

Compliance

News to Know

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Government Agencies have been BUSY.

The tax deadline sunset and federal agencies began churning out regulations affecting employers' HR & Benefits Departments.

Let's run down the list; find additional links to resources on page 3.

- [Fact Sheet](#) – DOL defines an Investment Advice Fiduciary
- [Fact Sheet](#) – HIPAA Privacy Rule to Support Reproductive Health Care
- [News Release](#) – HHS Strengthens Nondiscrimination Protections in Health Care
- [Fact Sheet](#) – DOL Rescinds 2018 Association Health Plan Rule
- [Summary of Final Rule](#) – FTC Bans Noncompetes Nationwide
- [Final Rule](#) – DOL Increases Minimum Salary for many Exempt Employees (Changes start on page 130 of [this PDF](#))

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BENEFITS WATCH

2nd Wednesday each month at 1 pm EST

May 8 – The CAA Revisited

June 12 – Fiduciary Duties

July – 10 – Transparency in Coverage

[Register Here!](#)

Upcoming Deadlines

- ✓ **June 1** – RxDC Report due
[File online via CMS Reporting Instructions](#)
- ✓ **July 31** – PCORI Fee due for self-funded plans. Complete IRS [Form 720](#)
- ✓ **July 31** – File Form 5500 or Form 5558 for an extension via [eFAST2](#)

Access the [2024 Benefits Compliance Checklist](#) or ask your Patriot Advisor.

The Rundown

- Blog: [Benefits of a Fiduciary Committee](#)
- Article: [COBRA Notices](#) – How not to be Deficient using Model Notices
- News: [New York Mandates Paid Prenatal Leave](#)
- Employers: Pregnant Workers' Fairness Act – [guidance for compliance at EEOC's website.](#)
- Article: [Cover your Bases on RxDC Reporting](#)
- CMS: [RxDC Reporting Resources](#)
- IRS: [FAQ about Work-Life Referral Services](#)
- External: [Medicare Part D Changes](#) Eff. 2025



May 8th Webinar

[The CAA Revisited](#) at 1pm Est.

Transparency, disclosures, & a pandemic. The past four years have been both a compliance beast & blur. With numerous regulations created during the pandemic, it's worth 45 minutes to review group health plan requirements under the Consolidated Appropriations Act (CAA). These include broker compensation oversight; gag clause attestation; continuity of care requirements; & RxDC reporting. Join Patriot's Benefits Compliance Counsel, Olivia Ash, as she reviews a plan checklist for CAA compliance.

Continued from Page 1: Agencies Shake Things Up!

- **What does it mean to “render investment advice for a fee?”** [The Final Rule](#)
- **Supporting reproductive care:** [The Final Rule](#) & summary:
 - Definitions: “Health Care” now includes reproductive health care → meaning it relates to all reproductive system functions & processes. Other definitions updated.
 - Prohibited Use – the final rule prohibits use or disclosure of PHI by a covered entity or business associate for a criminal, civil, or admin. investigation against a person in connection with seeking, obtaining, etc. reproductive health care, where lawful. This includes a restriction on using PHI to identify a person under such circumstances.
 - If an entity receives a request for PHI, they must sign an attestation. Content and distribution requirements are outlined in the rule.
 - An entity must update their [Notice of Privacy Practices](#) by February 16, 2026, yet [HIPAA training](#) must be updated by December 22, 2024, to reflect rule changes.
 - Restrictions on disclosure to law enforcement are outlined.
- **DOL says the 2018 AHP Rule was a “significant departure” from longstanding rules & “based on an unreasonable interpretation of ERISA.”** [Read the Rule Summary.](#)
- **FTC bans noncompetes nationwide → [but there are carve outs.](#)**
 - Existing noncompetes for most workers will no longer be enforceable after the rule’s effective date.
 - Existing noncompetes for senior executives - who represent less than 0.75% of workers - can remain in force under the FTC’s final rule, but employers are banned from entering into or attempting to enforce any new noncompetes, even if they involve senior executives. The final rule defines *senior executives* as workers earning more than \$151,164 annually and who are in policy-making positions.
 - Employers will be required to provide notice to workers other than senior executives who are bound by an existing noncompete that they will not be enforcing any noncompetes against them.
 - The Commission has included [model language](#) in the final rule that employers can use to communicate to workers.
 - The [final rule](#) will become effective 120 days after publication in the Federal Register.

Reduce Fiduciary Liability Exposure

[Benefits Law Update](#)

Recall that ERISA (that law that governs benefits plans) requires plan sponsors (AKA, employers) to govern plans with prudence. What does that look like?

5 ERISA Fiduciary Duties for Plan Sponsors:

1. Act solely in the interest of plan participants & their beneficiaries with the exclusive purpose of providing benefits to them;
2. Carry out duties prudently;
3. Follow the plan documents;
4. Hold plan assets in trust; and
5. Pay only reasonable plan expenses.

Do you know who is making discretionary decisions about your plan? Reducing exposure requires oversight, and an element of that is to establish processes.

Below are **8 steps** [this law firm](#) suggests **to reduce fiduciary liability exposure:**

1. Identify fiduciary acts concerning the group plans.
2. Segregate fiduciary and plan design functions.
3. If insured, extend to benefits plan activities.
4. Carefully review plan providers disclosures.
5. Comply with transparency rules.
6. Review all plan agreements.
7. Review provider pricing regularly.
8. Create a compliance calendar/checklist.

ERISA [on the DOL's website.](#)