



Compliance Corner

July 1, 2014

HEALTH CARE REFORM

U.S. Supreme Court: PPACA's Contraceptive Mandate Does Not Apply to Closely Held Companies

On June 30, 2014, the U.S. Supreme Court, in a 5–4 ruling in *Burwell v. Hobby Lobby*, held that PPACA's contraceptive mandate, as it applies to closely held for-profit employers, violates the Religious Freedom Restoration Act of 1993 (RFRA). As background, PPACA requires non-grandfathered group health plans to provide coverage for women's preventive services – including Food and Drug Administration-approved contraceptive services (e.g., birth control) – with zero cost-sharing to the participant.

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Final Regulations Related to Orientation Periods Released

On June 25, 2014, the IRS, EBSA and HHS jointly issued final regulations related to orientation periods. An orientation period is a new provision that was first introduced in proposed regulations issued Feb. 20, 2014 (see the Feb. 25, 2014, edition of *Compliance Corner*).

ANNOUNCEMENT

PCOR Fee Payable by July 31; Revised Form 720 Now Available

The deadline to pay the Patient-centered Outcomes Research Institute fee, commonly referred to as the PCOR fee, is July 31, 2014. The fee is generally due by July 31 of the calendar year following the year in which the plan year ends. In other words, for plan years ending in 2013, the PCOR fee is due July 31, 2014. The fee is payable annually through 2019.

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REMINDER

Form 5500 Filing Deadline for Calendar-year Plans Is July 31

The final regulations incorporate the proposed regulations without any substantive changes.

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IRS Issues Final Regulations on Small Business Health Care Tax Credit

On June 30, 2014, final regulations were published in the *Federal Register* implementing the small business health care tax credit for plan years beginning on or after Jan. 1, 2014. Employers can continue to rely on previously issued proposed regulations for guidance for taxable years beginning after 2013 but before 2015. The final regulations generally adopt the proposed regulations as issued, with a few changes.

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FEDERAL UPDATES

DOL Proposes Changes to Definition of Spouse for FMLA Purposes

On June 20, 2014, the DOL announced a proposed rule extending the protections of FMLA to all eligible employees in legal same-sex marriages, regardless of where they reside. The proposed rule was published in the *Federal Register* June 27. Comments must be received on or before Aug. 11, 2014.

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IRS Private Letter Ruling Finds No Church Plan Without Sufficient Church Association or Control

On Feb. 18, 2014, the IRS issued Private Letter Ruling 201420028 concluding that a multiple employer retirement plan comprised of religiously affiliated employers was not a church plan. The participating employers were predominantly nonprofit, tax-exempt organizations providing social services consistent with the religion's teachings and that supported the religion's spiritual mission.

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401(k) Plan Fix-it Guide Updated

On June 17, 2014, the IRS updated the 401(k) Plan Fix-it Guide. The IRS has great interest in retirement

to file Form 5500-series returns on the last day of the seventh month following the end of their plan years. For calendar-year plans, sponsors must file by July 31, 2014 (reporting on the 2013 plan year). Plans may request a 2.5-month extension to file by submitting Form 5558, Application for Extension of Time to File Certain Employee Plan Returns, by that plan's original due date. Ask your advisor if you need assistance with filings.

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FAQ

What are the PCOR fee obligations for employers that sponsor a group medical plan and an HRA?

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REFERENCE

plan sponsors finding and correcting their own 401(k) plan errors. In support of this goal, they have produced multiple fix-it guides to help sponsors find, fix and avoid common mistakes.

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IRS Releases Two Retirement Newsletters

On June 13, 2014, the IRS released the *Retirement News for Employers* newsletter with several helpful articles for plan sponsors, including guidance about penalty relief for Forms 5500–EZ, 5500 and 5500–SF, information about IRS rollovers, guidelines for amending safe harbor plans to meet the new same-sex marriage rules, and helpful information on how to avoid mistakes in administration. The newsletter includes a list of sample compliance questions for use in evaluating internal controls.

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