



TO: MANAGERS, CONSULTANTS AND OTHER PROFESSIONAL ADVISORS
RE: UPDATED TOPICAL INDEX FOR RESEARCH PUBLICATIONS

Take a few minutes to review this Index. If you would like information regarding a subscription to Research Department publications, or if you are a subscriber and desire an ID and password to access research publications on the Research Website or if you are a subscriber and would like to receive Research Department publications by email, please contact us at:

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The purpose of this Index is to make it easy to locate information you may need from previous research publications by grouping the information **under specific topics**. All information related to the same topic is listed together **in chronological order regardless type of the research publication in which it first appeared**. Out-of-date publications have been omitted, including most publications issued before 1990. The main subjects used for grouping purposes are listed below. **An asterisk (*) appears with any new report added after 1/1/09**. The Topical Index begins on [page 3](#).

For publications issued after December 2009, return to the [Research Menu](#) and search under each of the following headings: *Research Memos, Benefit News Briefs, Special Bulletins and Client Bulletins*. Reports are listed chronologically under each section beginning with the latest. Titles of Research Department Publications by Year can be accessed through the [Resource Tab](#) on the Research Menu.

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RESEARCH DEPARTMENT PUBLICATIONS

Abbreviations used:

BNB	- Benefit News Briefs
CB	- Client Bulletin
RM	- Research Memo
SB	- Special Bulletin

A. DOL AND IRS ENFORCEMENT EFFORTS AND AUDIT GUIDANCE

[RM 2002-45](#) A Review Of Important Effective Dates For Laws And Regulations Falling In 2002,
12/16/02 2003, and 2004

[RM 2003-11](#) Department of Labor Releases Three Publications To Assist Group Health Plans
3/4/03 Comply With Federal Health Laws

- [RM 2003-15](#) 4/16/03 DOL Releases Excellent Tips On Complying With Federal Health Legislation Since 1996 (HIPAA, MPA, NMHPA, and WHCRA)
- [RM 2004-13](#) 3/2/04 IRS To Focus On Compliance Audits Of Large Pension Plans (those with 2,500 or more participants) -- Suggestions For Plan Preparation For IRS Audits
- [RM 2004-16](#) 3/22/04 EBSA Issues Guidance For Plan Fiduciaries In Light Of Recent Mutual Fund Scandals
- [SB 2004-32](#) 5/24/04 DOL Launches Fiduciary Education Campaign - Includes websites for four DOL publications related to fiduciary duties
- [CB 2005-26](#) 6/24/05 Securities and Exchange Commission (SEC) Issues Report On Conflicts of Interest Among Investment Consultants; "Significant Number" of the 24 Firms Studies Referred to the SEC Enforcement Division for Further Investigation – *Department of Labor (DOL) Releases Guidance to Pension Plan Trustees Entitled "Selecting and Monitoring Pension Consultants – Tips for Plan Fiduciaries"*
- [BNB 2005-37](#) 8/26/05 Department of Labor (DOL) Investigating Quality of Plan Audits – *Limited Study of Audit Work Papers Revealed Many Problems*
- [BNB 2006-27](#) 5/8/06 IRS Makes Numerous Changes to Employee Plans Compliance Resolution System (EPCRS) – *Changes Generally Effective September 1, 2006*
- [RM 2007-19](#) 4/30/07 A Look at ERISA Section 411
Prohibitions Against Persons Convicted Or Imprisoned For Various Crimes From Holding Certain Positions With Any Employee Benefit Plan
- [CB 2007-38](#) 7/10/07 Final Rule Revising Form LM-30 Labor Organization Officer and Employee Report Issued by DOL
Payments or Gifts Valued at \$20 or Less Do Not Need To Be Included In Determining Whether the \$250 Threshold Has Been Met!!!
- [BNB 2007-41](#) 7/13/07 Top 10 Issues Identified During IRS Examinations of Multiemployer Pension Plans
- [RM 2007-44](#) 7/27/07 A Look at Documents Initially Requested in an EBSA Health Plan Audit
- [SB 2007-45](#) 8/2/07 OLMS Issues Correction to Final LM-30 Rule
No LM-30 Reports Due Under New Final Rule Until at Least November 16, 2008
- [RM 2007-46](#) 8/13/07 New Auditing Standard in Effect for Plan Audits in 2007
- [BNB 2007-47](#) 8/14/07 IRS Publishes "2007-2008 Priority Guidance Plan"
PBGC Posts "Significant Guidance Documents" on Website
- [BNB 2008-3](#) 1/14/08 DOL Lawsuits Put Service Providers on Notice to Avoid Mismanagement of Pension Plan Assets
Pension Plan Fiduciaries Reminded to Actively Monitor Plan Service Providers

[CB 2008-37](#) 8/11/08 DOL Updates Enforcement Manual Regarding “Fiduciary Violations Involving Gifts and Gratuities”
Pension Plan Fiduciaries Reminded to Actively Monitor Plan Service Providers

[RM 2009-36*](#) 5/28/09 IRS Employee Plans Team Audit Program Releases Compliance Trends for Pension Plans, Including Multiemployer Plans
DOL Investment Regulations Delayed Again

B. REPORTING AND DISCLOSURE

1. REPORTING TO GOVERNMENT AGENCIES (5500, EFAST2, LM10, LM30)

RM 12/5/83 Record Retention: Legal Requirements Regarding Record Retention Under ERISA
- Includes DOL response to TIC inquiry regarding record retention

[RM 2003-48](#) 12/1/03 DOL Releases Publication On Basic Reporting And Disclosure Requirements

[CB 2006-11](#) 3/8/06 Office of Labor-Management Standards (OLMS) Extends Filing Deadline For LM-10s and LM-30s to May 15, 2006
OLMS Also Posts New Frequently Asked Questions (FAQs) on its Website

[BNB 2006-64](#) 12/14/06 Proposed Revision of Annual Information Return/Reports Published in Response to Changes Made by the Pension Protection Act of 2006

[SB 2007-30](#) 6/12/07 DOL Announces Requirement to File Form 5500 Electronically Will Be Extended to Plan Years Beginning On or After January 1, 2009
Most Plans Won't Have to E-file Form 5500 Until 2010

[CB 2007-38](#) 7/10/07 Final Rule Revising Form LM-30 Labor Organization Officer and Employee Report Issued by DOL
Payments or Gifts Valued at \$20 or Less Do Not Need To Be Included In Determining Whether the \$250 Threshold Has Been Met!!!

[BNB 2007-39](#) 7/10/07 IRS Eliminates Schedule P of Form 5500
IRS Also Modifies Voluntary Correction Program

[BNB 2007-55](#) 9/27/07 IRS Resumes Sending Taxpayer Delinquency Investigation Notices for Untimely Filed Forms 5500 and 5500-EZ

[CB 2007-57](#) 10/5/07 DOL Issues FAQs on the Revised LM-30 Report
Revised Form LM-30 Must be Filed for Reports Covering Any Fiscal Years That Began On or After August 16, 2007
First LM-30 Report Due on or after November 16, 2008

[BNB 2007-59](#) 10/12/07 Advance Copies of 2007 Form 5500 Released
DOL Adds “ERISA Fiduciary Advisor” Resource to Website

