



ERISA and ACA Compliance Consultation Services

Employers that sponsor a group benefits program are required to maintain compliance with a wide variety of federal and state statutes and regulations.

The Employee Retirement Income Security Act (ERISA) sets minimum standards for retirement and health benefit plans operating in the private sector. Over the years ERISA has been expanded to include additional health laws including COBRA, HIPAA and the ACA.

SBAM is here to help your business by offering a variety of options that will keep you compliant and avoid the hassle and confusion that comes along with compliance.



Is Your Business At Risk for an ERISA Audit?

Many small businesses don't think that the Department of Labor (DOL) will target them for an audit, but there has been a noticeable increase in the number of small and medium-sized businesses receiving audit notices regarding the Employee Retirement Income Security Act (ERISA) and the Affordable Care Act (ACA).

The Employee Benefits Security Administration (EBSA) recently hired an additional 1,000 auditors to review ERISA and ACA compliance. Their justification for the increased staffing was based on concerns regarding compliance. The DOL has estimated that three out of four plans they audit have had an ERISA violation. **Base fines for an ERISA violation are \$110 per violation, per day.**

SBAM Can Help

We offer everything your company needs to prepare for and survive an ERISA audit. Members receive free services such as our online question-answer portal and customized Summary Plan Descriptions, and also receive deep discounts on paid services including our expert consultation and review of all your company's health and welfare compliance procedures and required documents.

**KUSHNER
& COMPANY**
The best team wins

Common Risk Areas

- Summary Plan Descriptions (SPDs) for health and Section 125 plans
- HIPAA documents
- COBRA documents
- Notices describing enrollment opportunities relating to dependent coverage to age 26
- Common Control Groups
- ACA 6055 and 6056 Reporting

The "documents and information" request that comes with the notice of an audit has 29 requests, many with multiple documents that your company needs to provide.

Free Online Compliance Services



Convenient do-it-yourself option with checklists and resources to help you understand the compliance requirements.

Paid Compliance Consultation Services



Our partners are experts in the industry who offer a full ERISA and ACA Compliance Assessment and specific issue consultation at a discount to SBAM members.

 **Warner
Norcross & Judd**[®]
ATTORNEYS AT LAW

Free Online Compliance Services

Compliance Toolkit available through www.sbam.org/compliance that includes the following at no additional cost to members:

- List of the 29 questions that accompany an ERISA audit demand
- Checklist of the documents that are required for self-insured plans vs. fully insured plans
- A complete online Guide to Understanding ERISA with samples of each document that is required by law
- ‘Ask an Expert’ web portal, where you can receive a fact-based answer to general compliance questions
- Self-assessment questions to gauge your current level of compliance and identify what you’re missing



Paid Compliance Consulting Services

Our partner expert, Kushner & Company will review all of your documents to ensure your company meets ERISA and ACA requirements for health plans. There are three essential parts within the consulting services available to members:

Part I:

- Complete review of all applicable plan documents and Summary Plan Description (SPD)
- Review of current Summary of Benefits and Coverage (SBC)



Part II:

- Determination of the Affordable Care Act’s Applicable Large Employer status
- Review existing health plan for Minimum Essential Coverage, Minimum Value, and Affordability parameters
- If applicable, determine potential for employer mandate penalties under IRC Sections 4980H(a) and/or (b)
- Review and/or establishment of proper Measurement, Administrative, and Stability periods, both for current as well as new and variable hour employees
- Establish procedure to distribute all required health and welfare plan notices, including pre-ACA as well as ACA-required notices, and provide such model notices where needed
- Determine if a “wraparound” document would reduce compliance burden and IRS Form 5500 filing requirements
- Review need for annual Patient-Centered Outcomes Research Trust Fund Fee (PCORI) filing, and if necessary, assist with developing the process to file
- Determine if any additional nondiscrimination testing must be performed on any of the underlying health and welfare plans
- Determine applicable IRC Section 6055/6056 compliance reporting requirements. If necessary, assist in preparing processes to comply with that reporting requirement

Part III

Access, via email or telephone, to Kushner & Company’s nationally recognized ERISA and ACA experts for Q&A to answer specific questions as they arise

Packages and Costs

Do It Yourself (DIY) Workbook

Includes all Part I and Part II materials and one hour Q&A, via email or telephone, with Kushner & Company during the year (Part III)

First year subscription: \$1,000

Second and subsequent years: \$300

Full Package with Consulting

Includes all Part I and Part II materials, with consulting on each item by Kushner & Company

Unlimited Q&A with Kushner & Company during the year on any of the Part I or II items (Part III)

First year subscription: \$2,500

Second and subsequent years: \$1,500

IRS Form 5500

Preparation of one 5500 by Kushner & Company

One-time fee: \$550

Measurement, Administrative, and Stability Periods

Review and/or establishment of proper periods, for both current as well as new and variable hour employees (if purchased without either Package)

One-time fee: \$1,000

* Review of Control Group Status or other issues that may require the time of an ERISA attorney. If it is suspected, via conversation during consulting services review, that there may be a Control Group situation, we have established a relationship with the legal firm, Warner, Norcross & Judd who will also be available for consultation. If engaged, WNJ will also offer a discounted hourly rate for SBAM members—not included in the above packages.

How To Enroll In The Program

Simply join SBAM as a Premium Member and submit the completed enrollment form and signed agreement. A representative with Kushner & Company will contact you and discuss the next steps in implementation.

KUSHNER & COMPANY

The best team wins

Kushner & Company of Portage, Michigan is a top leader in the field of human resources and benefits administration. By receiving no compensation from insurance companies, brokers or sellers, Kushner offers unbiased recommendations. Their primary concern is to provide exceptional solutions that simplify benefit-related responsibilities.

Kushner & Company is dedicated to providing comprehensive employee benefits consulting and administration services individualized to assure your specific benefit requirements are entirely fulfilled. Because the firm is a pioneer in employee benefit consulting and administration, you



As one of the largest and most successful law firms in Michigan, Warner Norcross & Judd can handle your business matters, whether simple or complex, from start to finish.

The Warner Norcross & Judd attorneys in their Health Care Reform Task Force have up-to-date information on the Patient Protection and Affordable Care Act because their law firm has an ear toward the federal agencies issuing the guidelines and regulations.

Their attorneys have analyzed the ins and outs of the complex package of bills, have written legal bulletins and articles and have hosted seminars and webinars on the legal implications of health care reform. They are ready to help you move forward with confidence.

SBAM's Products and Services

All of SBAM's products and services are developed *for* small business owners *by* small business owners. Our volunteer leaders and staff have researched services and negotiated prices that are generally only available to much larger companies. You can feel confident in choosing SBAM Approved Partners for all of your business needs.

