



Compliance Corner

June 1, 2016

Health Care Reform

HHS Issues Final PPACA Nondiscrimination Regulations

On May 18, 2016, HHS published a final rule implementing section 1557 of PPACA. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age or disability and applies to health programs or activities that receive federal financial assistance/HHS funding, including Medicare, the health insurance marketplaces and plans offered by issuers that participate in the marketplaces. Further, covered entities (under the rule) may include hospitals, health clinics, health insurance issuers, state Medicaid agencies, community health centers, physician's practices and home health care agencies. FAQs were also released to help address the regulations.

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CMS Releases FAQ on Waiting Periods for Essential Health Benefits

On May 26, 2016, CMS issued an FAQ on market reform

Announcements

Recordings of May Webinar Series Now Available

Recordings of the Benefits Compliance May webinar series are now available in the [NFP Client Learning Portal](#). Topics in the series include: "Beware of the Boogie Man: Preparing for Government Audits of Your Plan," "Don't Let Leaves of Absence Cause You to Take Leave of Your Senses" and "Qualifying Events: A Needed Refresher."

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Upcoming EBSA Seminars in KS and NJ

The DOL's EBSA is hosting free educational seminars for employers. These seminars are designed to assist

implementation in the individual and small group health plan market. The FAQ includes guidance on waiting periods for essential health benefits (EHB). Additionally, the purpose of this FAQ is to clarify previously released CMS guidance contained in a May 16, 2014, bulletin entitled "[Frequently Asked Questions on Health Insurance Market Reforms and Marketplace Standards](#)".

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Federal Updates

IRS Issues Final Rules on Disbursements from Designated Roth Accounts

On May 17, 2016, the IRS issued final regulations modifying the Roth account distribution rules. As background, in September 2014, the IRS published Notice 2014-54 (and a corresponding proposed rule), which provided new guidance on pre-tax and after-tax distributions from qualified retirement accounts, in that it allowed for simultaneous distributions to multiple destinations to be treated as a single distribution for allocation purposes.

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IRS Publishes Letter Regarding “Readily Available” Standard for Employer-Provided Transportation Benefit Reimbursement Rules

On March 3, 2016, the IRS issued Information Letter 2016-0007. The letter relates to transportation benefits, and addresses the situation where the transit provider refuses to accept an employer-provided debit card as payment for transportation. Generally speaking, IRC Section 132 allows employers to provide employees with certain transportation benefits, including transit passes for commuters, on a tax-advantaged basis. Under those rules, though, if a voucher (or similar item that can only be exchanged for a transit pass) is “readily available” for distribution to employees, the employer cannot give an employee a cash reimbursement. In other words, employers cannot reimburse transit expenses with cash if vouchers are available instead. The words “readily available” have created questions, since it’s not always clear what that actually means in practice.

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employers with compliance with both state and federal law regarding employee benefit plans.

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FAQ

Following a birth, adoption, or marriage, what election changes may an employee make under a Section 125 cafeteria plan?

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Reference

Commonly Used Acronyms
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IRS Provides Checklists for Retirement Plan Documents

On May 26, 2016, the IRS published checklists for retirement plan documents that are categorized into subject matter and are used by IRS agents when they review retirement plan documents. The IRS suggests that retirement plan sponsors use these checklists to review their plans before submitting determination letter applications. Each subject matter package contains an explanation of the law, alert guidelines and plan deficiency paragraphs that have been bundled into one document for convenience.

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