[BNB 2007-65](#) 10/29/07 OLMS Releases New or Expanded Form LM-10 FAQs

- [SB 2007-67](#) 11/21/07 DOL Postpones Electronic Filing of Form 5500s until 2009 Plan Year; Publishes Revised Form 5500, etc.
- [RM 2008-10](#) 3/6/08 A Detailed Look at the Proposed Revisions to the 2008 Form 5500 and Schedules
- [BNB 2008-34](#) 7/16/08 DOL Releases Guidance on Service Provider Fee Disclosure Requirement on New Form 5500 Schedule C
- [BNB 2008-54](#) 10/20/08 OLMS Publishes Final Regulation for Form T-1 Requiring Labor Organizations to File Reports on Trusts
Reports Not Required on Trusts Filing Form 5500
- [BNB 2008-61](#) 12/1/08 Advance Copies of 2008 Form 5500 Released
- [BNB 2009-24*](#) 3/27/09 Temporary, Limited Change in Form LM-30 Enforcement Actions
- [RM 2009-33*](#) 5/18/09 Reminder: New Reporting and Disclosure Requirements Under PPA Apply this Year
- [BNB 2009-39*](#) 6/29/09 Update on New EFAST2 Filing for Form 5500
- [CB 2009-43*](#) 7/15/09 Multiemployer Defined Benefit Pension Plans May Need an Automatic Extension to File Form 5500 Due to Extensive Changes Made by PPA
- [SB 2009-44*](#) 7/15/09 2008 Form 990 Raises Questions for Filers
- [BNB 2009-53*](#) 9/22/09 DOL Posts 45 FAQs on the EFAST2 Filing System
- [SB 2009-56*](#) 10/8/09 PBGC/DOL Announce “Relief” for Multiemployer Defined Benefit Plans for 2008 Form 5500 Schedule R
- [SB 2009-57*](#) 10/28/09 DOL Releases Additional Guidance on Service Provider Fee Disclosure Requirement on New Form 5500 Schedule C
- [SB 2009-61*](#) 11/16/09 DOL Posts New EFAST2 FAQ on Disclosing PIN Numbers

2. DISCLOSURE TO PARTICIPANTS

Use Of Electronic Media For Participant Disclosures

- [RM 2002-16](#) 4/22/02 Department of Labor Publishes **Final** Regulations Regarding Use of Electronic Media For Participant Disclosures and Fund Record Retention
- [BNB 2006-59](#) 10/24/06 IRS Publishes **Final** Regulations Concerning the Use of Electronic Media for Providing Employee Benefit Notices and Making Employee Benefit Elections and Consents

Summary Plan Description (SPD)

RM 2000-57 DOL Publishes **Final** Claims Procedures & SPD Regulations On November 21, 2000
11/22/00

[CB 2001-2](#) Highlights Of **Final** DOL Summary Plan Description Regulations
1/9/01

[BNB 2006-38](#) Importance of Disclosures in Pension Plan SPD Highlighted in Recent Court Case
6/29/06

[RM 2007-15](#) Summary of Material Modifications (SMM)
4/24/07 *When is an SMM Required Under ERISA?*

Responding To Participant Requests

BNB 88-4 DOL Advisory Opinions Set Conditions Under Which Trustee Minutes Must Be
3/8/88 Disclosed To Participants - Three Advisory Opinions Attached

RM 96-32 DOL Issues *Advisory Opinion 96-14A* Requiring Group Health Care Plans To Reveal
8/15/96 To Participants The Fee Schedule(s) Used By A Health Care Plan To Reimburse
Service Providers

RM 97-15 DOL *Advisory Opinion 97-11A* Limits Access Of Participants To Plan's Contract
4/15/97 With A TPA Firm

RM 99-17 IRS Issues **Final** Regulations On Public Disclosure Of Select Documents
4/29/99 (*Form 1024* and *Form 990*) By 501(c) Trusts

[BNB 2001-34](#) U.S. District Court Sets Forth Criteria For Determining When Inquiries About
8/21/01 Future Benefits Must Be Communicated To Participants Nearing Retirement

[BNB 2003-27](#) U.S. Court of Appeals For The Ninth Circuit Warns Pension Trustees About Their
7/3/03 Recordkeeping Responsibilities (*Shaver v. Operating Engineers Local 428 Pension
Fund*)

Funding Notices

[CB 2004-57](#) Multiemployer Defined Benefit Plan Funding Notices Required To Be Distributed
9/30/04 Annually Beginning With The First Plan Year After The 2004 Plan Year

[BNB 2005-13](#) DOL Releases Proposed Regulation Entitled "Annual Funding Notice For
2/25/05 Multiemployer Defined Benefit Pension Plans – **Model Notice Included with
Proposed Regulation**

[CB 2006-35](#) Additional Information or Explanations of Multiemployer Defined Benefit Funding
6/8/06 Notice Limited to Notice Section Entitled "ADDITIONAL INFORMATION"
*Trustees Cannot Include "Additional Information" in Cover Letter or Separate
Mailings According to EBSA Staff*

[BNB 2006-37](#) The Multiemployer Defined Benefit Funding Notice – How to Provide a Copy to the
6/29/06 PBGC

[SB 2009-14*](#) DOL Issues Model Annual Funding Notices Required by PPA
2/11/09

Periodic Benefit Statements (PPA)

[RM 2006-67](#) EBSA Releases Guidance on the Periodic Benefit Statements Required Under the
12/27/06 PPA

[SB 2007-60](#) DOL Changes Due Date for Periodic Benefit Statement for DC Plans *without*
10/15/07 *Participant Investment Direction*

C. HEALTH CARE: LEGISLATION, REGULATIONS, AND LITIGATION

1. HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996 (HIPAA)

[RM 2001-21](#) Clarification and Confusion About Application Of Nondiscrimination Rules To
5/22/01 Self-Inflicted Wounds

[RM 2005-16](#) Final HIPAA Portability Regulations Published; Few Significant Changes to 1997
3/18/05 Regulations – Regulations Apply To Plan Years Starting On Or After July 1, 2005;
*Certificate Of Creditable Coverage Must have Educational Statement; Model
Certificate of Creditable Coverage Included – Miscellaneous News on USERRA
Poster and HIPAA Privacy FAQs*

[BNB 2006-10](#) Final Rule on HIPAA Administrative Simplification Enforcement Effective
2/28/06 March 16, 2006
Reminder About New PBGC Premiums
CMS Releases Updated Website Information

[BNB 2006-12](#) Update on the Compliance Deadline for Group Health Plans under the HIPAA
3/9/06 National Provider Identifier (NPI) Final Rule
*Compliance Deadline for Most Group Health Plans is May 23, 2007 (May 23, 2008
for Small Health Plans)*

[BNB 2006-65](#) IRS, EBSA and PBGC Jointly Publish **Final** HIPAA Nondiscrimination and Wellness
12/15/06 Regulations

[SB 2007-14](#) CMS Announces Implementation of National Provider Identifier (NPI) "Contingency
4/9/07 Plan" Allowing Health Plans, Providers and Clearinghouses to Use "Legacy
Identifiers" Until May 23, 2008

[BNB 2007-17](#) CMS Update on NPI Compliance Contingency Guidance
4/27/07

[RM 2007-18](#) "Wellness Programs" Allowed Under the HIPAA Non-Discrimination Regulations
4/27/07

[SB 2007-24](#) CMS Announces System Whereby Health Plans and Others May Obtain Health Care
5/25/07 Providers' NPIs from a CMS Website

[BNB 2007-25](#) IRS Encourages Development of Electronic Health Records
6/1/07 *CMS Publishes Helpful Information on NPIs*

[BNB 2009-23*](#) New Law Adds Special Enrollment Events Under HIPAA
3/26/09

EDI Standards Under HIPAA

- [RM 2000-43](#) HCFA Releases **Final** Regulations On Electronic Data Interchange (EDI) Standards For Claims Processing And Claims Payment
8/16/00
- [SB 2001-49](#) Electronic Data Interchange Effective Date Delayed Until October 16, 2003 But Not Without Strings Attached
12/17/2001
- [RM 2003-31](#) The Centers For Medicare & Medicaid Services (CMS) Publish Further Guidance On EDI Compliance
7/31/03
- [RM 2004-9](#) Centers For Medicare & Medicaid Services (CMS) Announce Standard EDI Identifier For Health Care Providers - Effective May 23, 2007 For Large Plans
2/5/04
- [BNB 2005-44](#) HHS Releases Proposed HIPAA EDI Rule Adopting Standards for Electronic Health Care Claims Attachments
9/30/05
- [RM 2008-41](#) HHS Releases Proposed Standards for HIPAA Electronic Transactions
8/25/08

