

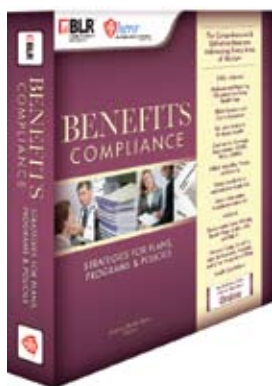
Finally, the compliance information tool that HR and Benefits Managers have been waiting for:

# Benefits Complete Compliance



The new exclusive online reference system providing everything you need to manage employee benefits plans with ease and confidence while avoiding administrative headaches:

- ✓ Sample benefits policies and forms, ready for easy customizing
- ✓ Plain-English explanation and analysis of benefits laws and regulations
- ✓ Up-to-the-minute reports on new benefits trends, requirements, and savings opportunities
- ✓ Practical advice for meeting the toughest benefits management challenges and avoiding legal and regulatory entanglements



## Bonus 1:

The comprehensive 400+ page **Benefits Compliance: Strategies for Plans, Programs & Policies** manual, your fast-find desktop reference loaded with clear and concise guidance. Available in binder format and online.



## Bonus 2:

Monthly issues of *Benefits Compliance Advisor*, alerting you to breaking benefits law news and delivering advice for meeting new challenges.

# Benefits Complete Compliance

*No benefits law attorney  
on speed dial?*

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**BONUS** 400+ page manual  
and monthly bulletin

**Benefits Complete Compliance: Strategies for Plans, Programs & Policies** is the new management information service that combines a vast online library of forms, policies, and reports, step-by-step instructions, and a comprehensive yet easy-reading manual prepared by leading benefits lawyers, just for employers.

When you try **Benefits Complete Compliance**, you'll get everything you need to:

- Answer benefits policy questions from employees, supervisors, and top executives, quickly and with confidence
- Assess employee claims and make decisions that comply with the myriad laws regulating workplace benefits
- Avoid the legal missteps that can result in administrative fines, arbitration awards, jury verdicts and worse
- Maintain sound benefits policies
- Execute reporting, filing, and record-keeping responsibilities
- And so much more

**Benefits Complete Compliance** integrates searchable online resources with a comprehensive benefits manual and a monthly update on benefits administration best practices to provide everything you need to overcome workplace benefits management challenges and fulfill compliance requirements.

## Benefits management guidance just a click away

### ERISA in General

- Plans covered by ERISA
- Section 510 claims
- Avoiding interference and retaliation claims

### Disclosure and Reporting Obligations for Group Health Plans

- ERISA disclosure requirements
- Summary plan description
- Summary of material modifications
- Summary annual report
- Distribution of participant disclosures
- Who may receive documents electronically
- Materials furnished upon written request
- Materials furnished to the secretary of the DOL
- Documents available for inspection
- Penalties for failure to comply with disclosure requirements
- COBRA general, election, subsidy, unavailability and early termination notices
- HIPAA notices for preexisting condition exclusions, special enrollment, and privacy
- HIPAA certificate of creditable coverage
- Women's Health and Cancer Rights Act (WHCRA) notice
- Newborns' and Mothers' Health Protection Act (NMHPA) disclosure
- Medicare Part D notice
- Michelle's Law notice
- Children's Health Insurance Program Reauthorization Act of 2009 notice
- Qualified medical child support orders procedures
- When and how to file Form 5500
- Filing deadlines and extensions
- What is reported on Form 5500
- Schedules to Form 5500
- Penalties for failure to file Form 5500

### ERISA Fiduciary and Claims Procedures

- What are fiduciary duties
- Who is and isn't a fiduciary
- Duties under ERISA
- Prohibited transactions
- Statutory and individual exemptions to prohibited transactions
- Fiduciary liability and penalties
- Correcting fiduciary breaches or prohibited transactions
- Claims procedures

- Time period for making a claim determination
- Notice of extension of time
- Appeals procedures
- Litigation and penalties

