

*"This publication is only for general informational purposes and is not intended as specific legal or insurance advice. Please contact Bollinger directly to discuss your specific needs."*

## Legislative/Regulatory News

### **NY Governor: Allow Mini-COBRA Second Chance**

New York Gov. David Paterson has proposed giving workers at small companies another chance to apply for so-called mini-COBRA coverage despite declining it initially. Click [here](#) to continue.

### **IRS Posts Added Info about Employer COBRA Tax Break**

Employers can get some help in implementing the new rules for getting tax credits to cover their additional COBRA premium payments put in place as part of the federal government's economic stimulus package. Click [here](#) to visit the IRS website and access detailed information on the COBRA payments and employer responsibilities under the new law.

### **EBSA Provides COBRA Subsidy Publications**

Documents regarding the COBRA subsidy included in the American Recovery and Reinvestment Act (ARRA) are now on the Department of Labor's Employee Benefits Security Administration's (EBSA) Web site. Click [here](#) for links to information for employers and employees in English and Spanish.

### **IRS Releases Tax Withholding Tables to Reflect ARRA Provision**

The IRS has released new withholding tables that incorporate the new "Making Work Pay" credit. This provision dictates that workers receive a rebate/credit for the 2009 and 2010 tax years of the lesser of \$400 for individuals and \$800 for couples, or 6.2% of earned income. The credit will be received by workers in their net paycheck through adjusted tax withholding tables. Click [here](#) for the new tables and instructions from the IRS.

### **Reduced Fees Start Now - and Other Misconceptions About New COBRA Regulations**

It's after March 1 and that means COBRA participants can start paying 35% of their fees, right? Wrong. Click [here](#) to continue.

### **Children's Health Insurance Program Reauthorization Act of 2009**

The Act amends the Internal Revenue Code (the "Code"), the Employee Retirement Income Security Act of 1974 (ERISA) and the Public Health Service Act (PHSA) to include a new special enrollment right for employees and dependents who lose coverage under a Medicaid

or a State Children's Health Insurance Program under titles XIX and XXI of the Social Security Act (referred to, respectively, as "Medicaid Plan" and "State Plan"). The Act also allows states to provide premium assistance for low-income children to enroll under qualifying employer coverage and imposes certain notification requirements on plan sponsors. Click [here](#) to continue.

## **Firms Adjust to FMLA Revamp**

The Family and Medical Leave Act just got a huge makeover, with major implications for employers across the country. Click [here](#) to continue.

## **EEOC Issues Proposed Regulations on GINA'S Employment Nondiscrimination Requirements**

The Genetic Information Nondiscrimination Act of 2008 (GINA) was enacted to prevent discrimination on the basis of genetic information in health insurance and employment. The EEOC has now issued proposed regulations focusing solely on GINA's employment nondiscrimination requirements. Click [here](#) to continue.

## **CMS Delays MSP Mandatory Reporting for HRAs and Provides Other Guidance for Group Health Plans**

CMS has updated the User Guide for group health plans on its Medicare Secondary Payer (MSP) mandatory reporting website. Like the earlier versions of the guide, the updated version covers a wide range of topics relevant for the "responsible reporting entities" (RREs) who must provide information to CMS in order to help CMS identify situations in which the plans are (or have been) primary to Medicare. Click [here](#) to continue.

## **Devil is in the Details of Required Minimum Distribution Suspension**

As a result of massive stock market losses, and to prevent retirees from being forced to liquidate 401(k) and IRA investments that had lost value, The Worker, Retiree and Employer Recovery Act of 2008 was passed in late 2008. among other provisions related to retirement plans WRERA suspends for 2009 IRS rules that compelled retirees age 70 1/2 and older to take required minimum distributions from defined contribution retirement plans and IRAs. Click [here](#) to continue.

## **Question of the Month: CDHC & Cafeteria Plans**

QUESTION: Our company contributes to its eligible employees' HSAs, but we are concerned that many employees may be using their HSAs to pay for nonmedical expenses. Can we try to discourage our employees' nonmedical spending by adding a debit card that restricts payments and reimbursements to medical expenses? Click [here](#) for the answer.