Privacy and Security Rules Under HIPAA

- [RM 2001-3](#) HHS News Release & Fact Sheet On HIPAA Privacy Standards Applicable To "Individually Identifiably" Medical Information
1/9/01
- [CB 2001-19](#) **Final** HIPAA Privacy Rules Released For Group Health Care Plans - Effective date for large group health care plans is **April 14, 2003**
5/15/01
- [RM 2002-36](#) Department of Health & Human Services Publishes Final Privacy Rules - TIC Provides A Checklist For Compliance
9/5/02
- [SB 2003-9](#) Department of Health & Human Services Releases **Final** Regulations On Security Standards
2/17/03
- [RM 2003-16](#) OCR Releases Standard Form And Detailed Instructions For Participants To Use For Privacy Rule Complaints To HHS
4/22/03
- [CB 2003-17](#) Checklist For Compliance With The Privacy Rules
4/24/03
- [RM 2003-19](#) Department of Health and Human Services Publishes **Final** Rules For Privacy Rule Violations Effective on May 19, 2003
5/21/03
- [RM 2003-40](#) Some Myths Dispelled About Application Of The Privacy Rules
10/14/03
- [RM 2004-24](#) It Is NOT Too Early To Be Working Toward Compliance With **Final** Security Standards By No Later Than April 25, 2005
4/14/04

- [RM 2004-27](#) 4/29/04 Less Than One Year For Large Health Care Plans To Become Compliant With HIPAA Security Rules
- [RM 2004-30](#) 5/13/04 Business Associate Contracts And Plan Amendments Required By The HIPAA Security Rule
- [BNB 2004-48](#) 8/20/04 Office for Civil Rights (OCR) Releases Privacy Rule Fact Sheets
- [BNB 2004-50](#) 9/9/04 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 2005-5](#) 1/10/05 Colorado Federal District Court Holds Individuals May Not Sue Under HIPAA for Violations of HIPAA's Privacy Requirements Concerning the Disclosure of Protected Health Information
- [BNB 2005-11](#) 1/28/05 Office of Civil Rights ("OCR") Releases Nine Frequently Asked Questions on Disclosing Protected Health Information in Litigation on the OCR Web Site
- [BNB 2005-18](#) 4/22/05 Center For Medicare & Medicaid Services (CMS) Issues Series of Papers on the HIPAA Security Rule – *National Institute Of Standards And Technology (NIST) Issues Resource Guide For Implementing The HIPAA Security Rule*
- [BNB 2005-29](#) 6/24/05 Center For Medicare & Medicaid Services ("CMS") Posts Three New "Frequently Asked Questions" ("FAQs") On Its Website Addressing The "Security Incident" Reporting Requirements Of The HIPAA Security Rule
- [BNB 2005-30](#) 6/24/05 Center For Medicare & Medicaid Services ("CMS") Issues Additional Papers in its Series of Papers On The HIPAA Security Rule
- [BNB 2005-35](#) 8/26/05 CMS Releases Sixth Paper in HIPAA Security Series – *Paper Addresses Topics of "Risk Analysis" and "Risk Management"*
- [BNB 2006-15](#) 3/20/06 Department of Labor (DOL) Issues Advisory Opinion Concerning Employer Contributions in a Multiemployer Health Plan for an Employee on Family and Medical Leave Act (FMLA) Leave
Office of Civil Rights (OCR) Issues New Frequently Asked Question on Health Plans Disclosing Protected Health Information (PHI) to Persons Assisting Beneficiaries
- [BNB 2006-16](#) 4/4/06 RDS Website Flooded With New Information
CMS Releases Two Documents Concerning the Disclosure of Creditable Coverage to CMS
- [BNB 2006-47](#) 8/18/06 Office of Civil Rights (OCR) Releases New FAQ on Disclosing PHI
- [BNB 2007-1](#) 1/5/07 CMS Releases HIPAA Security Guidance For Remote Use of and Access to Electronic Protected Health Information
IRS Releases Updated Revenue Procedures

- [BNB 2007-9](#) 3/16/07 Recent Data Losses Involving "PHI" Highlight the Need to be Diligent in Protecting PHI
Large Data Losses Usually Involve E-PHI
- [BNB 2007-16](#) 4/27/07 HHS Launches New Health Information Privacy Website on HIPAA Privacy Compliance and Enforcement
- [BNB 2008-27](#) 6/16/08 HHS Launches New Website on HIPAA Privacy Compliance and Enforcement
- [BNB 2008-45](#) 9/19/08 New HIPAA Privacy Rule Guidance on Communications with a Patient's Family, Friends or Others Involved in the Patient's Care
- [BNB 2009-27*](#) 4/6/09 OCR Issues FAQs on the Disposal of Protected Health Information
- [RM 2009-47*](#) 8/7/09 Changes to HIPAA Privacy and Security Rules Made by New Stimulus Law
- [SB 2009-50*](#) 8/24/09 Interim Final HIPAA Privacy Rule Breach Notification Regulation Published

Health Savings Accounts Under HIPAA

- [RM 2004-4](#) 1/12/04 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*
- [RM 2004-22](#) 4/8/04 U.S. Treasury Issues Further Guidance On Health Savings Accounts Including *Notice 2004-23, Notice 2004-25, Rev. Proc. 2004-22, and Rev. Proc. 2004-38*
- [BNB 2004-43](#) 8/10/04 IRS Releases 88 Questions And Answers On Health Savings Accounts

2. MEDICARE REFORM AND PRESCRIPTION DRUGS (INCLUDES PART D)

- [RM 2003-49](#) 12/15/03 Greatly Expanded Medicare Program Including Prescription Drug Coverage Signed By President - Effective January 1, 2006
- [CB 2005-17](#) 4/22/05 **FINAL RULES ISSUED FOR THE MEDICARE PART D PRESCRIPTION DRUG BENEFT** – 28% Subsidy and "Wrap-Around" Coverage Options for Multiemployer Retiree Health Plans Discussed - *All Plans Offering Prescription Drug Coverage to Medicare Eligibles Must Provide Information on Creditable Coverage*
- [BNB 2005-25](#) 6/10/05 Center For Medicare and Medicaid Services (CMS) Releases Guidance On Actuarial Equivalence Calculation, Notice of Creditable Coverage and a Model Notice and Introduces New Retiree Drug Subsidy (RDS) Website
- [BNB 2005-40](#) 9/13/05 Retiree Drug Subsidy (RDS) Center Distributes First RDS Center Newsletter – *Much Useful Information is Included, as Well as a Link to the Recently Updated RDS Retiree List File Layout*

- [BNB 2005-42](#) 9/23/05 CMS Releases Document Addressing “Qualifying Covered Retiree” Issues – *Four-Page Document Contains Five Questions and Answers on Who is a “Qualifying Covered Retiree”*
- [BNB 2005-53](#) 12/19/05 RDS Updates Website with News on the 2007 Part D Subsidy Application Deadline and RDS Help Via E-Mail
DOL Unveils New Compliance Assistance Web Portal
- [CB 2006-1](#) 1/6/06 RDS Reminds Plan Sponsors Applying for Medicare Part D Subsidy of “Written Agreement” Requirement
- [BNB 2006-8](#) 2/17/06 What to do if your Plan’s Retiree Drug Subsidy Application was Submitted with Incorrect Dates for the “Plan Year”
CMS Reminder to Plan Sponsors to View Medicare Part D Enrollment Rejection Notifications
- [BNB 2006-17](#) 4/4/06 CMS Releases Guidance on How to Find HIPAA Information on its New Website
DOL Announces New Mailing Address for Delinquent Filer Voluntary Correction Program
- [BNB 2006-25](#) 5/1/06 Retiree Drug Subsidy (RDS) Center Posts New Information on its Website
- [BNB 2006-28](#) 5/19/06 Retiree Drug Subsidy (RDS) Center Posts New Information on its Website
- [BNB 2006-36](#) 6/13/06 RDS Center Posts New Information on Website
PBGC Schedules Webcast on Premium E-Filing
- [BNB 2006-42](#) 7/14/06 Over 100 Patent Protected Prescription Drugs to Lose Patent Protection and Become Available for Generic Production Over the Next Five Years
- [BNB 2006-63](#) 12/8/06 New Federal Law “Allows” Individuals to Import Up to a 90-Day Supply of Most Prescription Drugs from Canada
- [SB 2007-11](#) 3/23/07 CMS Issues Updated Creditable Coverage Guidance and Model Disclosure Notices to Part D Eligible Individuals – Notices for Use after February 15, 2007
- [BNB 2007-13](#) 4/4/07 CMS Issues Reminder About 2007 Disclosures of Creditable Coverage to CMS Under Medicare Part D
- [SB 2007-14](#) 4/9/07 CMS Announces Implementation of National Provider Identifier (NPI) "Contingency Plan" Allowing Health Plans, Providers and Clearinghouses to Use "Legacy Identifiers" Until May 23, 2008
- [BNB 2007-20](#) 5/7/07 CMS Announces the Adjusted 2008 Cost Threshold and Cost Limit Amounts Applicable to the Medicare Part D Retiree Drug Subsidy Program
- [BNB 2007-29](#) 6/7/07 Medicare Part D To Cover Vaccine Administration Costs
- [BNB 2007-33](#) 6/19/07 RDS Issues Reminder to Plan Sponsors About Deadlines for Submitting a Part D Retiree Drug Subsidy Application

