

Broker Insights

Compliance Roadmap

Using Broker Briefcase Benefits to Support Compliance Needs

Become your clients' go-to source for all their compliance needs with the resources in Broker Briefcase Benefits. This roadmap highlights the content available to you to help your clients comply with essential benefits laws—making you a resource they won't want to live without. Please note that this list of resources is not all-inclusive. However, it is a good representation of the resources available to you and your customers.



Showcase Your Compliance Offerings

Demonstrate the compliance support you can offer with the following services overviews and services portfolios:

- *Legal Compliance Services Overview & Services Portfolio*
- *Health Care Reform Services Overview & Services Portfolio*

Overview of Your Customers' Compliance Requirements

Help your clients understand their federal employee benefit notice and disclosure responsibilities with the following chart. It includes the additional reporting and disclosure obligations created by health care reform. It is a must-have for all of your customers. Clients will also value the workplace posting requirements document.

- *Employee Benefit Compliance Chart: Notice and Disclosure Rules*
- *Federal Workplace Poster Requirements for Small Businesses and Other Employers*

Health Care Reform - Affordable Care Act (ACA)

Health care reform is a primary concern for employers. Help clients (and their employees) stay on top of health care reform changes going into effect, guidance being released and other developments with our vast array of health care reform resources. In addition, offer model notices to your clients to make compliance even easier. The ACA's changes affect group health plans, health insurance issuers and employers sponsoring group health plans. The following is a selection of the content available to you:

Employer Education:

- *Affordable Care Act Toolkit – Small Employers*
- *VAffordable Care Act Toolkit – Large Employers*
- *Health Care Reform: 2019 Compliance Checklist*
- *Health Care Reform: Summary of Benefits and Coverage*
- *Health Care Reform: Exchange Notice Requirements for Employers*
- *Health Care Reform: Employer Reporting of Health Coverage – Code Sections 6055 & 6056*
- *Health Care Reform: Cadillac Tax on High-cost Health Coverage*
- *Health Care Reform: Definitions of Large Employer and Small Employer*
- *Identifying Full-Time Employees Using the Look-Back Measurement Method*
- *Health Care Reform: Changes to Health Accounts*
- *Health Care Reform: Preventive Care Guidelines for Women*
- *Health Care Reform: FAQs on the Employer Shared Responsibility Rules*
- *Health Care Reform: Cost-sharing Limits for Health Plans*

ACA OVERVIEW

Provided by @_OfficeHome

2019 Compliance Checklist

The Affordable Care Act (ACA) has made a series of significant changes to group health plans since the law was enacted in 2010. Many of these key reforms became effective in 2018 and 2019, including health plan cost sharing changes, increased wellness program incentives and the employer shared responsibility provisions.

Notice changes to some ACA requirements take effect in 2019 for employers sponsoring group health plans, such as increased codebook items. In preparation for 2019, employers should review upcoming regulatory and legislative compliance changes.

The ACA (formerly provided as ACA compliance checklist for 2019) covers changes to 2019 compliance, or otherwise it may have gone into effect, changes that were made in previous years.

LINKS AND RESOURCES

- U.S. Department of Health and Human Services' (HHS) [Final Multiple-Payer & Payment Procedures for 2019](#) addresses the transitioning rules for 2019.
- ACA Form 9948-E use related [instructions](#) for reporting under Section 6055.
- ACA Form 9948-L use related [instructions](#) for reporting under Section 6056.
- Internal Revenue Service (IRS) [Revenue Procedures 2018-44](#) related the affordability contribution percentages for 2019.

HIGHLIGHTS

CHANGES FOR 2019

- Certain percentages and dollar amounts have changed for 2019:
 - Cost-sharing rules
 - Coverage and liability percentages
 - Minimum premium for ACA-requiring Web Site

EXPECTED CHANGES FOR 2019

- Other related amounts have not yet been announced, but may change for 2019, including:
 - Health flexible spending account (HSA) contribution limits
 - Dollar amounts for calculating employer shared responsibility penalties.

This ACA Overview is not intended to be construed or used as an opinion by the author. It is for informational purposes only and does not constitute an offer of insurance or any other financial product. Please consult your broker for more information.

