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▶ HEALTH CARE REFORM: WHAT’S™S GONE AWAY? AND WHAT’S™S COMING IN 2012?

The tide of regulations interpreting the 2010 Patient Protection and Affordable Care Act (PPACA) began to ebb in 2011, and portions of the law have even been repealed or put on hold.

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▶ DEADLINES APPROACHING FOR RETIREMENT PLAN AMENDMENTS

Once again, amendment season is upon us. Sponsors of tax-favored retirement plans should keep in mind the many required amendments for which a year-end deadline is fast approaching.

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▶ HEALTH PLAN ASSESSED DOUBLE DAMAGES FOR MSP VIOLATION

A federal appeals court has held that the Medicare Secondary Payer (â€œMSPâ€) Act authorizes a medical provider to sue an employer health plan for *double damages* when the plan fails to comply with the MSP Act.

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▶ EXTENSION OF TRADE ADJUSTMENT ASSISTANCE AFFECTS CERTAIN COBRA COVERAGE

▶ FAILING TO NOTIFY PARTICIPANTS OF PLAN CHANGES CAN BE COSTLY

Among ERISAâ€™s many notice and disclosure obligations, the requirement to timely inform participants of important plan changes is one that is too often overlooked.

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▶ INVESTMENT PROVIDERS AND ADVISORS MAY NOW PROVIDE â€œCONFLICTEDâ€ ADVICE TO PLAN PARTICIPANTS

Both the Employee Retirement Income Security Act (â€œERISAâ€) and the Internal Revenue Code (the â€œCodeâ€) generally prohibit fiduciary investment advisers from receiving compensation from the investment vehicles that they recommend to plan participants and IRA holders. [Read more](#)

▶ LOSS OF PRIVILEGE: ANOTHER REASON NOT TO GIVE THE â€œCOMPANYâ€ A FIDUCIARY ROLE

In our efforts to help plan sponsors minimize their fiduciary risk, we consistently advise against giving the sponsoring employer a fiduciary role. Designating the â€œcompanyâ€ or â

The Trade Act of 2002 created a health care tax credit (HCTC) for certain individuals who become eligible for trade adjustment assistance (â€œTAA eligible individualsâ€), as well as for certain retired employees who are receiving pension payments from the Pension Benefit Guaranty Corporation (PBGC recipients).

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â€œemployerâ€ as an ERISA fiduciary can unintentionally subject the employerâ€™s executive officers and board of directors to ERISAâ€™s fiduciary standards, and potentially to personal liability.

[Read more](#)