### Tax Laws and Employee Benefits

- Fringe and health benefits
- No-additional-cost services
- Qualified employee discounts
- Working condition fringe benefits
- Automobiles
- Cash payments
- Product testing
- De minimis fringe benefits
- Subsidized eating facilities
- Transportation fare
- Overtime
- Other meals
- Commuter vehicles, transit passes, parking, bicycle commuting
- Qualified moving expenses reimbursement
- Qualified retirement planning services
- Miscellaneous excludable fringe benefits
- Athletic facilities
- Lodging
- Life insurance
- Qualified employer educational assistance and tuition reduction programs
- Employee stock options
- Dependent care assistance
- Adoption assistance
- Achievement awards
- Nondiscrimination
- Valuation
- Cafeteria plans
- Reporting requirements
- Deferred compensation

### Laws Related to Group Health Plans

- Group health plans overview
- Individuals who must be offered COBRA
- Qualified beneficiaries
- Qualifying events
- Maximum COBRA coverage period
- Extension of the maximum coverage period
- COBRA premiums
- Penalties for noncompliance
- COBRA subsidy
- Plans subject to HIPAA portability
- Preexisting condition exclusion limitations and notices
- Creditable coverage
- Special enrollment periods
- Nondiscrimination requirements
- Administrative simplification provisions
- Privacy and security rules
- HIPAA penalties
- ARRA, HIPAA and HITECH Act requirements
- Required privacy policy and procedure changes
- Mental Health Parity and Addiction Equity Act
- Exemptions

Learn more or try risk

- Genetic Information Nondiscrimination Act (GINA)
- Group health plan limitations under GINA
- Newborns' and Mothers' Health Protection Act
- Women's Health and Cancer Rights Act requirements, notices and prohibitions
- Medicare secondary payer rules

### Continuation Coverage Requirements

- COBRA requirements
- Employers and plans subject to COBRA
- Qualified beneficiaries and events
- Coverage requirements
- COBRA premiums
- Notices and elections
- Early termination
- Extensions
- Noncompliance penalties
- Who is subject to FMLA and USERRA and requirements for health plan continuation
- Health care reform's impact on USERRA
- Who is subject to Michelle's Law
- Michelle's Law's requirements
- Health care reform's impact on Michelle's Law

### HIPAA Portability

- What employers and benefits are covered
- Benefits exempt from HIPAA
- Preexisting conditions
- Look-back and look-forward rules
- Certificate of creditable coverage
- Special enrollment
- Nondiscrimination
- Eligibility
- Premiums and contributions
- Permissible distinctions and favoritism
- Wellness programs
- Interaction with COBRA

### HIPAA Privacy and Security

- Protected health information
- Business associates
- The HIPAA privacy rule
- Permitted uses and disclosures of PHI
- Required disclosures
- Individual rights
- Notice of privacy practices
- Privacy personnel
- Workforce training and sanctions
- Data safeguards
- Complaints
- Duty to mitigate
- Retaliation and waiver
- Privacy policies and procedures
- Documentation and records retention
- Compliance timing
- The HIPAA security rule

- Risk analysis
- Implementation specifications
- Review and maintenance of security measures
- Administrative safeguards
- Security management process
- Workforce security
- Information access management
- Security awareness and training
- Security incident procedures
- Evaluation of security policies and procedures
- Physical and technical safeguards
- Workstation security
- Device and media controls
- Access control
- Audit controls
- Organizational requirements
- Policies, procedures, and documentation
- Compliance deadlines
- Breach notification
- Assessing the risk of harm
- Notification to individuals, media, HHS
- Notification by a business associate
- Electronic Data Interchange (EDI) standards
- Penalties and enforcement

### Other Group Health Plan Issues

- Medicare
- Secondary payer rules
- Medicare Part D
- Subsidy details
- Creditable coverage notification
- Medicare reporting
- Data match
- MSP mandatory reporting
- QMCSOs
- "Qualified orders"
- Reasonable procedures
- National Medical Support Notices
- Compliance with QMCSOs
- Genetic Information Nondiscrimination Act
- What genetic information is protected
- Discrimination
- Obtaining genetic information
- Inadvertent violations
- Confidentiality requirements
- Retaliation
- Restrictions on genetic information
- Penalties
- GINA's application to wellness plans
- Health risk assessments
- Interaction with ADA, Title VII, HIPAA, state genetic discrimination laws and FMLA
- Litigation
- Self-reporting requirements
- Policies and procedures
- Mental Health Parity and Addiction Equity Act requirements
- Employee assistance plans
- Self-insured plans
- Small employer/plan exemption
- Mental health conditions and substance use disorders