### **Benefit Trends**

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## **Health Care 2009: Budgeting for Change**

Outlining a bold set of initiatives that would increase the role of government well beyond the boundaries sketched out by the \$787 billion economic stimulus package, President Barack Obama has proposed a 2010 budget supporting his commitment to expanding a range of domestic programs, redistributing wealth to middle- and lower-income families,

and reforming the health care system. Click [here](#) to continue.

## **House Subcommittee Focuses on Employer Costs in Health Reform Hearing**

During a House Education and Labor Subcommittee on Health, Employment Labor and Pensions hearing last week, witnesses and lawmakers discussed how to address the issue of employers providing their workers health insurance and also paying in part for uncompensated care. Click [here](#) to continue.

## **Survey Finds Nearly 20% of Employers Plan to Drop Health Benefits**

Nineteen percent of employers responding to a new survey are planning to stop offering health benefits over the next three to five years, nearly five times as many as the 4 percent that said they were planning an exit strategy last year. Click [here](#) to continue.

## **Employee Free Choice Act May Prompt Employers to Review Benefits**

Despite economic pressures, some employers may want to increase their benefits offerings to discourage workers from organizing if proposed legislation that would make it easier to unionize workplaces becomes law, experts say. Click [here](#) to continue.

## **It's All In Your Head**

Successfully implementing a value-based benefits design may hinge on changing workers' attitudes toward health care quality and cost. Click [here](#) to continue.

## **Finding Bogus Beneficiaries**

Seeking to rapidly cut costs as the economy sours, a growing number of U.S. employers are zeroing in on workers who are collecting health benefits for which they aren't eligible. Click [here](#) to continue.

## **An ER Alternative**

A pilot program in Camden, NJ has successfully reduced emergency department admissions and costs by targeting a small number of patients responsible for "racking up huge medical bills and straining already crowded ED," Kaiser Health News and the Philadelphia Inquirer reports. Click [here](#) to continue.

## **Chipped Teeth**

Dental coverage remains a low-cost benefit for employers and a desirable one for employees. Yet given the economic climate, are they recession-proof? Click [here](#) to continue.

## **A New Perspective on EAPs**

What is the definition of employee assistance? What is the value proposition for employers to provide employee assistance programs? What should these programs look like, and how should the effectiveness of EAPs be measured? These are all questions addressed in the *Employer's Guide to Employee Assistance Programs*, a new publication from the National Business Group on Health. Click [here](#) to continue.

### **Aetna's Customer Link Small Group Newsletter**

Click [here](#) to read the most recent issue.

### **Guardian Receives A.M. Best's Highest Rating A++ (Superior)**

In uncertain economic times, the financial strength and stability of an insurance company becomes a key factor in the selection process. Click [here](#) to continue.

### **Health Net Makes Important Change to Small Group Recertification Process**

Commencing with groups renewing on and after June 2009, Health Net will be enforcing the policy to recertify that their New Jersey small group clients qualify as small businesses under New Jersey law. In accordance with New Jersey law, groups must be recertified every year to qualify for the New Jersey Small Employer Health Program. If they fail to recertify, Health Net cannot renew their coverage. Please note that Health Net had not been nonrenewing New Jersey small groups that did not respond due to the Guardian transition. This is changing starting with the June 2009 renewals.

### **Bayonne Medical Center is No Longer in Horizon's Hospital Network**

Click [here](#) to read the Broker eBriefing from Horizon.

### Of Interest

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### **Wal-Mart Plans to Market Digital Health Records System**

Wal-Mart is striding into the market for electronic health records, seeking to bring the technology into the mainstream for physicians in small offices, where most of America's doctors practice medicine. The company plans to team its Sam's Club division with Dell for computers and eClinicalWorks, a fast-growing private company, for software. Wal-Mart says its package deal of hardware, software, installation, maintenance and training will make the technology more accessible and affordable, undercutting rival health information technology suppliers by as much as half. Click [here](#) to continue.

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