

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
SB 2004-1	1/6/2004	<i>Bush Signs Interest Rate Relief On Participant Loans During Military Service</i>
BNB 2004-2	1/6/2004	<i>U.S. Supreme Court Agrees To Review Conflicting Circuit Court Decisions Dealing With The Suspension Of Benefit Rules Applicable To Early Retirees</i>
BNB 2004-3	1/8/2004	<i>Three Recent Subrogation Decisions Open The Door To Plan Recovery Of Medical Expenses Under ERISA Section 502(a)(3) Clear wording of a plan's subrogation provisions are also critical to successful recoveries</i>
RM 2004-4	1/12/2004	<i>IRS Releases Notice 2004-2 Providing Guidance On The New Health Savings Accounts (HSA) Created By The Medicare Prescription Drug, Improvement, And Modernization Act Of 2003</i>
RM 2004-5	1/14/2004	<i>Centers For Medicare & Medicaid (CMS) Issue Interim Final Regulations On New Discount Drug Card Program (DDCP) For 2004 and 2005</i>
RM 2004-6	1/22/2004	<i>A Look Ahead At Regulatory Activity In 2004</i>
RM 2004-7	1/27/2004	Internal revenue service issues Final regulations regarding the Disclosure of Relative Values of Optional Forms of Benefit - <i>Regulations affect explanations of qualified joint and survivor annuities (QJSA) and qualified preretirement survivor annuities (QPSA)</i>
SB 2004_8	2/3/2004	Cities Play Hardball With The FDA By Continuing To Import Drugs From Canada... Who wants to play "chicken?"
RM 2004_9	2/6/2004	Centers For Medicare and Medicaid Services (CMS) Announce Standard Unique Identifier For Health Care Providers <i>Effective date is May 23, 2007 for large plans - May 23, 2008 for small plans</i>
BNB 2004_10	2/11/2004	<i>U.S. District Court Uses New Claim Regulations To Demand That Insurer Produce More Information For Participant's Appeal</i>
BNB 2004_11	2/19/2004	<i>Statutory Penalties Imposed For A Multiemployer Plan's Delay In Providing COBRA Election Notice</i>

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
SB 2004_12	2/25/2004	<i>Update On Canadian Drug Importation Controversy</i> <i>Four Governors Make Their Case For The Importation Of Drugs From Canada - FDA Absent From Hearing</i>
RM 2004_13	3/2/2004	<i>IRS To Focus On Compliance Audits Of Large Pension Plans</i> <i>Time may be ripe for thorough internal compliance audit</i>
RM 2004_14	3/2/2004	Department of Labor (DOL) finalizes prohibited transaction exemption (PTE) 2003-39 <i>Addresses settlements of threatened or pending litigation by "employee benefit plans" against "parties in interest" not covered by PTE 76-1</i>
RM 2004_15	3/9/2004	<i>DOL Issues Proposed Safe Harbor Regulations To Implement Mandatory Rollovers For Cash-Outs From Pension Plans As Required By Section 657 Of EGTRRA</i>
RM 2004_16	3/22/2004	EBSA issues guidance for plan fiduciaries in light of recent mutual fund scandals <i>According to some reports almost half of all 401k plans include in their investment choices mutual funds touched by the scandal</i>
RM 2004_17	3/24/2004	Update On Contraceptive Litigation And Settlements . . . <i>Gradual movement toward coverage of female contraceptives By Group Health Plans</i>
RM 2004_18	4/1/2004	District Court Addresses ERISA's "Prudent Man" standard in suit by DOL against Trust Fund Advisors for breach of fiduciary duties in context of real estate investment <i>Court also addresses the burden of proof in fiduciary breach cases and the extent of damages required to "make whole" the fund from such breaches</i>
RM 2004_19	4/6/2004	<i>General Accounting Office (GAO) Reports On Funding Health Of Multiemployer DB Plans And Future Challenges</i> <i>House passes special funding relief for multiemployer plans</i>
RM 2004_20	4/7/2004	Medicare Discount Cards Will Be Available On May 3, 2004, Effective On June 1, 2004 <i>Centers for Medicare and Medicaid approve 71 sponsors of Medicare Drug Discount Cards</i>