Employee Education:

- *Health Care Reform: Common Acronyms*
- *Health Care Reform: Factors Affecting Premium Costs*
- *Why Your Eligibility for Employer Health Coverage Can Change*
- *Compare Your Health Care Options*
- *Health Care Reform: Health Insurance Marketplace FAQs*

Model Notices:

- *Health Care Reform: Model Notice for Grandfathered Plans*
- *Health Care Reform: Model Notice on Patient Protections*
- *Health Care Reform: Model Notice of Adverse Benefit Determination*
- *Health Care Reform: Model Notice of Final Adverse Benefit Determination*

FMLA

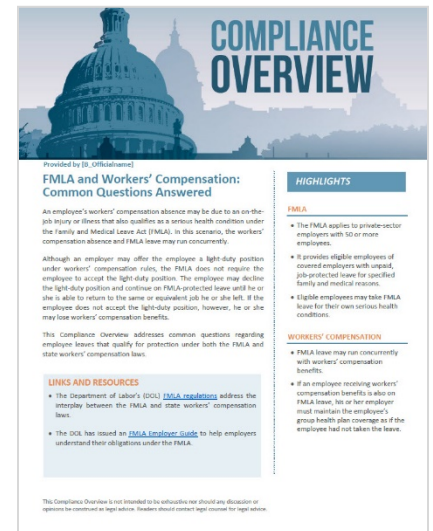
Complying with the Family and Medical Leave Act (FMLA) is an important responsibility for HR and benefit managers. Provide clients with the knowledge and forms they need to administer FMLA within the law. FMLA governs private sector employers with 50 or more employees in 20 or more workweeks in the current or preceding calendar year as well as all public agencies and all public and private elementary and secondary schools.

Employer Education:

- *The Family and Medical Leave Act: Common Questions*
- *FMLA State Guidelines series (compliance chart for each state with its own FMLA law)*
- *FMLA Rights for Military Families*
- *FMLA Rights for Nontraditional Families*

Notices and Forms:

- *FMLA Forms and Poster*
- *FMLA Certification for Serious Injury or Illness of Covered Servicemember*
- *FMLA Certification of Health Care Provider for Employee Serious Health Condition*
- *FMLA Tracking Log*



COBRA

COBRA administration is another vital HR responsibility, but it can be complex. Offer clients the support they need, including employer and employee education and model forms and notices. COBRA governs employers that had 20 or more employees on more than 50 percent of the typical business days during the previous calendar year. Government and church plans are exempt.

Employer Education:

- *COBRA Administration Flow Chart*
- *COBRA Common Questions (Administration, Definitions, Notification Requirements)*
- *COBRA General Notice Checklist*
- *COBRA State Guidelines series (compliance chart for each state)*

- *COBRA Notice and Disclosure Rules*
- *Health Care Reform: FAQs on the ACA and COBRA*
- *Top 10 COBRA Mistakes (and How to Avoid Them)*

Employee Education:

- *Employee’s Guide to Understanding COBRA*
- *Job Loss and Health Coverage*
- *Life Events Fact Sheet*
- *Obtaining Health Insurance after a Job Loss*

Model Notices and Forms:

- *COBRA Continuation Waiver of Coverage Form*
- *COBRA Election Forms (Medical, Dental, Vision, FSA)*
- *COBRA Election Notice*
- *COBRA General Notice Checklist*
- *Employer’s Notice to Plan Administrator of Qualifying Event*
- *Notice of Change of COBRA Premium*

KNOW YOUR BENEFITS.
Health Insurance

Employee's Guide to Understanding COBRA

Are there alternatives for health coverage other than COBRA?
If you become entitled to elect COBRA coverage when your previous employer's group health coverage ends, you may have a right to special enrollment without waiting until the next open season for enrollment in other group health coverage. For example, an employer may offer group health coverage to you or your family through other group health coverage such as a sponsored plan, the health insurance Marketplace (Marketplace), or Medicaid.

Under the Health Insurance Portability and Accountability Act (HIPAA), if you or your dependents are being eligible for group health coverage, including eligibility for continuation coverage, you may have a right to special enrollment without waiting until the next open season for enrollment in other group health coverage. For example, an employer may offer group health coverage to you or your family through other group health coverage such as a sponsored plan, the health insurance Marketplace (Marketplace), or Medicaid.

What is COBRA continuation health coverage?
Congress passed the landmark Consolidated Omnibus Budget Reconciliation Act (COBRA) health care law in 1986. This law allows the employee, former spouse, dependent child, or the employer to continue to provide continuation of group health coverage that otherwise might be terminated.

