

Top 10 Issues Facing Employers in 2017

HIPAA

- **Not just for health care providers**
- **Audits by the Office of Civil Rights are a growing priority**
- **Hackers, malware, ransomware and other breaches**

Nondiscrimination (1557)

- Prohibits discrimination on the basis of sex, etc.
- Does “sex” include sexual orientation, gender identity, etc.? *It depends.*
- Injunction in *Franciscan Alliance* against gender identity protection and abortion

Payor-Provider Litigation

- Payors asserting own role in enforcing laws (*Humble Surgical Hospital*)
- Payors continue to police excessive charges, out-of-network scams and patient responsibility waivers

Payor-Provider Litigation

- **Providers pushing back:**
- Seeking UCR information to challenge claims of excessive charges
- Allegations of unfair dealing (e.g. FSERs)

- **Derivative causes of action under assignment of benefits**

Regulations on hold

- **FLSA Exempt/Non-Exempt**
- **DOL “fiduciary rule”**

Mental Health Parity and Addiction Equity Act

- What is the MHPAEA?
- Common Pitfalls
- Administrative Services Agreement considerations
- Penalties!

Telemedicine

- **Highly dependent on state law
(Medicare changes coming?)**
- **Many employers using it where state
law allows**
- **Texas deal currently in the legislature**

Health Savings Account Refresher

- What is an HSA?
- Nondiscrimination rules versus comparability rules.
- Pros and cons of HSAs.

Expatriate Plans

- Expatriate Health Coverage Clarification Act of 2014 (EHCCA) and Proposed Regs
- What is an expatriate plan?
- PCORI fees do not apply
- Employer mandate (and reporting) does apply
- Exempt from medical loss ratios

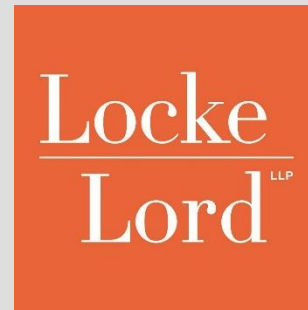
Wellness Programs

- Design considerations – carrot vs. stick
- Incentive limits under the ACA vs. EEOC final regs
- Prohibited from requiring genetic info

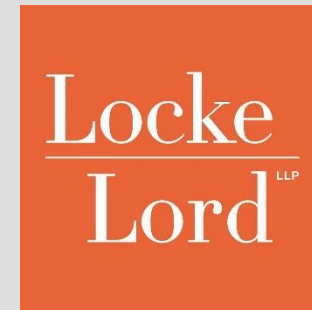
Changes to form of Summary of Benefits and Coverage (SBC)

- Substantive changes to coverage examples and “Common Medical Events” section
- Section 1557 attachment may be required
- Effective first day of the first open enrollment period that begins on or after April 1, 2017

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Q&As?



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