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
SB 2004_21	4/8/2004	Hear Ye! Hear Ye! April 14, 2004 Is The Due Date For Compliance With The Privacy Rules By Small Group Health Plans
RM 2004_22	4/8/2004	Treasury Issues further Guidance on Health Savings Accounts
SB 2004_23	4/12/2004	GOOD NEWS - BAD NEWS!!! SENATE PASSES PENSION FUNDING BILL; PRESIDENT WILL SIGN
RM 2004_24	4/14/2004	Highlights Of Legislative And Regulatory Developments Discussed At The Washington, D.C. Meeting Of the SPBA, March 31-April 2, 2004
BNB 2004_25	4/22/2004	U.S. Court Of Appeals For The Ninth Circuit Holds That ERISA Does Not Preempt State Court Suits Seeking Reimbursement From Plan Participants
RM 2004_26	4/26/2004	IRS Announces Staggered Amendment Periods For Individually Designed Plans . . . Applies To Most Multiemployer Pension Plans
RM 2004_27	4/29/2004	LESS THAN A YEAR FOR HEALTH PLANS TO BECOME COMPLIANT WITH THE HIPAA SECURITY RULE Compliance date of April 21, 2005 for most plans; small health plans have until April 21, 2006
RM 2004_28	5/4/2004	EEOC Approves Proposal To Exempt Retiree Health Plans From The Age Discrimination In Employment Act (ADEA)
RM 2004_29	5/5/2004	Pick A Card – Any Card? The Medicare Drug Discount Card Lottery Begins!!!
RM 2004_30	5/13/2004	Business Associate Contracts and Health Plan Amendments required under the HIPAA Security Rule <i>Compliance dates: April 21, 2005 for most plans; April 21, 2006 for small health plans (health plans with annual receipts of \$5 million or less)</i>
BNB 2004_31	5/19/2004	Sixth Circuit Court Of Appeals Stymies Effort To Recover From Participant Under Plan's Subrogation Provisions
SB 2004_32	5/24/2004	DOL Launches Fiduciary Education Campaign
RM 2004_33	6/3/2004	DOL Releases Final Regulations On COBRA Notice Requirements ... Full compliance required on or after the first day of the first plan year beginning on or after November 26, 2004

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
RM 2004_34	6/7/2004	DOL Concludes That Funded Multiemployer Holiday And Vacation Fund Is An ERISA Plan Subject To ERISA Title I Requirements
BNB 2004-35	6/10/04	U.S. Supreme Court Speaks Out On Suspension Of Benefits Rules For Multiemployer Plans ...<i>Tightening of suspension of benefits rules for early retirees viewed as violation of 411(d)(6)</i>
RM 2004-36	6/24/04	IRS Releases Minimum Required Distribution Regulations for Defined benefit plans at T.Reg. 1.401(a)(9)-6 replacing temporary regulations issued in 2002 <i>Plans may use these regulations or prior versions for distributions beginning in 2003 through distributions made in 2005. Required distributions beginning in 2006 must comply with these regulations</i>
RM 2004-37	6/29/04	DOL Issues Technical Corrections To Final COBRA Regulations And To Model Election Notice
RM 2004-38	7/08/04	Semiannual Regulatory Agendas – June 2004
SB 2004-39	7/08/04	PENSION PLANS GET A BREAK!!! IRS DELAYS UNTIL FEBRUARY 1, 2006 THE DATE FOR PENSION PLANS TO COMPLY WITH NEW REGULATIONS WITH RESPECT TO QJSA EXPLANATIONS RELATED TO CERTAIN OPTIONAL FORMS OF BENEFIT
BNB 2004-40	7/16/04	U.S. Supreme Court Holds Texas State Law Allowing Suits Against HMOs Is Preempted By ERISA
RM 2004-41	7/29/04	Defined benefit plans may offer retroactive annuity starting dates for plan years beginning on or after January 1, 2004
RM 2004-42	7/29/04	IRS Issues Revenue Procedure 2004-44 Containing a Procedure for Retirement Plan Sponsors to Request an Extension of an Amortization Period
BNB 2004-43	8/10/04	IRS Releases 88 Questions And Answers On Health Savings Accounts
BNB 2004-44	8/10/04	Mental Health Parity Act (MHPA) Regulations Extended To December 30, 2004; Employee Benefits Security Administration Releases Advisory Opinion On “Remembrance Fund” Exemption From ERISA

