

Affordable Care Act, HIPAA and COBRA Compliance

Attorneys in our Employee Benefits Group counsel benefit plan sponsors regarding the provision of benefits in compliance with various federal laws including the Affordable Care Act, Health Insurance Portability and Accountability Act (HIPAA) and COBRA. Such counseling involves the development of practices and policies, required notices and defending employers against audits by regulatory authorities.

Additionally, we actively monitor changes and regulatory enforcement of these laws. We also regularly educate our clients on aspects of the Affordable Care Act, HIPAA and COBRA by hosting seminars, conducting training sessions and provided newsletter articles on related topics.

Experience

Below is a representative sample of the types of services we provide our clients in connection with Affordable Care Act compliance:

- ✓ Evaluating “grandfathered” status, whether plan changes will impact this status and the impact of loss of this status.
- ✓ Reviewing and drafting summaries of benefits and coverage.
- ✓ Advising as to compliance with various mandates including the dependent coverage and the preventive care coverage mandate, and waiting period rules.
- ✓ Counseling regarding compliance with the employer shared responsibility “Pay or Play” requirements of Code Section 4980H, including: Determinations of “applicable large employer status;” Determination of “full-time” employment status; and Assistance preparing annual pay-or-play reports (Form 1094s and 1095s).

Below is a representative sample of the types of services we provide our clients in connection with HIPAA compliance:

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- ✓ Conducting a HIPAA privacy risk assessment.
- ✓ Developing and drafting HIPAA privacy policies and procedures.
- ✓ Conducting training for staff that access protected health information.
- ✓ Amending plan documents to comply with HIPAA.
- ✓ Preparing HIPAA-compliant authorization forms.
- ✓ Working with the information technology experts to ensure compliance with HIPAA security rules related to electronic protected health information.

Below is a representative sample of the types of services we provide our clients in connection with COBRA compliance:

- ✓ Preparation of all required COBRA notices.
- ✓ Updating plan and SPD language to be COBRA-compliant.
- ✓ Advising as to COBRA obligations in connection with severance agreements, leaves of absence, and mergers and acquisitions.
- ✓ Advising as to the interplay between COBRA and Medicare.

News, Events, and Publications

Wes Covert, Monica Lasky and Chad DeGroot Will Examine COBRA Subsidies and Legal Requirements Under the American Rescue Plan Act in Upcoming Laner Muchin Webinar

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