- [BNB 2007-35](#) CMS Releases "Reconciliation How To's" on the RDS Program Website
6/21/07 *Reconciliation Job Aid Now Available in Microsoft Word*
- [BNB 2007-43](#) CMS Issues New Guidance on Calculating and Reporting Rebates and Similar Price
7/25/07 Concessions Under the Retiree Drug Subsidy Program
- [BNB 2007-48](#) Reminder – Medicare Part D Creditable Coverage Notices Must Be Issued by
8/23/07 November 15, 2007
- [BNB 2007-50](#) CMS Releases Five New Questions and Answers on Website
9/7/07 *PBGC Announces Premium E-Filing Webcasts & Demos*
- [BNB 2007-62](#) CMS Releases Updated Guidance on the Part D “Disclosure to CMS Form” and
10/19/07 Instructions
- [BNB 2007-63](#) New Reconciliation and Final Payment Request Deadline for RDS Plans That Ended
10/23/07 in 2006
Overview of Certain Regulatory Deadlines Associated with Medicare Part D
- [SB 2008-16](#) New Reconciliation Deadlines for Certain RDS Applications
3/25/08
- [SB 2008-19](#) RDS Website to Accept Certain Online Appeals
4/14/08
- [BNB 2008-21](#) CMS Publishes Final Medicare Part D Regulations
4/28/08
- [BNB 2008-30](#) RDS Program Posts Plethora of New Items on Website
6/18/08
- [SB 2008-33](#) CMS Posts Updated Part D Disclosure Notices for Use After June 15, 2008
7/9/08
- [BNB 2008-44](#) CMS Posts Information to RDS Website on Overpayments and Updated Application
9/17/08 Status Webpage
- [SB 2009-1*](#) CMS Posts Revised Group Health Plan Reporting Guide
1/6/09
- [BNB 2009-5*](#) CMS Publishes Interim Final & Proposed Revisions to RDS-Related Regulation
1/19/09 *CMS Also Posts Revised Guidance on Rebates and Other Price Concessions*
- [BNB 2009-6*](#) CMS Posts Revised Part D Disclosure Notices for Use After January 1, 2009 and
1/21/09 Updated Guidance
- [BNB 2009-7*](#) CMS Posts Updates to Section 111 Reporting Website
1/23/09
- [RM 2009-9*](#) CMS Audits Health Plans Receiving Part D Retiree Drug Subsidy
1/27/09

[SB 2009-16*](#) CMS Posts Revised Group Health Plan Reporting Guide
3/5/09

[BNB 2009-17*](#) NEW RDS User Guide Available
3/11/09

[SB 2009-18*](#) CMS Posts Revised GHP Reporting Guide – AGAIN
3/11/09

[BNB 2009-30*](#) RDS User Guide Updated; 2010 Part D Adjustments
4/24/09

[BNB 2009-34*](#) Cycle E Filing Option for Certain Cycle D Pension Plans
5/19/09
CMS Updates Section 111 Reporting Website

[BNB 2009-37*](#) RDS Center Releases Updated User Guide and Announces Changes for Retiree
6/1/09
Processing

[BNB 2009-40*](#) CMS Posts Guidance on Obtaining SSNs and HICNs for RREs for Section 111
6/30/09
Reporting
CMS Also Updates Section 111 Reporting Guide

[SB 2009-48*](#) CMS RDS Center Makes Several Important Announcements
8/11/09
RDS Actuaries Must Be Ready to Take Immediate Action

[BNB 2009-52*](#) CMS Posts Revised Forms for Obtaining SSNs and HICNs for RREs for Section
9/8/09
111 Reporting
IRS Releases Safe Harbor Notices for Participant Distributions

[SB 2009-65*](#) Congress Passes COBRA Subsidy Extension – President Expected to Sign
12/21/09
Other Recent News (RDS User Guide Version 6 Now Available)

3. NEWBORNS' & MOTHERS' HEALTH PROTECTION ACT OF 1996 (NMHPA)

RM 98-32 DOL, HCFA, And IRS Publish Joint **Interim** Regulations To Implement Newborns=
11/2/98 & Mothers' Health Protection Act of 1996 (NMHPA)

[RM 2004-38](#) DOL Sets **March 2005** As Target Date For **Final** Regulations On Newborns and
7/7/04 Mothers' Health Protection Act

[BNB 2008-55](#) DOL Publishes Final Regulations Under the Newborns' and Mothers' Health
10/21/08 Protection Act

4. MENTAL HEALTH PARITY ACT OF 1996 (MHPA)

RM 98-2 Requirements Imposed On Group Health Care Plans By The Mental Health
1/13/98 Parity Act of 1996

[RM 2004-38](#) DOL Sets **April 2005** As Target Date For **Final** Regulations On Mental Parity Act
7/7/04

[BNB 2004-44](#) Mental Health Parity Act (MHPA) Regulations Extended To December 30, 2004
8/10/04

[SB 2008-50](#) Emergency Economic Stabilization Act of 2008 Passed by Congress Contains
10/7/08 Mental Health Parity Amendment

[SB 2008-67](#) Congress Passes Technical Correction to Paul Wellstone and Pete Domenici Mental
12/17/08 Health Parity and Addiction Equity Act of 2008
President Expected to Sign Bill

5. WOMEN'S HEALTH AND CANCER RIGHTS ACT OF 1998 (WHCRA)

SB 98-29 Breast Reconstruction Becomes A Federally Mandated Benefit For Group Health
10/26/98 Care Plans Covering Mastectomies

SB 99-32 A Reminder Regarding The **Annual Notice** Which Must Be Sent To All Participants
9/15/99 Regarding Mastectomy Coverage

RM 99-35 DOL Releases Guidance On Annual Notice Requirement Imposed By Women's
11/2/99 Health And Cancer Rights Act Regarding Mastectomy Coverages

[RM 2004-38](#) **May 2005** Is Target Date For DOL **Interim Final** Regulations On Mastectomy
7/7/04 Coverage and Reconstructive Surgery Requirements

6. FAMILY MEDICAL LEAVE ACT (FMLA) REQUIREMENTS

RM 94-48 IRS Issues *Notice 94-103* Clarifying The Effect Of The Family Medical Leave
12/22/94 Act (FMLA) On COBRA Coverage

RM 95-4 Department of Labor Issues **Final** Family Medical Leave Act (FMLA) Regulations:
1/18/95 Clarifications Worth Noting

BNB 95-10 U.S. District Court Renders First Decision Regarding What Constitutes A
3/22/95 "Serious Health Condition" Under The FMLA (*Seidle v. Provident*)

RM 96-8 EEOC Issues Fact Sheet Dealing With Coordination Of ADA And FMLA
2/1/96 Requirements

[BNB 2002-10](#) U.S. Supreme Court Rules That Employer Does Not Have To Notify An Employee
3/26/02 Whether His Medical Leave Is FMLA Leave (*Ragsdale v. Wolverine World Wide*)

[RM 2002-31](#) DOL Issues Guidance On Application of USERRA To Counting Military Service
8/6/02 Time Toward FMLA Eligibility

