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Compliance Corner

October 07, 2014

HEALTH CARE REFORM

Excepted Benefits Regulations Finalized

On Oct. 1, 2014, the IRS, EBSA and HHS released final regulations related to excepted benefits. As background, plans or programs that qualify as excepted benefits are generally exempt from PPACA's mandates such as preventive care services and the prohibition on annual dollar limits.

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IRS Issues FAQs relating to PPACA Informational Reporting under Sections 6055 and 6056

On Sept. 22, 2014, the IRS released two sets of FAQs discussing the informational reporting requirements under Internal Revenue Code Sections 6055 and 6056. Section 6055 requires employers that sponsor self-insured plans to report specific information to the IRS and to plan participants which will assist the IRS in administering and enforcing the individual mandate.

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CMS Publishes HPID Quick Reference Guide, FAQs and Other

ANNOUNCEMENTS

Medicare Part D Notice to Employees Deadline is Oct. 14

Employers must notify individuals who are eligible to participate in their medical plan whether the plan's prescription drug coverage is "creditable" or "non-creditable" compared to Medicare Part D coverage. The notice must be provided to Medicare Part D eligible individuals on an annual basis prior to Oct. 15. It is recommended that the notice be sent to all employees eligible to participate in the employer's medical plan.

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FAQ

What are the affordability

Useful Resources

On Sept. 25, 2014, CMS published “A Quick Reference Guide to Obtaining a Controlling Health Plan HPID.” The quick reference guide is a step-by-by-step outline of how a controlling health plan (CHP) can obtain a health plan identifier (HPID). As background, CHPs (defined as group health plans that control their own business activities, actions and policies) are required to obtain an HPID by Nov. 5, 2014.

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FEDERAL UPDATES

U.S. Supreme Court Rejects Same-sex Marriage Appeals

On Monday, Oct. 6, 2014, the U.S. Supreme Court began its October Term 2014 by declining to review cases involving the issue of same-sex marriage. The U.S. Courts of Appeals for the Fourth Circuit, Seventh Circuit and Tenth Circuit had previously ruled that same-sex marriage bans in Indiana, Oklahoma, Utah, Virginia and Wisconsin were unconstitutional.

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HIPAA Privacy Rule and Same-sex Marriage Guidance Released

On Sept. 23, 2014, the HHS OCR issued guidance clarifying the role HIPAA plays for same-sex married couples. In accordance with the U.S. Supreme Court’s majority ruling in *United States v. Windsor*, HHS officially considers same-sex spouses to be family members for purposes of sharing PHI.

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Final Regulations for Electronic Filings of Certain Retirement Plan Documents

On Sept. 29, 2014, the IRS published final regulations concerning the filing of employee benefit plan returns on magnetic media. The term “magnetic media” includes electronic filing, as well as other media specifically

compliance with the employer mandate? What are the advantages and disadvantages of each?

[Read the answer »](#)

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permitted under applicable regulations and generally includes magnetic tape, tape cartridge and diskette. These regulations only apply to administrators who are required to file at least 250 information returns each year (includes Forms W-2, 1099, and 5500).

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IRS Issues Guidance on Allocation of After-tax Amounts to Rollovers

On Sept. 18, 2014, the IRS published Notice 2014-54, which provided new guidance on pre-tax and after-tax distributions from qualified retirement accounts. As background, many retirement plans offer the opportunity to invest contributions in Roth or other after-tax contributions. Earnings on those after-tax contributions accrue on a pre-tax basis, and upon distribution the pre-tax and after-tax proceeds have to be allocated.

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