



Jose J. Mendez – Benefits Advisor

Employee Benefits Security Administration

EBSA'S MISSION STATEMENT

The mission of the Employee Benefits Security Administration is to assure the security of the retirement, health and other workplace related benefits of America's workers and their families. We will accomplish this mission by developing effective regulations; assisting and educating workers, plan sponsors, fiduciaries and service providers; and vigorously enforcing the law.



FY 2019 AGENCY RESULTS



- **\$2.57 Billion in direct monetary results for plans, participants and beneficiaries**
- **1,146 Civil Investigations closed**
 - 67% Closed with Monetary Results or other Corrective Action
- **275 Criminal Investigations Closed**
 - 80 Individuals with Guilty Pleas or Convictions
 - 76 Individuals Indicted
- **1,600 Voluntary Fiduciary Correction Program Applications Received**
- **20,088 Delinquent Form 5500s Received**

OUTREACH, EDUCATION AND ASSISTANCE

- EBSA's Benefits Advisors
 - Individualized Assistance/Info to:
 - Plan Participants
 - Employers
 - Plan Officials
 - Service Providers
 - Informal Dispute Resolution
- FY 2019 Results
 - 166,627 Inquiries
 - \$510.0 Million in Benefits Recovered Through Informal Dispute Resolution
 - 501 Investigations Opened from Inquiry Referrals



ERISA

ERISA has been amended by many laws, including:

Consolidated Omnibus Budget Reconciliation Act (COBRA)

Health Insurance Portability and Accountability Act (HIPAA)

Newborns' and Mothers' Health Protection Act (Newborns')

Mental Health Parity Act (MHPA) &
Mental Health Parity and Addiction Equity Act (MHPAEA)

Women's Health and Cancer Rights Act (WHCRA)

Affordable Care Act (ACA)

Pension Protection Act (PPA)

21st Century Cures Act



COBRA

CONSOLIDATED OMNIBUS BUDGET
RECONCILIATION ACT

WHAT IS COBRA CONTINUATION COVERAGE?

- ◎ It is continuation coverage that group health plans are required to offer to qualified beneficiaries (i.e., employees, spouses, dependents) when group health plan coverage would otherwise be lost due to a qualifying event (such as termination or reduction of hours of employment, divorce, death of covered employee, etc.).

PLANS SUBJECT TO COBRA

Is your health plan subject to COBRA?

Yes, if it is:

- A group health plan;
- Sponsored by a private sector employer;
- That employed at least 20 employees in previous calendar year





HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)



HIPAA SPECIAL ENROLLMENT

- Requires a group health plan to allow an employee/spouse/dependent to enroll for coverage upon loss of other group health coverage
- Employee must request special enrollment from the other plan within 30 days of loss of coverage
- Coverage becomes effective 1st of the month following application



THE AFFORDABLE CARE ACT: MARKET REFORM PROVISIONS FOR EMPLOYER-BASED HEALTH PLANS





OVERVIEW

Provisions regarding:

- Grandfathered plans
- Dependent coverage to age 26
- Lifetime and annual limits
- Preexisting condition exclusions
- Preventive services
- 90-day waiting period
- Internal claims and appeals and external review

Individual Coverage in the Health Insurance Marketplace

- * One-stop shopping to find and compare private insurance options
- * Compare coverage, premiums, deductibles and out-of-pocket costs before enrolling
- * May be eligible for a tax credit to lower monthly premiums and out-of-pocket costs
- * Losing job-based coverage is a special enrollment event

Health Insurance Marketplace

- * To qualify for special enrollment, select a plan within 60 days before or within 60 days after loss of job-based coverage.
- * The date your coverage will start depends on when you select a plan.
- * Visit [HealthCare.Gov](https://www.healthcare.gov) for more info

Time Limits for Deciding Group Health Claims

* <u>Type of Claim</u>	<u>Initial</u>	<u>Appeal</u>
* Urgent care	72 hrs	72 hrs
* Pre-service	15 days*	30 days
* Post-service	30 days*	60 days

* * 15-day extension available



Filing an Appeal if Your Health Benefits are Denied

- Plan Information and SPD
- Keep Records and Copies
- Know Who to Speak With at The Plan
- Contact EBSA (866) 444-3272



Self-insured v. Fully-insured

- * Collection of premiums or contributions
- * Assumption of risk for claims

EBSA Contact Information

* EBSA website:

<https://www.dol.gov/agencies/ebsa>

* EBSA web inquiries:

<https://www.dol.gov/agencies/ebsa/about-ebsa/ask-a-question/ask-ebsa>

* EBSA (questions and publications):

866-444-EBSA (3272)