[BNB 2006-15](#) Department of Labor (DOL) Issues Advisory Opinion Concerning Employer
3/20/06 Contributions in a Multiemployer Health Plan for an Employee on Family and
Medical Leave Act (FMLA) Leave
*Office of Civil Rights (OCR) Issues New Frequently Asked Question on Health Plans
Disclosing Protected Health Information (PHI) to Persons Assisting Beneficiaries*

[BNB 2008-5](#) New Law Expands FMLA Leave
2/5/08

[BNB 2008-71](#) DOL Publishes Final FMLA Rule
12/23/08

[BNB 2009-64*](#) New Law Changes FMLA Leave for Military-Related Needs
12/14/09

7. CLAIMS PROCESSING REQUIREMENTS

- CB 90-24 U.S. District Court Upholds Application Of "Birthday Rule" When In Conflict With
11/90 "Gender Rule" For Coordination Of Benefits Between Two Self-Funded Plans
(*Reinforcing Iron Workers Local 426 Health And Welfare Fund v. Michigan Bell Telephone Company*)
- RM 2000-43 HCFA Releases **Final** Regulations On Electronic Data Interchange (EDI) Standards
8/16/00 For Claims Processing
- [RM 2000-44](#) Text Of **Final** HCFA Regulations On Electronic Transactions For Claims
8/29/00 Processing And Claims Payment
- [RM 2000-58](#) Preliminary Analysis Of **Final** DOL Regulations On Claims Procedures
11/30/00
- [CB 2001-2](#) Highlights Of **Final** DOL Claims Procedure Regulations
1/9/01
- [RM 2001-16](#) Department of Labor Representative Clarifies Several Provisions In The Final DOL
4/17/01 Claims Procedure Regulations
- [BNB 2001-44](#) U.S. District Court Limits Participant's Entitlement To Medical Records . . . But
10/25/01 Latest DOL Claims Procedure Regulations Will Create A New Disclosure Burden
(*Dutton v. UNUM Provident Corporation*)
- [RM 2001-51](#) DOL Releases Guidance On Application Of Its **Final** Claims Procedure Regulations
12/20/01
- [RM 2002-28](#) DOL Clarifies Time Period Allowed For Initial Processing Of Health Care Claims
7/11/02
- [BNB 2003-6](#) Time To Review Claims Appeal Wording In The SPD? - *Watts v. Bellworth*
2/4/03 *Telecommunications*
- [RM 2004-27](#) Less Than One Year For Large Health Care Plans To Become Compliant With
4/29/04 HIPAA Security Rules
- [BNB 2005-19](#) Fifth Circuit Court Of Appeals Joins 7 Other Circuit Courts In Holding Substantial
4/22/05 Compliance With Regulations Concerning The Content Of An Initial Denial Of
Benefits Notice Is Sufficient; Strict Compliance Not Required
- [BNB 2005-27](#) District Court Clarifies Procedural Requirements Health Plans Must Follow When
6/24/05 Hiring An "Independent" Health Care Professional For Consultation On Appeal When
A Claim Is Denied Based On "Medical Judgment"
- [RM 2008-31](#) Court Rejects Benefit Plan's One-Year Time Limit for Filing Benefit Lawsuits Where
6/19/08 Time Limit is Different from Normal State Law Statute of Limitations and Time Limit
was not Disclosed in Denial Notice

8. HEALTH CARE CLAIMS LITIGATION (EXCEPT COBRA)

Subrogation Cases

- CB 90-26 U.S. Supreme Court Confirms Preemption Of State Anti-Subrogation Laws When
12/90 Applied To Self-Funded Plans (*FMC Corp. v. Holliday*)
- BNB 2000-27 Decision By U.S. Circuit Court Seeks To Clarify When The "Make-Whole"
5/18/00 Doctrine Applies In Subrogation Cases, (*Copeland Oaks Employee Benefit Plan v.
Haupt & Haupt*)
- [BNB 2000-55](#) Latest Subrogation Case Emphasizes Importance Of How Plan's Subrogation
11/14/00 Clause Is Worded When A Plan Seeks Recovery - *Lamp v. Community Insurance
(6/16/00)*
- [BNB 2000-56](#) U.S. Supreme Court Lets Stand Circuit Court Ruling Requiring Plan To Share
11/22/00 In Participant's Attorney's Fees Under Plan's Subrogation Clause
- [BNB 2001-13](#) U.S. Circuit Court Blocks Recovery Of Medical Expenses Under Plan's Subrogation
3/15/01 Clause Due To State's COB Requirements (*American Medical Security v. Auto Club
Insurance Association of Michigan*)
- [BNB 2001-18](#) Two Recent U.S. Court of Appeals Decisions Point To Importance Of Subrogation
4/26/01 Clause Wording When Trying To Collect From Third Parties, (*Alves v. Silverado
Foods and Hiney Printing Company v. Brantner*)
- [BNB 2002-6](#) U.S. District Court Declares Entity Performing Health Care Claims Processing
1/24/02 Services A Fiduciary (*Guardsmark v. Blue Cross & Blue Shield of Tennessee*)
- [BNB 2002-17](#) U.S. District Court Decides In Favor Of A Plan's Effort To Recover Medical
5/1/02 Expenses From Participant (*Great-West Life & Annuity Insurance Co. v. Brown*)
- [BNB 2002-22](#) Recent Appellate Case Illustrates Value Of Well-Worded Subrogation Clause In A
5/22/02 Plan's Effort To Recover Medical Expenses (*Jonson v. Ziegler*)
- [BNB 2003-4](#) Subrogation Decisions Continue To Grow More Complex - *Primax Recoveries v.
1/23/03 Goss, and Iron Workers Tri-State Welfare Plan v. Jarackewski*
- [BNB 2003-5](#) Subrogation Recovery Gets A Boost From Two Wisconsin Decisions
1/29/03
- [BNB 2003-39](#) U.S. District Court Rejects Argument That ERISA Prohibits Subrogation By Group
10/9/03 Health Plans (*Schulenberg v. The Rawlings Company, 8/20/03*)
- [BNB 2003-43](#) U.S. Court of Appeals Clarifies Right Of Plan To Seek Reimbursement From
10/29/03 Participant Under Plan's Subrogation Provisions (*Administrative Committee of Wal-
Mart Stores Health & Welfare Plan v. Varco, 7/29/03*)
- [BNB 2003-46](#) Subrogation Litigation Continues To Reveal Conflicts In Rulings - Two U.S. District
11/3/03 Cases: *Wal-Mart Administrative Committee v. Cossey* and *Peterson v. Hotel
Employees*

- [BNB 2004-3](#) 1/8/04 Three Recent Subrogation Decisions Open The Door To Plan Recovery Of Medical Expenses Under ERISA Section 502(a)(3)
- [BNB 2006-29](#) 5/19/06 U.S. Supreme Court Holds ERISA Section 502(a)(3)(B) Allows Health Plan to Obtain Reimbursement Under a Subrogation Clause, Distinguishing Knudson
- [RM 2006-33](#) 6/2/06 Subrogation Cases Illustrate Important Rules to Follow in Protecting Health Plan's Subrogation Rights

Other Health Care Cases (Except COBRA)

