

# Hamilton Headlines

AUGUST 24, 2015



## Voluntary Benefits: What Employers Are Looking For

Voluntary benefits such as critical illness, accident, cancer and other worksite voluntary benefits are growing in demand among employers and their employees, with some even gaining in popularity on long-standing ancillary benefits such as vision and dental. Yet, while some ancillary benefits practically sell themselves, brokers need to have a more strategic sales approach to find success selling worksite voluntary benefits, industry experts say.

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## Prevention Task Force Recommends Depression Screenings for Pregnant Women

One in seven women experience

## New Law Affects Form 5500 Filings, Employer Mandate and HSA's

On July 31, 2015, President Obama signed into law H.R. 3236, the "Surface Transportation and Veterans Health Care Choice Improvement Act of 2015."

### The new law includes the following tax provisions:

\* With respect to the employer mandate, veterans enrolled in a health plan under the VA or TRICARE would be exempt from being counted in the 50 full-time employee threshold.

### This change is effective as of January 1, 2014.

\* Eligible veterans are not disqualified from contributing to a Health Savings Account ("HSA"), as a result of receiving medical care under the VA for a service related disability. In the past such coverage would have made them ineligible to contribute to an HSA.

### This change is effective January 2016.

\* The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic three and one-half month period ending on November 15 for calendar year plans. It had been an automatic two and one-half extension in the past.

### This change is effective for taxable years beginning after December 31, 2015.

Click [HERE](#) for a copy of the new law.

## California Court Rulings Send Clear Message to Employers Who Misclassify

depression during pregnancy or the first year after giving birth, yet many may not realize it or report their concerns to clinicians. A new proposal by the U.S. Preventive Services Task Force could help change that. It recommends that all women who are pregnant or within a year of giving birth be screened for perinatal depression, as it's called. The screening proposal is included as part of a broader recommendation to screen all adults for depression that the task force released this week for public comment. The task force proposal would update the current guidelines, adopted in 2009, which recommend depression screening in all adults if clinicians are available to address depression care. In the 2009 document, the task force didn't review depression in pregnant and postpartum women and made no screening recommendation for them.

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## Regular Monitoring Keeps 401(k) Fees in Check

Retirement plan fees and hidden costs can affect an employer's ability to offer a 401(k) plan and can negatively impact plan participants' retirement savings, but even with recent fee disclosure rules, it's still very difficult for plan sponsors to know how much they are paying for their plan.

Fee disclosure rules that were implemented in 2012 helped bring 401(k) plan fees down, but there's still more that can be done when it comes to designing a new plan or revamping an old one.

[Full article](#)

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## Final Fiscal Year

## Workers as 'Independent Contractors'

***Investigation, lawsuit yields \$5M in back wages, damages for courier drivers***

**SAN FRANCISCO** - Two recent and very significant legal victories for California workers send a strong message to employers nationwide: if you misclassify your employees, you will face the consequences.

Misclassification is a practice used by some employers to cut costs by declaring their workers to be independent contractors - ducking their obligations to pay at least the minimum wage and overtime pay, and legally required contributions to unemployment insurance and workers' compensation funds. These employers also fail to remit payroll taxes, resulting in huge losses to state treasuries, and the federal Social Security and Medicare programs.

The U.S. Department of Labor, which has made combatting worker misclassification a major focus of its enforcement efforts, has announced that federal courts have ruled against two Bay Area companies and sided with their employees after investigations revealed that the companies deliberately misclassified the workers as independent contractors to cheat them out of their wages and other critical workplace benefits.

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## DID YOU KNOW? Top Headlines of the Week

-- The U.S. Senate unanimously approved legislation requiring hospitals across the nation to tell Medicare patients when they receive observation care but have not been admitted to the hospital. It's a distinction that's easy to miss until patients are hit with big medical bills after a short stay. It's called the NOTICE Act, short for "Notice of Observation Treatment and Implication for Care Eligibility." The law would require hospitals to provide written notification to patients 24 hours after receiving observation care, explaining that they have not been admitted to the hospital, the reasons why, and the potential financial implications. President Obama

# 2016 Payment and Policy Changes for Medicare Skilled Nursing Facilities

## Overview

On July 30, 2015, the Centers for Medicare & Medicaid Services (CMS) issued a final rule [CMS-1622-F] outlining Fiscal Year (FY) 2016 Medicare payment rates for skilled nursing facilities (SNFs). The FY 2016 rates and other issues discussed in the final rule are summarized below.

The final rule promotes policies that continue to shift Medicare payments from volume to value. The Administration has set measurable goals and a timeline to move the Medicare program, and the health care system at large, toward paying providers based on the quality, rather than the quantity of care they give patients. The final rule includes policies that advance that vision and support building a health care system that delivers better care, spends health care dollars more wisely and results in healthier people.

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signed the NOTICE Act to take effect August of 2016.

-- CVS Health has agreed to pay \$450,000 to the federal government to settle allegations that several of its Rhode Island retail pharmacies filled forged and invalid painkiller prescriptions.

-- From 2014 to 2015, enrollment in private exchanges doubled from 3 million to 6 million, with mid-sized employers contributing most to the increase, according to an Accenture report. Enrollment in private exchanges is projected to grow to 12 million in 2016, 22 million in 2017, and 40 million by 2018.

-- The federal health insurance marketplace may have issued subsidies to persons not eligible to receive them during the first open enrollment period, a new report from the Department of Health and Human Services' Office of the Inspector General has found.

-- More than half of large employers in 2016 will aim to more tightly manage employees' use of high-priced specialty drugs, one of the fastest-growing expenses in their health plans. Despite those efforts, companies still expect the cost of specialty drugs that are carefully administered to treat conditions such as cancer, HIV and hepatitis C to continue rising at a double-digit annual rate - well ahead of the pace for traditional pharmacy drugs or companies' overall spending on health benefits, according to the National Business Group on Health.

More companies also say they will require employees to get prior authorization before buying specialty drugs under the employer's health plan - 53 percent vs. 29 percent a year ago.

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Hamilton Insurance Agency  
4100 Monument Corner Drive  
Fairfax, Virginia 22030  
[www.hamiltoninsurance.com](http://www.hamiltoninsurance.com)  
[marketing@hamiltoninsurance.com](mailto:marketing@hamiltoninsurance.com)  
p) 800.275.6087  
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