What does COBRA do?
COBRA provides certain former employees, retirees, spouses, former spouses and dependent children the right to temporary continuation of health coverage at group rates. This coverage, however, is only available when coverage is lost due to certain specified events. Group health coverage for COBRA participants is usually more expensive than health coverage for active employees since the employer no longer pays a part of the premium for active employees. Also, COBRA participants generally pay the entire premium themselves.

If you become entitled to elect COBRA coverage, you should consider all options you may have to get other health coverage before you make your decision.

job-based coverage
Losing your job-based coverage is also a special enrollment event in the Marketplace (or Exchange). In the Marketplace, you could be eligible for a tax credit that lowers your monthly premiums and out-of-pocket maximums that lower your out-of-pocket costs for deductibles, copayments and coinsurance, and you can see what your premium, deductibles and out-of-pocket costs will be before you make a decision to enroll.

eligibility for COBRA continuation coverage doesn't limit your eligibility for Marketplace coverage or for a tax credit. You can apply for Marketplace coverage at any time through the end of 2015. To be eligible for special enrollment in a Marketplace plan, you must select a plan within 60 days before or 60 days after losing your job-based coverage. In addition, losing your job-based coverage

HIPAA/HIPAA Privacy and Security

Plan sponsors know the importance of complying with HIPAA and HIPAA Privacy and Security regulations, but sometimes the implications of those laws on a business can be unclear. Help your clients understand these laws and stay current with updates, and make administration easier with notices and forms.

HIPAA governs group health plans and issuers of group health plan insurance coverage, unless an exception applies.

HIPAA Privacy and Security govern Covered Entities—group health plans, health care clearinghouses and health care providers that transmit any health information electronically, unless exceptions apply. It also governs Business Associates, which are service providers to Covered Entities that use protected health information (PHI).

HIPAA Employer Education:

- *HIPAA Privacy and Security Common Questions*
- *HIPAA Nondiscrimination Rules*
- *HIPAA Portability Rules*
- *HIPAA Nondiscrimination Rules*

HIPAA Privacy/Security Employer Education:

- *HIPAA Privacy and Security Rules: Enforcement*
- *HIPAA Compliance Reviews—Audit Protocol*
- *HIPAA Privacy and Security Common Questions*
- *HIPAA Privacy Notice Requirements*
- *HIPAA Privacy Rule: What Are Plan Sponsors Required to Do?*
- *Changes to the HIPAA Rules: HITECH Act*

Employee Education:

KNOW YOUR BENEFITS.
Health Insurance

Employee's Guide to the HIPAA Privacy Rule

The information that the person involved needs to know about your care or payment for your care.

Here are some examples:

- An emergency room doctor may discuss your treatment in front of your friend when you ask that your friend come into the treatment room.
- Your hospital may discuss your bill with your daughter who is with you at the hospital and has questions about the charges.
- Your doctor may talk to your sister who is visiting you home from the hospital about your testing your foot wound during the visit home.
- Your doctor may discuss the drug you need to take with your health aide who has come with you to your appointment.
- Your nurse may tell you that she is going to tell your brother how you are doing, and her wife may discuss your health status with your brother if you did not say she should not.
- Your nurse may not discuss your condition with your brother if you tell her not to.

HIPAA requires most doctors, nurses, pharmacies, hospitals, and other health care providers to protect the privacy of your health information.

2. If an unconscious or not-awake, can my health care provider still share or discuss the health information with my family, friends or others involved in my care or payment for my care?

Yes, if you are not awake or cannot give permission, your health care provider may share or discuss your health information with family, friends or others involved in your care or payment for your care if you are unconscious, in a coma or otherwise unable to give permission. In such cases, your health care provider must be reasonably sure that you would have permitted the disclosure if you were able to give your consent. Your health care provider may share your information to be look over the phone or in writing, but may only give the information that is being requested. There are other permitted needs to know about your care or payment for your care.

