



Benefits WEEKLY DIGEST

January 22, 2020

Diverse Stakeholders Ask Supreme Court to Promptly Hear ACA Case

"Multiple amici asked the Court not to leave the ACA in 'limbo' for many more years. Allowing the Fifth Circuit's decision to stand, they argued, would sow unnecessary confusion across the health care system.... If the Court grants the request for expedited consideration ... *Texas* could be heard and decided before the end of the court's term in June 2020." [Full Article](#)

Health Affairs

Health Plan Sponsors Welcome Repeal of Cadillac Tax

"Plan sponsors should note, however, that the reporting of the value of employer-provided coverage on the Form W-2 in Box 12, using Code DD, did not change. As a result, employers should continue to report the value on Form W-2.... Sponsors of self-insured health plans should continue to add payment of the PCORI fee to their compliance calendars, monitor applicable rates, and budget for the payments for the next 10 years. Insurers of fully-insured health plans are responsible for reporting and paying the PCORI fee." [Full Article](#)

Epstein Becker Green

Employment Data, Employee Benefits and the CCPA

"For programs subject to ERISA, there is certainly an argument that CCPA is preempted by ERISA -- but California has a history of challenging ERISA preemption claims, and until courts work through that issue, it's an open question. Moreover, if your company provides any benefit programs that are not subject to ERISA (for example, a dependent care FSA, an HSA contribution program or a salary continuation program for those on short-term disability leave), no pre-emption argument is available." [Full Article](#)

Warner Norcross & Judd LLP

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Readers should contact legal counsel for legal advice.

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Budget Spending Deal Contains Changes That Impact Employer-Sponsored Group Health Plans

"Beginning in 2017, tax-exempt entities were subject to Unrelated Business Taxable Income on the tax-exempt entity's costs for providing qualified transportation fringe benefits to its employees, which includes certain employee parking. The [SECURE Act] repealed this 'parking tax' as though it never existed.... In 2020, employers remain eligible for a business tax credit for certain employer-paid family and medical leave. Before the Act, this tax credit was set to expire in 2019.... The Departments recently issued a revised template for the SBC. Most of the revisions to the new SBC template are minor (e.g., grammatical and stylistic in nature) to make the SBC more reader-friendly to users." [Full Article](#)

Miller Johnson

Self-Funding Can Give Employers More Control Over Health Plans

"The key benefits employers derive from transitioning to a self-funded program are: [1] Enhanced cost benefit transparency into every aspect of the program; [2] Expense reduction; [3] Flexibility around plan design; [4] Access to claims data; [5] Better control of claims payments and investment income on reserves. [This article provides] an overview of the actuarial components of the employer-sponsored program: projecting claims and expenses, and evaluating an employer's budget and risk tolerance." [Full Article](#)

Milliman's Healthcare Town Hall

Questions Employees Are Asking in 2020 About ACA 1095-Cs

"[1] What is the 1095-C form? ... [2] When should I expect to receive it? ... [3] What am I supposed to do with this form? ... [4] What if I live in a state or jurisdiction that requires me to have health coverage? ... [5] Will I get this form again next year? ... [6] I heard the ACA was overturned in federal court. Does that mean it has gone away?" [Full Article](#)

International Foundation of Employee Benefit Plans

Form 1095-C **Employer-Provided Health Insurance Offer and Coverage** ☐ VOID ☐ CORRECTED **2019**

Department of the Treasury Internal Revenue Service

► Information about Form 1095-C and its separate instructions is at www.irs.gov/form1095c

Part I Employee

1 Name of employee 2 Social security number (SSN) 3 Street address (including apartment no.) 4 City or town 5 State or province 6 Country and ZIP or foreign postal code

Applicable Large Employer Member (Employer)

7 Name of employer 8 Employer identification number (EIN) 9 Street address (including room or suite no.) 10 Contact telephone number 11 City or town 12 State or province 13 Country and ZIP or foreign postal code

Part II Employee Offer and Coverage

14 Offer of Coverage (enter required code) 15 Employee (Share of Lowest Cost Monthly Premium, for Self-Only Minimum Value Coverage) 16 Applicable Section 504(c)(2) plan (enter code, if applicable)

Part III Covered Individuals

If Employer provided self-insured coverage, check the box and enter the information for each covered individual. ☐ (a) Name of covered individual (b) SSN (c) Covered at 12 months (d) Months of Coverage

17 18 19 20 21 22

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions. Cat No. 60705M Form 1095-C (2019)

Best Practices in Administering Benefit Claims: The Three C's

"[Be] clear, be consistent, and communicate. The key to effective benefit claim administration ultimately boils down to drafting and maintaining clear plan documents, implementing and enforcing plan terms consistently, and communicating clearly with plan participants and beneficiaries." [Full Article](#)

Proskauer