



Compliance Corner

May 18, 2016

Health Care Reform

HHS Releases Interim Final Rule on Amendments to Special Enrollment Periods

On May 11, 2016, HHS released an interim final rule on amendments to special enrollment periods (SEPs). The rule also includes changes to the Co-Op Program as well (not discussed in this summary). The changes to the special enrollment periods primarily affect individuals who gain access to a new qualified health plan (QHP) as a result of a permanent move. Now, such individuals are only eligible for a special enrollment period if they: 1) Had minimum essential coverage for at least one day in the 60 days prior to the permanent move; 2) were previously living outside of the U.S. or in a U.S. Territory but moved to a location within the U.S. and seek to enroll in coverage within 60 days of completing the permanent move; or 3) are newly eligible for a QHP due to release from incarceration (other than incarceration pending disposition of charges).

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CMS Issues REGTAP FAQs on SHOP Marketplace

Announcements

The Next Edition of *Compliance Corner*

Due to the Memorial Day holiday, the next edition of *Compliance Corner* will be released on Wednesday, June 1, 2016 instead of Tuesday, May 31st.

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May Training Opportunities, Register Now

NFP Benefits Compliance is hosting a series of webinars this month. Remaining training dates are May 18 and May 25, 2016, at 3:00 pm ET, with the respective topics being: “Don’t Let Leaves of Absence Cause You to Take Leave of Your Senses” and “Qualifying Events: A Much-Needed Refresher.”

NFP Benefits Compliance reserves the right to change training topics in

On May 2, 2016, CMS posted 25 new frequently asked questions (FAQs) related to the federally facilitated SHOP marketplace to the Registration for Technical Assistance Portal (REGTAP). The selected FAQs and information summarized below address issues that may be of interest to small employers.

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U.S. Supreme Court Remands Contraceptive Cases to Circuit Courts

On May 16, 2016, the U.S. Supreme Court vacated and remanded the cases represented in *Zubik v. Burwell*. As background, the PPACA requires health plans to cover contraceptives at no cost sharing. To accommodate religious organizations, the government proposed that they notify their insurer that they wish not to participate in the offering of certain contraceptives to their employees. However, several religiously affiliated plaintiffs alleged that the government's accommodation for religious organizations (requiring the notice to insurers) violates the Religious Freedom Restoration Act (RFRA).

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Federal Updates

EEOC Publishes Guidance on Unpaid Leave and Reasonable Accommodation under the ADA

On May 9, 2016, the EEOC published guidance relating to unpaid leave as a reasonable accommodation under the ADA. The guidance consolidates prior guidance and focuses on the ADA, employer leave policies, reasonable accommodation, undue hardship, requests for indefinite leave and return to work issues.

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the event of significant legislative, judicial or regulatory developments.

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State Updates

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FAQ

Could we allow a mid-year change to an employee's pre-tax election if the employee experiences a reduction in hours (below 30) that does not impact their eligibility?

[Read the Answer »](#)

Reference

Commonly Used Acronyms

[Glossary »](#)

Treasury Dept. Issues Two Letters Related to Coverage of Domestic Partners

On March 25, 2016, the Treasury Department's Office of Chief Counsel, Health and Welfare Branch, issued two nearly identical Information Letters. Both letters, Numbers 2016-0008 and 2016-0012, are related to the taxation of employer sponsored coverage provided to domestic partners. The letters do not reflect a change to previous guidance on the issue. However, they affirm current understanding and practice that coverage provided to a non-tax dependent domestic partner results in imputed income for the employee.

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EEOC Issues Final Rules on Employer Wellness Programs

On May 17, 2016, the EEOC published final regulations related to employer sponsored wellness programs. The regulations were issued in two parts: Under the ADA and GINA. Both are applicable for plan years beginning on or after Jan. 1, 2017.

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