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“Wisdom consists of the
anticipation of consequences.”

Norman Cousins

A quarterly newsletter about employee benefits and current issues

Third Quarter 2011

▶ HHS PROPOSES GUIDANCE ON ACA "EXCHANGES"

A cornerstone of last year's Affordable Care Act ("ACA") was the establishment of state-based "American Health Benefit Exchanges." These Exchanges are to serve as health insurance clearinghouses, allowing health care consumers to connect with insurers. Each Exchange must also maintain a "Small Business Health Options Program" (or "SHOP"), through which small employers may obtain health insurance for their employees.

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▶ SUPREME COURT DECISION REQUIRES NEW FOCUS ON PARTICIPANT COMMUNICATIONS

A long-awaited ruling issued by the United States Supreme Court this spring gives employers both reason to celebrate and cause for concern. The Court's decision in *CIGNA Corp. v. Amara* (May 16, 2011) reaffirms that courts will not enforce benefit rights that are described in a summary plan description ("SPD") as if those rights were actually set forth in the plan document

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▶ REVISITING GRANDFATHERED STATUS FOR 2012

2011 has been a big year for grandfathered and non-grandfathered group health plans alike. A number of significant changes mandated by the Affordable Care Act ("ACA") took effect for both types of plans.

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▶ AGENCIES ADOPT ADDITIONAL GUIDELINES FOR WOMEN'S PREVENTIVE SERVICES

The Affordable Care Act ("ACA") requires group health plans (other than plans that are "grandfathered") to cover a list of preventive health services. Earlier this month, the three agencies charged with administering the ACA issued additional rules describing women's preventive services that must also be covered.

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▶ FORM 8955-SSA FILING DUE DATE EXTENDED

The Internal Revenue Service ("IRS") has replaced Schedule SSA to the Form 5500 with a new Form 8955-SSA ("Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits"), beginning with the 2009 plan year. The IRS has now released the 2009 Form 8955-SSA. It has also extended the August 1, 2011, deadline for the 2009 and 2010 filings.

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