- *Employee’s Guide to the HIPAA Privacy Rule*
- *HIPAA Basics: Your Right to Privacy*
- *Patient Privacy and HIPAA*

Notices and Forms:

- *Notice of Privacy Practices*
- *Special Enrollment Notice Required by HIPAA*

Medicare Part D

Medicare Part D governs group health plan sponsors that provide prescription drug coverage, except entities that contract with or become a Part D plan. Assist your clients in staying in compliance with Medicare Part D legal requirements with the following resources:

Employer Education:

- *Medicare Part D Common Questions*
- *Medicare Part D: Creditable Coverage Disclosure Notices Due by Oct. 14*
- *Medicare Part D: Prescription Drug Benefit*
- *Medicare Part D Disclosure Notice to CMS*

Notices and Forms:

- *Medicare Part D Disclosure Notice Tracking Log*
- *Model Creditable Coverage Disclosure Notice*
- *Model Non-creditable Coverage Disclosure Notice*

ADA

Anti-discrimination law is another vital but sometimes murky compliance topic for employers. In addition, discrimination complaints are common subjects of lawsuits by current or former employees, further raising the stakes on proper compliance. Assist clients in ensuring their company and policies are ADA compliant by providing them with educational materials.

The ADA applies to employers with 15 or more employees. The law prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits and all other employment-related activities.



Employer Education:

- *Americans with Disabilities Act: Questions and Answers*
- *Avoid 10 Common ADA Mistakes*
- *Americans with Disabilities Act (ADA)*

- *Veterans and the Americans with Disabilities Act (ADA)*

Employee Education:

- *Your Workplace Rights if You Have a Disability*

Section 125

Section 125 plans are a common and attractive way to administer benefits, allowing employees to contribute premium or other plan contributions pre-tax. However, these plans must comply with specific IRS regulations. Educate your clients on this topic with several informational pieces.

Employer Education:

- *Cafeteria Plans: Midyear Election Changes*
- *Plan Designs Section 125 Plans (Cafeteria Plans)*
- *Section 125 Plan Common Questions (General, Administration, Definitions)*
- *Nondiscrimination Tests for Cafeteria Plans*

ERISA

The Employee Retirement Income Security Act of 1974 (ERISA) governs employee welfare benefit plans, unless exempted.

Employer Education:

- *DOL Audit Guide: Employee Benefit Plans*
- *Basics of ERISA Welfare Benefit Plans*
- *Determining Whether a Welfare Benefit Plan Arrangement is an ERISA Plan*
- *ERISA Compliance FAQs: Reporting and Disclosure Rules*
- *Employee Benefit Plan Audits: Common Mistakes*
- *Summary Plan Descriptions (SPDs)*
- *Summary Annual Report (SAR)*

Other Benefits/HR-related Compliance Topics

In addition to the common topics discussed above, employers and HR managers are also responsible for complying with a host of other employment- and benefits-related laws. From CHIPRA to I-9 to tax regulations, we offer a range of educational materials on important legal topics.

CHIPRA: CHIPRA applies to employers that maintain group health plans covering employees in states that provide premium assistance subsidies under Medicaid plans or CHIP.

- *The Children's Health Insurance Program Reauthorization Act of 2009*
- *Annual CHIP Notice for Health Plans*
- *Model Employer CHIP Notice*

GINA: GINA health plan provisions apply to group health plans and health insurance issuers. GINA employment provisions govern employers in the private sector and state and local governments that employ 15 or more employees.

- *GINA FAQs for Health Plans; GINA Q&As for Employers*

- Genetic Nondiscrimination Rules for Employers; Genetic Nondiscrimination Rules for Health Plans
- The Genetic Information Nondiscrimination Act of 2008
- Workplace Wellness: Potential Legal Issues Associated with Workplace Wellness Plans



USERRA: Applies to all public and private employers regardless of size.

- Uniformed Services Employment & Reemployment Rights Act (USERRA)
- Your Rights Under USERRA

Other Compliance Topics:

- Benefit Plans: Tax Considerations
- Common and Costly Employee Benefits & HR Mistakes
- Employee Handbooks: Common Legal Mistakes
- Employer Information Report (EEO-1)
- Handling a DOL Audit with Ease
- Interviews: What's Illegal to Ask?
- 'Newborns' and 'Mothers' Health Protection Act
- Women's Health and Cancer Rights Act
- Form I-9 and Your Employees

For Fast and Easy Client Contact, Set it and Forget it

Short on time? In 10 minutes or less you can support your clients' compliance needs by subscribing them to one or more of the following document groupings*:

- Employee Handbook Grouping
- Harassment Resources
- Affordable Care Act Monthly Education Campaign
- HR Insights Monthly Campaign
- Human Resources (HR) Compliance Grouping
- Legal & Compliance Monthly Campaign

*To subscribe, hover over the grouping, choose Post or Email, select your client(s), customize as needed and designate periodic distribution dates.