

COMPLIANCE News to Know

Benefits News from December 2nd - 20th, 2023, V2.19



PATRIOT
GROWTH INSURANCE SERVICES
COMPLIANCE ✓

Upcoming...

December 31, 2023 - First Gag Clause Attestation filing due. Plans and issuers attest via **CMS' HIOS Portal**

January 1, 2024 - Price Comparison Data must be available for certain Plans and issuers subject to the TiC Act

January 31, 2024 - File and furnish Form W-2 [Access Form Here](#)

EB Headline: DOL Proposes Rescission of 2018 AHP Rule

With COVID-19 in the rear view mirror, the Department of Labor (DOL) has reviewed the statutes, decisions, guidance, and policies interacting with the 2018 Association Health Plan (AHP) Rule:

*[The DOL] **now proposes to rescind in full** the 2018 AHP Rule in order to resolve and mitigate any uncertainty regarding the status of the standards that were set under the Rule, allow for a reexamination of the criteria for a group or association of employers to be able to sponsor an AHP, and ensure that guidance being provided to the regulated community is in alignment with ERISA's text, purposes, & policies.*

The 2018 AHP Rule substantially loosened the requirements for groups or associations to be considered a bona fide group or association that is eligible to establish an employee welfare benefit plan or to otherwise meet the definition of "employer" under ERISA.

In practice, for example, groups that sought designation as an AHP by including "working owners" (without employees) would no longer be associations.

Medicare Secondary Payer Penalties

CMS takes violations against Medicare seriously; penalties can reach into the thousands for inducing employees to choose Medicare over a Plan that would be primary. **This link** lists updated Medicare fines and penalties related to the administration of Plans.

Resource Reminder: 2024 Benefits Compliance Checklist

This **three-page checklist**, including annual notices, is a great quick-glance guide for employers. Ask your adviser for a hyperlinked copy for *smooth compliance sailing* in 2024.

Self-Insured Plans: Don't Inadvertently Cause Stop-Loss Issues

Read this third-party **blog post** to learn how an act of assisting an ill or injured employee may create unnecessary claims headaches. Permitting an employee with less than 12 months of employment to continue coverage on unpaid leave may create backlash from stop loss carriers. Review your plan documents and chat with carriers to button-up policies.

Small Employer Credit for Health Insurance Premiums

Review the 2023 **IRS Instructions for Form 8941** and learn if your small business qualifies for a credit for health insurance premiums. The credit is available for a 2-consecutive-tax-year period.

Departments Finalize Fees for Federal IDR Process under the No Surprises Act

Access **CMS' Fact Sheet** summarizing the final rule under the IDR process. Includes review of the administration fee amount of \$115 per party for disputes initiated after the rule takes effect. Additional fees apply for IDR entities' determinations under the rule. Learn all about it in the Fact Sheet, and if you're an avid regulatory reader, review the **Final Rule** on December 21, 2023.

2024 Health Plan Limits & Annual Fees

For quick access to a list of Plan annual limits and fees, **review these charts**, courtesy of ComplianceDashboard.

