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Compliance Corner

September 23, 2014

HEALTH CARE REFORM

IRS Issues Guidance on Look-back Measurement Period Changes

On Sept. 18, 2014, the IRS published Notice 2014-49, which relates to proposed methods for applying the look-back measurement period method if the measurement period applicable to a particular employee changes. This change may occur in two different situations addressed in the notice.

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New Optional Section 125 Midyear Qualifying Events Released by IRS

On Sept. 18, 2014, the IRS published Notice 2014-55, which creates two new Section 125 midyear qualifying events. The two new events apply in very specific situations and – like all Section 125 events – are optional. Employers who wish to include these new Section 125 qualifying events as options in their plan design need to amend the plan document accordingly.

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CMS Issues REGTAP FAQ on FF-SHOP Employer Billing in Certain Situations

ANNOUNCEMENTS

DOL Exchange Notice Is Not an Annual Requirement

PPACA requires employers covered by FLSA to provide a notice to all employees that informs them of the existence of the health insurance exchange, the services provided by the exchange and under what circumstances employees may be eligible for a premium tax credit or cost-sharing reduction. The DOL has provided model notices in English and Spanish.

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FAQ

Can an employer reimburse an employee for an individual health insurance policy if the

The Registration for Technical Assistance Portal (REGTAP), operated by CMS, continues to issue FAQs and guidance related to PPACA. The FAQ and information below address an issue that may be of interest to employers.

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IRS Issues Notice Setting Adjusted Applicable Dollar Amount for PCOR Fee at \$2.08

On Sept. 18, 2014, the IRS published Notice 2014-56, setting the applicable dollar amount for plan years that end on or after Oct. 1, 2014, and before Oct. 1, 2015. As a reminder, the PCOR fee is calculated using the average number of lives covered under the plan and the applicable dollar amount for that plan year. The applicable dollar amount is \$2 for plan years ending after Oct. 1, 2013, and before Oct. 1, 2014.

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FEDERAL UPDATES

Third Circuit: Related Supplemental Insurance Cannot Be Unbundled for ERISA Coverage Analysis

On Aug. 6, 2014, the U.S. Court of Appeals for the Third Circuit, in *Menkes v. Prudential Ins. Co. of America*, No. 13-1408 (3rd Cir. 2014), held that certain supplemental components of a broader ERISA benefit plan could not be unbundled to determine if the supplemental benefit constitutes an ERISA plan. As background, ERISA provides a regulatory safe harbor under which certain supplemental benefits are not considered ERISA plans.

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employee would rather decline group coverage and purchase his or her own coverage?

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