- CB 90-24 11/90 U.S. District Court Upholds Application Of "Birthday Rule" When In Conflict With "Gender Rule" For Coordination Of Benefits Between Two Self-Funded Plans (*Reinforcing Ironworkers Local 426 Health and Welfare Fund v. Michigan Telephone Company*)
- CB 92-7 3/30/92 "Birthday Rule" Adopted By U.S. Court Of Appeals For Coordination Of Benefits Among ERISA Health Care Plans (*PM Group Life Insurance Company v. Western Growers Assurance Trust*, 1/9/92)
- BNB 96-40 10/2/96 Self-Pay Amounts May Vary Among Local Unions Participating In The Same Multiemployer Health Care Plan (*Abbott v. Pipefitters Local No. 522 Hospital Medical and Life Benefit Plan*)
- RM 2000-35 6/28/00 U.S. Supreme Court Shields HMOs From Some Participant Lawsuits, *Pegram v. Hendrich* (6/12/00)
- RM 2000-38 7/26/00 HMOs May Be Sued In State Court For Medical Malpractice - *Aetna v. Texas Department Of Insurance* (7/27/00)
- [BNB 2002-26](#) 6/26/02 In A 5-4 Vote U.S. Supreme Court Upholds State Law Requiring HMOs To Extend External Review To Denied Claims (*Rush Prudential HMO v. Moran*)
- [BNB 2002-29](#) 7/16/02 Time For Appeal Of A Denied Claim Must Be Stated In The Appeal Notice *Utah Alcoholism v. Battelle*, (7/16/02)
- [BNB 2003-7](#) 2/6/03 Health Care Plan Did Not Violate ERISA By Imposing A Fixed-Dollar Copay That Exceeded The Cost Of The Drug - *James Alves v. Harvard Pilgrim Health Care*
- [BNB 2003-12](#) 3/11/03 Recent Settlement With EEOC Is Likely To Encourage More Group Health Plans To Include Coverage For Contraceptives
- [BNB 2003-26](#) 6/26/03 U.S. Supreme Court Renders Five Landmark Decisions In April and May of 2003 Affecting Group Health Care Plans
- [BNB 2003-28](#) 7/3/03 U.S. Circuit Court Rules That Financial Incentives To Physicians In HMO Setting Do Not Have To Be Revealed To Participants (*Horvath v. Keystone Health Plan East*)
- [BNB 2003-34](#) 9/9/03 U.S. Circuit Court Bucks The Trend For Rulings Requiring Application Of Copays To Discounted Fees Rather Than To Billed Bees (*Smith v. United Health Care of Utah Services, Inc.*)

[RM 2004-10](#) 2/11/04 U.S. District Court Uses New Claim Regulations To Demand That Insurer Produce More Information For Participant Appeal, (*Cannon v. Unum*)

[RM 2004-17](#) 3/24/04 Update On Contraceptive Litigation And Settlements - Six Decisions Reviewed

[BNB 2005-33](#) 7/29/05 District Court Enters Judgment Against Union Pacific for Health Plan Discrimination Against Its Female Employees Excluding Prescription Contraceptives From Plans' Benefit Package While Including Benefits For Other Prescription Drugs and Preventive Services Held To Violate Title VII

[RM 2007-10](#) 3/23/07 Eighth Circuit Court of Appeals Holds Employer's Union Health Plan Was Not Discriminatory For Failing To Provide Female Contraceptive Coverage

9. MEDICARE AS SECONDARY PAYER RULES (MSP RULES)

MSP Rules For Older Workers and Spouses

RM 89-22 11/6/89 HCFA Issues **Final** Regulations On Medicare As Secondary Payer Rules And HCFA's Right To Recover Medicare Overpayments - Plan must be primary payer for reemployed retirees with active employee coverage

CB 89-26 12/89 HCFA Clarifies Application Of Medicare As Secondary Payer Rules To Reemployed Retirees

SB 94-26 6/2/94 HCFA Clarifies Application Of Working-Aged MSP Rules To Taft-Hartley Plans - Plan, not Medicare, is primary under most conditions

RM 95-11 4/10/95 HCFA's Response To TIC Research Department's Request Regarding MSP Rules Applicable To Inactive Participants Who Are Also Medicare Beneficiaries - Multiemployer plan must pay primary if inactive participant retains "active employee coverage"

[BNB 2008-2](#) 1/11/08 New Medicare Secondary Payer Reporting Law Requires TPAs and Administrators to Report Information to HHS

MSP Rules For Disabled Persons

RM 95-27 9/27/95 HCFA Publishes **Final** Regulations On The Application Of The MSP Rules To Disabled Persons, ESRD Patients And The Working Aged

RM 95-34 11/16/95 HCFA Publishes Corrections And Revisions To **Final** HCFA Regulations On The MSP Rules For The Working Aged And Disabled Persons

MSP Rules For End Stage Renal Disease (ESRD)

RM 91-15 6/24/91 HCFA Clarifies Application Of Medicare As Secondary Payer Rules To ESRD Patients

RM 93-46 12/15/93 COBRA Coverage May Be Canceled As Soon As ESRD Patient Becomes Entitled To Medicare - Suggestions For Recouping Plan Overpayments From Medicare

- RM 95-17
5/25/95 GOOD NEWS!!! HCFA Changes Its Position On The Application Of The MSP Rules To Retired ESRD Patients - Group health care plan is NOT primary for a retiree on Medicare who is diagnosed with ESRD
- CB 95-20
7/11/95 Conflict Continues Over Proper Application Of MSP Rules To ESRD Patients
- CB 97-45
12/17/97 Changes In Medicare Law May Increase A Group Health Care Plan's Costs For Treatment Of ESRD Patients

MMSEA Section 111 Reporting

- BNB 2008-35** Update on New Group Health Plan Data Reporting Requirement
7/25/08
- SB 2008-38** CMS Posts Proposed Guidance on Website Concerning the New Medicare Secondary Payor Law
8/13/08
- BNB 2008-43** CMS Posts Implementation Timeline for the New Medicare Secondary Payor Law
9/15/08
- RM 2008-47** CMS Issues Transition Guidance on New MSP Law for Current VDSA/VDEA Data Sharing Partners
9/22/08
- SB 2008-56** CMS Posts Group Health Plan User Guide
10/22/08
- SB 2008-68** CMS Posts News of Free Training for Section 111 Reporting
12/17/08

10. COBRA REQUIREMENTS

- CB 90-1** Omnibus Budget Reconciliation Act Of 1989 (OBRA 1989) Contains Major COBRA Amendments Including Special Rules For Multiemployer Health Care Plans
1/90
- RM 94-48
12/22/94 IRS Issues *Notice 94-103* Clarifying The Effect Of The Family Medical Leave Act (FMLA) On COBRA Coverage
- RM 96-5
1/22/96 IRS Publishes Limited Guidance On COBRA Premium Determination
- SB 98-8
3/16/98 IRS Reverses Position On Right To Cancel COBRA When A Qualified Beneficiary Has Coverage Under Another Group Health Care Plan - The Geissal case
- RM 99-11
2/4/99 IRS Publishes **Final** COBRA Regulations Plus New Proposed Rules Applicable To Employers Who Withdraw From Multiemployer Health Care Plans (see answers to questions 9 & 10)
- RM 99-13
2/18/99 Analysis Of Major Changes & Clarifications In Latest IRS Regulations On COBRA And Their Impact On Multiemployer Health Care Plans
- RM 2001-8** Additional **Final** COBRA Regulations Are Released By The IRS . . . Several provisions may affect multiemployer plans
2/5/01

- [RM 2002-35](#) 8/21/02 Trade Act of 2002 Expands Availability Of COBRA To Workers Displaced By Foreign Competition
- [RM 2003-3](#) 1/22/03 IRS Provides Partial Clarification Of COBRA Rights Applicable To A Pending Divorce In *IRS Ruling 2002-88*
- [RM 2003-32](#) 8/6/03 New COBRA Coverage Tax Credit Program Begins August 1, 2003
- [RM 2003-42](#) 10/21/03 DOL Releases An Update (10/10/03) On Frequently Asked Questions About USERRA And COBRA
- [RM 2003-50](#) 12/8/03 IRS Provides New Guidance On Second COBRA Election Period Created By The *Trade Act of 2002*
- [RM 2004-33](#) 6/3/04 DOL Releases **Final** Regulations On COBRA Notice Requirements - Includes regulations for six different COBRA notices
- [RM 2004-37](#) 6/28/04 DOL Issues Two Technical Corrections To **Final** COBRA Notice Regulations
- [RM 2007-56](#) 10/5/07 A Refresher on COBRA and the Cessation of Contributions by an Employer to a Multiemployer Group Health Plan
- [RM 2008-49](#) 10/3/08 What to do if a Provider Calls the Fund Office to Verify Coverage of a Participant on COBRA?
Be Very Careful!! Incomplete Disclosure Can Be Co\$tly
- [RM 2009-10](#)* 1/28/09 Pending House and Senate Bills Would Subsidize COBRA Coverage
- [CB 2009-15](#)* 2/25/09 Stimulus Bill Contains Subsidy for COBRA Premiums for Individuals Who Are Involuntarily Terminated Between September 1, 2008 and December 31, 2009
- [CB 2009-19](#)* 3/12/09 IRS/DOL Post Guidance on Filing for COBRA Premium Subsidy
- [CB 2009-20](#)* 3/19/09 DOL Posts Model COBRA Subsidy Notices and FAQs
One Notice Must be Distributed by April 18, 2009
- [SB 2009-22](#)* 3/24/09 DOL Clarifies Proper Recipients of Model COBRA Premium Subsidy Notices
- [SB 2009-26](#)* 4/1/09 IRS Publishes 58 Q&As on COBRA Premium Subsidy
- [BNB 2009-28](#)* 4/7/09 DOL Updates FAQs for Employers; Clarifies Who Receives What Notices When
- [CB 2009-35](#)* 5/26/09 DOL Announces Expedited Review Process for ARRA COBRA Premium Subsidy Denials

