Training dates are Aug. 6, 13 and 20 at 3 p.m. ET. Topics are "The Well-designed Wellness Program," "COBRA Compliance" and "Legislative Update." NFP Benefits Compliance reserves the right to change training topics in the event of significant legislative, judicial or regulatory developments.

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Medical Loss Ratio Rebates: It's That Time Again!

On July 24, 2014, HHS announced that issuers will distribute just over \$330 million in medical loss ratio (MLR) rebates to individual and group policyholders by Aug. 1, 2014. (Here is a [list](#)

On July 24, 2014, the IRS released the long awaited reporting forms that employer plan sponsors and health plans will use to satisfy their obligations under Sections 6055 and 6056 of the IRC. The reporting forms are in draft form, and the IRS is currently accepting comments. The instructions for the forms have not yet been released, but the IRS expects to release the draft version of the instructions in August.

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CMS Issues Guidance Related to Transitional Reinsurance Contributions

On July 17, 2014, CMS issued guidance related to the transitional reinsurance program and contributions, as required by PPACA. As background, group health plans are required to report enrollment calculations to CMS annually from 2014 through 2016.

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REGTAP FAQs Provide Clarification for SHOP Enrollment and Eligibility

On July 17, 2014, CMS posted several new FAQs to REGTAP related to the federally facilitated SHOP (FF-SHOP). Selected FAQs are summarized below, addressing issues such as COBRA; spousal, dependent and newborn coverage; and employee choice.

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IRS Posts FAQs About IRS Sharing of Taxpayer Information for Verification of Subsidies

On July 14, 2014, the IRS posted an FAQ intended to provide information that may be helpful in understanding the Aug. 13, 2013, final regulations issued about IRC Section 6103(l)(21). These final regulations were reported in the Aug. 27, 2013, edition of *Compliance Corner*.

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New HHS Website Provides Employer Solutions for Compliance

market for 2013.) We have resources available to assist you in properly processing any rebate you receive. Contact your advisor for a copy of "Medical Loss Ratio Rebates: A Guide for Employers" or "Medical Loss Ratio: PPACA's Rules on Rebates."

"PPACA Fee Overview: What Employers Need to Know About PCOR and Reinsurance Fees" Webcast Now Available

A 30-minute recorded webcast is available that answers commonly asked questions regarding the PCOR and reinsurance fees. The webcast is presented by Jill Brooking, vice president, NFP Benefits Compliance.

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FAQ

Our company sponsors an outcome-based wellness program. I understand that we are required to offer a "reasonable alternative standard," but what exactly does this mean? And are there new rules for 2014?

[Read the answer »](#)

STATE UPDATES

 Arizona

with Required Accommodations for Nursing Mothers

HHS recently launched a new website intended to provide employers with a library of online resources with cost-effective tips and solutions for any industry setting in order to comply with the nursing mothers accommodation requirements under health care reform.

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HHS Announces That Insurance Market Reforms Do Not Apply to U.S. Territories

On July 16, 2014, HHS sent letters to the insurance commissioners of the five U.S. territories, clarifying the applicability of certain PPACA provisions to the territories. As background, the insurance reforms of Title I of PPACA were adopted as amendments to the Public Health Services (PHS) Act.

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FEDERAL UPDATES

EEOC Releases Guidance Related to the Pregnancy Discrimination Act

On July 14, 2014, the EEOC released guidance related to the Pregnancy Discrimination Act (PDA). As background, the PDA applies to employers with 15 or more employees. It prohibits an employer from discriminating against an applicant or employee in terms of employment, leave privileges or fringe benefits based on pregnancy, childbirth or related medical conditions.

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U.S. Supreme Court and Tenth Circuit Clarify Same-sex Marriage Bans in Utah and Oklahoma

Two developments recently occurred relating to same-sex marriage bans in the jurisdiction of the Tenth

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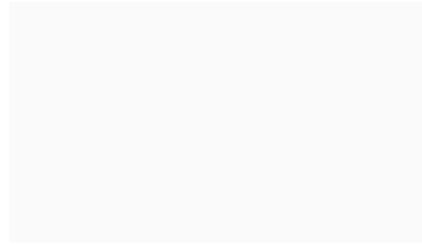
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Circuit, which includes Colorado, Kansas, Oklahoma, New Mexico, Wyoming and Utah.

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