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
BNB 2004-45	8/10/04	<i>District Court Dismisses Lawsuit Seeking to Transfer “Banked Hours” From One Multiemployer Health & Welfare Fund to Another Multiemployer Health & Welfare Fund; Fourth Circuit Court of Appeals Upholds District Court</i>
BNB 2004-46	8/14/04	District Court Holds Withdrawing Employer May Obtain General Information From Plan Needed to Compute its Withdrawal Liability Even After the Employer Withdraws
BNB 2004-47	8/23/04	Clarifying the Meaning of “Legal Separation” Under COBRA Addressing When A Pension Plan Amendment That Benefits Only One Person Does Not Violate ERISA Section 510 Clarifying The Standard Of Deference To Be Used By Courts Reviewing Denial Of Benefits Claims in the Tenth Circuit (CO, KS, NM, OK, UT and WY)
BNB 2004-48	8/23/04	Wisconsin Attorney General Issues Opinion That Wisconsin Law Prohibits Employers From Excluding Prescription Contraceptives From Health Care Plans That Provide Prescription Drug Coverage EBSA Releases Informational Guides On Its Website Office for Civil Rights (OCR) Releases Privacy Rule Fact Sheets
BNB 2004-49	9/15/04	Separate COBRA Election Notice Not Required For Dependent Child Living At Home
BNB 2004-50	9/15/04	Individual Pleads Guilty To Violating The HIPAA Privacy Rules In Identity Theft Crime; Case Is First Criminal Conviction For HIPAA Privacy Rule Violations Employee Of Seattle Cancer Treatment Facility Uses Patient’s Name, DOB And SS# To Obtain Credit Cards; Charges Over \$9,000
BNB 2004-51	9/15/04	Federal Court Upholds Federal Defense of Marriage Act (“DOMA”) as “Constitutional” Federal Bankruptcy Court in Washington State Upholds Constitutionality of Federal Law Limiting the Definition of “Marriage” and “Spouse” for The Purposes of Federal Statutes and Regulations to Persons of the Opposite Sex

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
BNB 2004-52	9/15/04	<p>11th Circuit Adopts “De Novo” Standard Of Review Of Arbitrator’s “Legal Conclusions”</p> <p>Court Adopts Standard Used By Other Circuit Courts For Review Of Arbitrations Of Withdrawal Liability Disputes</p>
BNB 2004-53	9/23/04	<p>Employer Which Failed To Pay Interim Withdrawal Liability Payments Until After Suit Was Filed Against It Was Still Liable For Interest, Liquidated Damages, Attorneys' Fees And Costs</p>
BNB 2004-54	9/23/04	<p><i>Veteran's Employment And Training Services (VETS), an Agency Within The Department Of Labor, Releases Proposed USERRA Regulations</i></p> <p>Regulations Impose No New Legal Requirements But Explain Existing Ones, Some For The First Time</p>
BNB 2004-55	10/11/04	<p>IRS Releases Draft Revenue Procedure Proposing Staggered Remedial Amendment Periods For Pension Plans Based On 5 Year Cycles and Extending The EGTRAA Remedial Amendment Period</p> <p>Multiemployer Pension Plans Would Need To Submit A Request For EGTRRA Determination Letter To The IRS Between February 1, 2006 & January 31, 2007</p>
CB 2004-56	10/11/04	<p>"Know Your Pension Fiduciary Responsibility"</p> <p>Secretary of Labor Chao Pens Article For The DOL's Fiduciary Compliance Assistance Program</p>
CB 2004-57	10/11/04	<p>Multiemployer Defined Benefit Plan Funding Notices Required To Be Distributed Annually Year Beginning With The First Plan Year After The 2004 Plan Year</p>
BNB 2004-58	10/26/04	<p>DOL Issues Final Safe-Harbor Regulation For The Automatic Rollover Of Certain Mandatory Distributions</p> <p>Regulation Applies To The Rollover Of Mandatory Distributions Less Than \$5,000 Made On Or After March 28, 2005</p>
BNB 2004-59	10/26/04	<p>DOL Releases Guidance on Fiduciary Duties and Missing Participants in Terminated Defined Contribution Plans</p> <p>Field Assistance Bulletin 2004-02 Gives Guidance on Locating Such Plan's Missing Participants and Making Distributions of Missing Participant's Account Balances</p>

2004 Research Department Issues With Weblinks

<u>Title</u>	<u>Post Date</u>	<u>Topic</u>
BNB 2004-60	10/26/04	<p>New IRS Regulation Changes the Way Third Party Administrators (TPAs) File IRS Form 1099 Misc. on Behalf of Their Client Health Plans</p> <p>TPAs to File One 1099 Misc. for Each Provider Paid Over \$600 in a Year Using the TPA's Name and Tax ID Number (TIN) Instead of Filing Using the Plan's Name and TIN</p>
BNB 2004-61	11/12/04	<p>Eleven States Approve State Constitutional Amendments Limiting Marriage to Unions Between a Man and a Woman</p> <p><i>Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah Join Five Other States Already Banning Same-Sex Marriages By Constitutional Amendments</i></p>
BNB 2004-62	11/12/04	<p>IRS Chief Counsel's Office Advises TPAs to File IRS Form 1099 M as Has Been Done in the Past and NOT to File Using the TPA's Name and TIN</p>