[BNB 2009-38*](#) IRS Posts 19 New Q&As on the COBRA Premium Subsidy
6/5/09

[BNB 2009-60*](#) District Court Upholds DOL's (and Multiemployer Plan's) Denial of ARRA Subsidy
11/6/09 to Applicant for Lack of Eligibility

[BNB 2009-63*](#) PBGC 2010 Premium Rates, DOL COBRA Subsidy FAQs and DOL Withdrawal of
12/4/09 Investment Advice Regulations

[SB 2009-65*](#) Congress Passes COBRA Subsidy Extension – President Expected to Sign
12/21/09 *Other Recent News*

11. COBRA LITIGATION

[BNB 2001-50](#) Group Health Care Plan's Failure To Mail COBRA Election Notice Or To Record Its
12/18/01 Receipt Continues To Be Hot Topic Of Litigation - Two cases reviewed

[BNB 2004-11](#) Statutory Penalties Imposed For A Multiemployer Plan's Delay In Providing COBRA
2/19/04 Election Notice (*Burriss v. Five River Carpenters District Council Health & Welfare Fund*)

[BNB 2004-47](#) Clarifying the Meaning of "Legal Separation" Under COBRA
8/20/04

[BNB 2004-49](#) Separate COBRA Election Notice Not Required For Dependent Child Living At
9/9/04 Home

[BNB 2005-32](#) 10th Circuit Defines Term "Legal Separation" in Context of COBRA Qualifying Event
7/29/05

[BNB 2006-30](#) Over \$90,000 in Penalties Awarded in COBRA Rights Notice Case
5/24/06

[RM 2006-31](#) The Importance of COBRA Notice and Record-Keeping Procedures
5/24/06

[BNB 2007-7](#) Eighth Circuit Case Illustrates Importance of COBRA Record-Keeping Procedures
3/8/07

12. RETIREE HEALTH CARE COSTS AND ISSUES

BNB 94-14 Retiree's COBRA Rights Cannot Be Cut-Off By CHAMPUS Eligibility
3/31/94 (*McGee v. Funderburg*)

BNB 95-10 U.S. Supreme Court Overturns Appellate Court Decision On Plan Amendment
3/22/95 Provisions And Procedures For Changing Health Care Coverage For Retirees
(*Schoonejongen v. Curtiss-Wright*)

RM 98-38 DOL Requires Preparation Of SOP 92-6 Statement On "Post-Retirement Benefit
12/1/98 Obligations"

[RM 2004-29](#) EEOC Releases Proposed Regulations Permitting Group Health Plans To Coordinate
5/5/04 Benefits With Medicare

[BNB 2007-31](#) 6/13/07 Third Circuit Upholds EEOCs Right to Issue Regulations Allowing Benefit Plans to Coordinate Retiree Health Coverage with Medicare

13. ERISA DEFINITION OF A COLLECTIVELY BARGAINED PLAN

[CB 2003-17](#) 4/24/03 **Final** DOL Regulations Released Defining A Collectively Bargained Welfare Plan For Section 3(40) Enforcement Purposes

[RM 2004-7](#) 1/27/04 IRS Issues **Final** Regulations Regarding The Disclosure Of Relative Values Of Optional Forms Of Benefits

14. DOL GUIDANCE

[BNB 2004-44](#) 8/10/04 Employee Benefits Security Administration Releases Advisory Opinion On “Remembrance Fund” Exemption From ERISA

[CB 2005-34](#) 8/26/05 Recent DOL Compliance Initiative Regarding Form LM-10 May Affect Some Trust Funds – *Funds With Employees May Be Required To File Form LM-10*

[RM 2006-22](#) 4/21/06 DOL Issues Guidance on the Duties and Responsibilities of Entities and Fiduciaries Distributing Settlement Proceeds to ERISA Plans Relating to Late-Trading and Market-Timing Mutual Fund Abuse Settlements

[RM 2008-8](#) 2/15/08 DOL Releases Checklist on Wellness Programs

15. MISCELLANEOUS HEALTH PLAN LITIGATION

[BNB 2004-45](#) 8/10/04 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

[RM 2005-6](#) 1/14/05 Health Plan Exclusions for Gastric-Bypass Operations *Or, How to Write an Exclusion that Holds Up in Court*

[CB 2005-23](#) 6/3/05 Michigan Court of Appeals Upholds \$275,000 Verdict Against Local Union Whose Negligence Allowed Member's Identities To Be “Stolen”

[BNB 2005-28](#) 6/24/05 District Court Certifies Class Action Against Union Health Plan For Alleged Discriminated Against Female Employees – *Plan Excluded Prescription Contraceptives From Its Benefit Package While Including Benefits For Other Preventative Medical Services*

[RM 2007-19](#) 4/30/07 A Look at ERISA Section 411 *Prohibitions Against Persons Convicted Or Imprisoned For Various Crimes From Holding Certain Positions With Any Employee Benefit Plan*

16. DEFENSE OF MARRIAGE ACT (DOMA) ISSUES

[BNB 2004-51](#) 9/9/04 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

[BNB 2004-61](#) 11/5/04 Eleven States Approve State Constitutional Amendments Limiting Marriage to Unions Between a Man and a Woman
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

17. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT ACT (USERRA)

[SB 2005-1](#) 1/7/05 USERRA COVERAGE EXTENDED TO 24 MONTHS FOR USERRA ELECTIONS ON OR AFTER DECEMBER 10, 2004 – *NEW LAW ALSO REQUIRES EMPLOYERS TO PROVIDE EMPLOYEES NOTICE OF THEIR RIGHTS UNDER USERRA*

[SB 2005-54](#) 12/21/05 DOL Publishes Final USERRA Regulations & Final USERRA Rights Poster

18. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

[RM 2008-26](#) 5/14/08 Congress Passes Bill Banning Genetic Discrimination – President Expected to Sign Bill Into Law
Law Prevents “Genetic Information” Discrimination

[BNB 2009-55*](#) 10/5/09 Three Agencies Release Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans Under GINA

[BNB 2009-59*](#) 11/3/09 Proposed Regulations Under GINA Will Impact Health Plan’s Privacy Notices

19. MICHELLE’S LAW

[BNB 2008-52](#) 10/13/08 New Law Requires ERISA Health Plans to Offer Extended Coverage to College Students Who Would Otherwise Lose Eligibility Due to a Medically Necessary Leave of Absence

