

Publications

Benefits Alert: 2019 Roundup: A Look Back at Employee Benefits Developments

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CLIENT ALERT | 12.11.2019

The Vorys Employee Benefits Team has drafted alerts covering an array of regulatory and legislative changes throughout the year. Below, we summarize (and link to) the various alerts that we published during 2019. If you have any questions about one of these alerts, contact your Vorys benefits attorney or any of the attorneys listed on that alert.

2019 Form 1095-C Updates (12/4/2019)

Summarizes changes to the IRS Form 1095-C: (1) delays the deadline to distribute the form to full-time employees until March 2, 2020; (2) adds new relief to skip the distribution of the IRS Form 1095-C to certain enrolled individuals who are not full time (like part-time employees, COBRA qualified beneficiaries and retirees) if certain conditions are met. The alert also describes required employer disclosures to support enforcement of state mandates for individuals to purchase health insurance coverage.

New California State Law Imposes Notification Requirements That May Affect Your FSAs (11/8/2019)

Summarizes the new California state law that takes effect January 1, 2020, and requires employers to notify employees in California of any deadline to withdraw funds from a flexible spending account (FSA) prior to the end of the plan year.

New Proposed Electronic Disclosure Rule Would Permit Information to be Posted on a Website ... But Only for Retirement Plans (11/6/2019)

Comparison between the new proposed safe harbor and the old (continuing) safe harbor for electronic disclosures by retirement plans of information required to be distributed under ERISA.

The Uncertain Status of Prescription Drug Copay Accumulator Programs (10/24/2019)

The U.S. Department of Health and Human Services issued guidance that would have prohibited the use of copay accumulator programs for manufacturer drug coupons unless a generic is available, but the IRS has expressed concern that HSA-compatible high deductible health plans are required to use such programs for all coupon payments. *This is still not resolved.*

Final Hardship Regulations Are Here – Get Ready to Amend Your Plans (10/2/2019)

The hardship distribution regulations are final. Certain mandatory administrative changes (such as removing the six-month suspension for making deferrals) must be implemented by 401(k) and other retirement plans by January 1, 2020. Plan amendments documenting the hardship distribution changes are required to be adopted by 2021 (the deadline during 2021 depends on the type of plan).

Beware Potential Benefit Plan Impacts of the Final Overtime Regulations (9/26/2019)

In regards to the release of the final overtime regulations, employers must weigh potential impact on employee benefits plans. Employers should review the eligibility and compensation definitions in their benefit plans so that they can determine whether changes to an employee's exempt status and overtime eligibility triggered by these final regulations impact the benefit plans.

Permissible Preventive Care under High Deductible Health Plans (7/22/2019)

In order to contribute to a health savings account (HSA), an employee must be enrolled in a HSA-compatible high deductible health plan (HDHP) and not have disqualifying health coverage (which would include any plan provisions that cover non-preventive care before the applicable HDHP deductibles are satisfied). This alert summarizes IRS guidance on the application of the preventive care exception for listed treatments for certain chronic conditions.

Two New Options for Health Reimbursement Arrangements (6/25/2019)

The ACA's prohibition on annual dollar limits for health plans generally limited health reimbursement accounts (HRAs). This alert summarizes the six types of permitted HRAs, including two new options: (1) an excepted benefit HRA and (2) an individual coverage HRA.

Federal Garnishments of Retirement Benefits (4/26/2019)

We have noticed an uptick in the number of plans that are receiving garnishment orders under the Federal Debt Collection and Procedures Act. Although the law is 27 years old, employers are surprised to find that ERISA does not preempt these garnishment orders issued by federal criminal courts.

Michigan Enacts a State-Wide Paid Sick Leave Law (1/7/2019)

Summarizes Michigan's Paid Medical Leave Act, which took effect in March 2019.

We also hosted webinars on **Missing Participants** (11/15/2018), **Employment and Severance Agreements** (1/30/2019), **COBRA Compliance** (4/25/2019), and **Qualified Domestic Relations Orders** (8/6/2019). Contact your Vorys benefits attorney if you would like to request a copy of the recording for any of these webinars.

As an added bonus, here are links to the annual inflation adjusted limits applying to [\[Group Health Plans\]](#) and to [\[Retirement Plans\]](#).

If you have a topic that you would like to see covered in a future client alert, please contact your Vorys benefits attorney or Jen Dunsizer at jbdunsizer@vorys.com.