



UBA
Benefits & Employment Briefing

A quarterly newsletter
about benefits and
employment trends



Fall 2019

IRS Releases New Guidance on Applicability of Employer Mandate and Nondiscrimination Testing to ICHRAs

Earlier this year, the Departments of Treasury, Labor, and Health and Human Services issued final regulations creating a new individual coverage HRA (ICHRAs). However, the final regulations did not explain how employers can establish and administer ICHRAs in compliance with affordability requirements under the ACA and nondiscrimination requirements under the Internal Revenue Code.

[Read more](#)

HIPAA Compliance: Responding to Orders and Subpoenas Requesting an Employee's Health Information

Employers commonly receive requests from an attorney, a court, or administrative agency for

New Overtime Rule under the Fair Labor Standards Act

The Department of Labor recently announced a new overtime rule that expands employers' obligations to pay overtime to an estimated 1.3 million workers. The new rule increases the minimum salary threshold for FLSA white collar exemptions to approximately \$35,568 per year, which is a moderate increase from the current threshold of around \$23,660 per year.

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Is Your VEBA a MEWA? If So, You May Be Subject to the Annual Fee on Health Insurance Providers

The Court of Federal Claims recently determined that Voluntary Employees' Beneficiary Associations (VEBAs) constituting Multiple Employer Welfare Arrangements (MEWAs) are subject to the annual fee on health insurance

information regarding one of its employees. However, what if the information being requested is health-related information? Will the employer violate HIPAA by complying with the request?

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DOL Releases New MHPAEA Guidance

The new FAQs primarily address nonquantitative treatment limitations and include a new model form that individuals can use to request information regarding their benefits governed by the Mental Health Parity and Addiction Equity Act of 2008.

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providers imposed under Section 9010 of the Patient Protection and Affordable Care Act (ACA). Employers taking advantage of VEBA's and MEWAs should assess the applicability of this ruling to their arrangement.

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