

COMMON COMPLIANCE QUESTIONS ASKED DURING OPEN ENROLLMENT

AND HOW TO ANSWER THEM

WELLNESS PLAN CONSIDERATIONS

1. Implications of Being a Group Health Plan
 - a. Documentation
 - b. Continuation
 - c. GHP Laws
2. Is Wellness an Excepted Benefit?
3. Comparing HIPAA and ADA Wellness Rules
4. Is It OK to Use a Health Risk Assessment (HRA)?
5. Required Notices and Disclosures
6. Third Party Wellness Vendors
7. Impact of Recent Court Cases
8. Reminder About On-Site (or Off-Site) Clinics

EMPLOYER SIZE AND COMPLIANCE LAWS

1. When Does a Change in Size Matter?
2. Different Methods of Counting Employees
3. Reviewing the Counting Methods Chart with Your Clients

MEASUREMENT AND STABILITY PERIODS

1. Has All Transition Relief Ended?
2. Review of Who and How to Count Employees
3. Determining the Plan's Eligibility Definition
4. Policy for Identifying FT Employees
5. Remember ERISA Section 510

AFFORDABILITY

1. What's Changed Over the Last Year?
2. Safe Harbor Calculations
3. Impact of Other Contributions
 - a. FSAs, HRAs, HSAs
 - b. Flex Credits
 - c. Opt-Out Payments
- d. Wellness Incentives
4. Disclosure in Exchange Notice

NONDISCRIMINATION TESTING

1. Who Needs to Perform Tests?
2. Safe Harbors – Use Them!
3. Test Factors
 - a. Employers
 - b. Plans
 - c. Employees
4. Plan Design Considerations
5. What are the Risks?
6. Who Can Help?