- Financial rules and treatment limits
- Special rule for prescription drugs
- Increased cost exemption
- Availability of plan information
- Newborns' and Mothers' Health Protection Act
- When the minimum stay begins
- Exception
- Interaction with state laws
- Women's Health and Cancer Rights Act application, notice requirements

### Other Laws That Impact Benefit Plans

- Statutes prohibiting discrimination
- ADEA
- Pension/retirement plans: what is permitted and prohibited
- Equal benefits
- When benefits do not need to be equal
- Equal cost defense
- Offsets
- Long-term disability
- Severance benefits
- Special rules affecting voluntary early retirement incentives
- Social security bridging
- Normal retirement bridging
- ADA
- Equal access to benefits
- Preexisting conditions
- Exemption for benefit plans
- Bona fide plan
- Underwriting risks
- Not a subterfuge for discrimination
- Title VII
- Cost and actuarial tables not a defense
- Special impact on pregnancy
- Retirement benefits
- Health insurance benefits
- Continuation/restoration rights—FMLA
- Continuation rights for employee benefits
- Continuation of group health benefits
- Payment of premiums
- USERRA
- Benefit continuation and restoration rights
- Seniority rights
- Rights not based on seniority
- Employee pension benefit plans

### Other Employer-Provided Fringe Benefit Plans

- Leave-related benefits
- Workers' compensation
- Social Security disability benefits
- Disability income plans
- Unemployment insurance
- Severance and supplemental unemployment benefits
- Vacation
- FMLA and related leave
- Social Security
- Life insurance
- Educational and tuition assistance

- Qualified transportation fringe benefit plans
- Adoption assistance
- Dependent care assistance
- Relocation assistance
- Employer-provided meals and lodging
- Stock-based employee compensation and benefits
- Nonqualified deferred compensation programs - Section 409A

### Federal Health Care Reform

- Individual and employer responsibilities
- Employers that offer no coverage
- Employers that offer insufficient coverage
- Exchanges
- Grandfathered plans
- Immediate changes to group health plans
- Prohibition of rescissions
- Lifetime and annual coverage limits
- Preventive services
- Patient protections
- Emergency services
- Primary care providers
- Obstetrical and gynecological care
- Extended coverage for dependents
- Prohibition of preexisting condition exclusions for dependents under age 19
- Mental Health Parity and Addiction Equity Act requirements
- Clinical trials
- Retiree reinsurance program
- Future changes to health plans
- Health insurance rating limits
- Guaranteed availability and renewal
- Prohibition of preexisting condition exclusions
- Prohibition on excessive waiting periods
- Prohibition of discrimination based on health status
- Wellness programs
- Taxes and penalties
- "Free choice vouchers"
- Small business exemptions and tax credits
- Tax on high-end ("Cadillac") plans
- Minimum essential coverage
- Recordkeeping and administration issues
- Internal and external appeals processes
- Uniform explanation of coverage documents
- Automatic enrollment
- Employer notice requirements
- Employer coverage reporting
- Health insurance coverage value included on W-2s
- Other changes/issues of interest to employer-sponsored coverage
- Employer participation in an exchange
- Effects on HSAS, MSAS, FSAS, and HRAS
- CLASS Act



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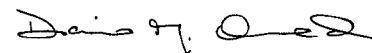
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President & Publisher

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Here are two suggestions.



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Attorney **Jessica Webb-Ayer** was the editor of *Benefits & Compensation Law Alert* and *Benefits & Compensation Law for Nonprofits*. She has written and edited several publications on labor and employment law, including the *Basic Training for Employees* series and the trainer's guides for the revised editions of *Stop Sexual Harassment: Interactive Training for Supervisors* and *Stop Sexual Harassment: Interactive Training for Employees*.