January 2023 Compliance Recap

Presented by United Benefits Advisors

2023 began quietly as the dust settles around open enrollment and the plan changes that can come with it.

PROPOSED END TO THE PUBLIC HEALTH EMERGENCY AND THE COVID-19 NATIONAL EMERGENCY

In a [statement](https://www.whitehouse.gov/wp-content/uploads/2023/01/SAP-H.R.-382-H.J.-Res.-7.pdf) made through the Office of Management and Budget on January 30, President Biden announced his intention to end both the Public Health Emergency and the COVID-19 National Emergency on May 11, 2023. This is months later than both were set to expire and allows a much-needed wind-down period to the years-long protections, funding, and flexibilities these provided. Employers are encouraged to consult with their advisors to see how these changes may impact coverage.

DOL ANNOUNCES 2023 PENALTIES FOR HEALTH & WELFARE PLAN COMPLIANCE ERRORS

The U.S. Department of Labor (DOL) recently issued its [annual adjusted amounts](https://www.govinfo.gov/content/pkg/FR-2023-01-13/pdf/2023-00271.pdf) for a broad range of penalties assessed after January 15, 2023, for benefit-related violations that occur after November 2, 2015. These include failure to provide employees a Summary of Benefits and Coverage (SBC), failure to file an annual Form 5500, and failure to furnish plan-related information requested by the DOL.

DOL RELEASES ITS REGULATORY AGENDA FOR FALL 2022

In January, the Biden Administration released its Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions. The [list](https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPubId=202210&showStage=active&agencyCd=1200) outlines the schedule of employee benefit regulatory items from the U.S. Department of Labor in the Prerule, Proposed Rule, and Final Rule review stages. The schedule includes items ranging from requirements related to air ambulances services, to improvements to Form 5500, to coverage of certain preventive services under the Affordable Care Act.