

PROGRAM: PLAN COMPLIANCE

Who: Designed for the in seasoned benefits professional who is responsible for benefit and retirement plan compliance.

What: A deep assessment of your ability to stand up against three real DOL Retirement and Welfare Plan Audits. Includes a general overview of PPACA plan issues. This is the session for compliance geeks!

I. Retirement Plans – Plan Design and Structure

- A. New scrutiny on plan offerings
- B. Administration – what are you paying for?
- C. Compliance requirements
- D. New required participant disclosures

II. Retirement Plans – Investments and Compliance: The Plan Fiduciary Role

- A. Plan administration
- B. Fee disclosure regulations
- C. Big picture plan components
- D. Fiduciary responsibility – what is it?
- E. Fund selection
- F. The investment review
- G. Components of a proper investment
- H. The plan review
- I. Recordkeeping
- J. Recent cases and results

III. The Retirement Plan Audit

- A. Criteria for routine plan audits
- B. DOL/IRS audits . . . what makes them different
- C. How to pass with flying colors

IV. COBRA

- A. The reality of COBRA lawsuits over the last 20+ years
- B. Failure to send timely COBRA notices
- C. Employer liability – filing the new Form 8928
- D. Statutory penalties for non-compliance

- E. Promising COBRA continuation when underlying contracts don't have to comply

V. Taxation Nuances – Common Mistakes Made by Employers

- A. Life insurance Table I taxation
- B. Short term disability insurance taxation
- C. Long term disability insurance taxation
- D. Domestic partners tax issues
- E. Section 125 plans – whose tax deduction is it?

VI. Benefits Compliance

- A. ERISA requirements
- B. Components of a plan document
- C. SPD details
- D. Required disclosures
 1. Newborns and Mothers Health Protection Act of 1996
 2. Women's Health and Cancer Rights Act of 1998
 3. Mental Health Parity Act
 4. Mental Health Parity and Addiction Equity Act
 5. State Children's Health insurance Program Reauthorization Act of 2009 (SCHIP)
 6. Michelle's Law
 7. Medicare Part D Creditability
 8. Patient Protection and Affordable Care Act (PPACA)
- E. HIPAA pre-ex
- F. CMS reporting
- G. Domestic partners – tax and coverage issues
- H. 5500s

VII. The Welfare Plan Audit

- A. Who gets audited and what triggers an audit?
- B. The audit letter
- C. What to do to prepare for a welfare plan audit
- D. Key compliance steps to pass an audit with flying colors
- E. The penalties for non-compliance

VIII. Wellness Initiatives

- A. Discrimination issues
- B. HIPAA requirements

IX. National Healthcare Reform (PPACA)

- A. Cheat sheet introduction
- B. Legislation challenges in court. Why?
- C. Key provisions with compliance consequences
 - 1. Insurance carrier medical loss ratios, potential rebates
 - 2. Discrimination requirements
 - 3. Employer W-2 reporting
 - 4. Individual mandate (2014)
 - 5. Employer reporting (2014)
 - 6. Cadillac Tax (2018)

X. HIPAA Privacy and Security

- A. Two compliance paths
- B. Privacy rule
- C. Security rule
- D. The reality of the liability