20. QUALIFIED MEDICAL CHILD SUPPORT ORDER (QMCSO)

[BNB 2008-65](#) 12/12/08 DOL Posts QMCSO Guide in Q&A Format on Website

D. APPRENTICESHIP TRAINING PROGRAMS

- RM 92-27 List Of Apprenticeship Training Plans With Registration Notices On File At The
11/23/92 Department Of Labor And Exempt From 5500 Filings
- BNB 95-40 Review Of Two Federal Court Cases Involving Apprenticeship Training Plans
12/21/95
1. Milwaukee Area Joint Apprenticeship Program For The Electrical Industry -
right of plan to recover training costs from apprentice if he works for a non-
contributing employer
 2. ABC National Life Erection Apprenticeship Training Trust - right of state to
limit work on public projects to state-approved apprentice-ship training
programs
- RM 96-20 EEOC Reverses Its Position On Application Of The Age Discrimination In
4/16/96 Employment Act To Apprenticeship Training Programs - EEOC Will Apply The
ADA To Such Plans
- BNB 2000-36 State Apprentice Law Not Preempted By ERISA (*Willmar Electric v. M. Michael
Cooke*, 5/16/00)
- BNB 2001-45** State Standards For Apprenticeship Training Programs In Minnesota Are Preempted
11/12/01 By ERISA (*Minnesota Chapter of Associated Builders and Contractors v. Michigan
Department of Public Safety*)
- BNB 2002-24** Plan May Not Sue Under ERISA To Recover Apprenticeship Training Costs From
6/11/02 Trainee Who Violated Repayment Agreements (*Sheet Metal Local #24 v. Newman*)
- RM 2008-59** DOL Publishes Final Regulations on National Apprenticeship System
11/17/08

E. PENSION PLAN QUALIFICATION REQUIREMENTS

1. FILING FOR A DETERMINATION LETTER

- RM 2001-41** IRS Releases **Revised** Form 5300 For Determination Letter Requests . . . Form 5303
10/11/01 Eliminated For Collectively Bargained Plans
- BNB 2001-48** U.S. Appellate Court Upholds IRS Regulation Limiting Standing Of Former
11/20/01 Employees To Comment On A Determination Letter Request - (*Flynn v. [IRS]
Commissioner*)
- RM 2004-26** IRS Announces Staggered **EGTRRA** Amendment Periods For Individually Designed
4/27/04 Plans Including Multiemployer Pension Plans
- BNB 2004-55** IRS Releases Draft Revenue Procedure Proposing Staggered Remedial Amendment
10/7/04 Periods For Pension Plans Based On 5 Year Cycles and Extending The EGTRAA
Remedial Amendment Period
*Multiemployer Pension Plans Would Need To Submit A Request For EGTRRA
Determination Letter To The IRS Between February 1, 2006 & January 31, 2007*

- [CB 2005-39](#) 9/13/05 IRS Releases Revenue Procedure 2005-66 Establishing A System of Cyclical Remedial Amendment Periods for Qualified Retirement Plans – *Multiemployer Plans Should Submit Their EGTRAA Determination Letter Requests Between February 1, 2009 and January 31, 2010*
- [BNB 2007-53](#) 9/17/07 IRS Announces the 2007 Interim and Discretionary Amendments and Other Resources Are Now Available
- [BNB 2007-69](#) 12/7/07 IRS Publishes 2007 Cumulative List of Changes in Plan Qualification Requirements
- [BNB 2008-4](#) 1/17/08 IRS Releases Updated Procedure for Determination Letters
- [SB 2008-63](#) 12/2/08 IRS Published 2008 List of Required Modifications
- [BNB 2008-70](#) 12/22/08 IRS Releases List of Common “Plan Language” Errors Found in Pension Plan Determination Letter Submissions
- [SB 2009-4*](#) 1/19/09 IRS Updates Determination Letter Procedures – Eliminates Requirement for Redline of Changes
- [BNB 2009-34*](#) 5/19/09 Cycle E Filing Option for Certain Cycle D Pension Plans
CMS Updates Section 111 Reporting Website

2. VOLUNTARY COMPLIANCE PROGRAMS (VCR, SVP, CAP, VFCP)

- CB 99-16 4/12/99 IRS Directs Its Examiners NOT To Request A Copy Of Any Internal Compliance Audit Authorized By The Trustees
- SB 2000-34 6/26/00 IRS Creates Special Task Force To Conduct ERISA Compliance Audits Of Multiemployer Plans
- [RM 2002-13](#) 4/3/02 DOL Adopts **Permanent** Voluntary Fiduciary Correction Program (VFCP) - Effective Immediately
- [RM 2003-25](#) 6/16/03 IRS Updates Its EPCRS For Voluntary Correction Of Plan Qualification Failures - Major Changes Highlighted - Effective October 1, 2003 But May Be Used Now
- [BNB 2003-27](#) 7/3/03 U.S. Court of Appeals For The Ninth Circuit Warns Pension Trustees About Their Recordkeeping Responsibilities (*Shaver v. Operating Engineers Local 428 Pension Fund*, 6/18/03)
- [BNB 2005-4](#) 1/10/05 Fall 2004 Edition of New IRS Newsletter Entitled Retirement News for Employer Debuts Column on Fixing Common Pension Plan Mistakes – *New Column Called "The Fix Is In: Common Plan Mistakes" Addresses Issue of Failure To Obtain Spousal Consent*
- [CB 2005-22](#) 5/13/05 Employee Benefits Security Administration (EBSA) Issues Revised Voluntary Fiduciary Correction Program

- [BNB 2006-17](#) 4/4/06 CMS Releases Guidance on How to Find HIPAA Information on its New Website
DOL Announces New Mailing Address for Delinquent Filer Voluntary Correction Program
- [RM 2006-20](#) 4/21/06 Employee Benefits Security Administration (EBSA) Issues Revised Voluntary
Fiduciary Correction Program
- [BNB 2007-6](#) 2/28/07 IRS Makes "401(k) Checklist" Available Online
Compliance Tool Highlights "Top Ten" 401(k) Compliance Issues
- [BNB 2007-22](#) 5/23/07 How Pension Plan Sponsors Can Remedy the Failure to Timely Adopt IRS Required
Interim Amendments
- [BNB 2007-39](#) 7/10/07 IRS Eliminates Schedule P of Form 5500
IRS Also Modifies Voluntary Correction Program
- [SB 2008-39](#) 8/15/08 IRS Updates Employee Plans Compliance Resolution System

3. PARTICIPATION, COVERAGE, AND NONDISCRIMINATION REQUIREMENTS

- RM 93-25 6/24/93 Checklist Of Plan Amendments Required By TRA '86, OBRA '86, TAMRA '88,
OBRA '89, and UCA '92 with chart showing statutory effective date of each
requirement
- RM 93-34 9/22/93 IRS Issues Second Set Of **Final** Regulations On Nondiscrimination And Minimum
Coverage Requirements - Special Rules Including The *Alumni Rule* For Multi-
employer Pension Plan Testing Of Noncollectively Bargained Employees Offer
Limited Relief
- RM 98-20 6/29/98 IRS Issues **Final** Regulations On Minimum Distributions Required Under IRS Code
Section 401(a)(9)
- BNB 98-28 10/19/98 U.S. Appellate Court Rules That Minimum Pension Distribution Payable At Age 70½
Be Readjusted If Participant Continues To Work And Retires Later
- RM 99-12 2/15/99 DOL Issues *Advisory Opinion 99-04A* Dealing With Legitimacy Of Covering
"Working Owners" Under A Multiemployer Pension Plan
- [RM 2000-39](#) 8/3/00 IRS Published **Final** Regulations And A Revenue Ruling Dealing With The Option
To Increase In Cash-Out Amount From \$3,500 to \$5,000
- [RM 2001-32](#) 8/15/01 IRS Provides Alternative Model Amendment For Use In Connection With 2001
Proposed Regulations On Minimum Distribution Rules
- [SB 2001-47](#) 11/15/01 IRS Extends GUST Remedial Amendment Period For All Qualified Plans Filing
For A Determination Letter
- [RM 2002-18](#) 5/6/02 IRS Issues Proposed Regulations On Notice Requirements Related To A Significant
Reduction In Future Benefit Accruals Or Pre-Retirement Subsidies

[RM 2003-21](#) 5/27/03 Guidelines For Allocating Defined Contribution Plan Expenses To Individual Participant Accounts - *DOL Field Assistance Bulletin No. 3*

[RM 2003-41](#) 10/20/03 IRS Announces New Pension Plan Limitations For 2004

[RM 2004-36](#) 6/22/04 IRS Releases **Final** Minimum Required Distribution Regulations For Defined Benefit Plans - Plans may use these or prior regulations for distributions made in 2003, 2004, or 2005

4. VESTING REQUIREMENTS

RM 6/25/80 IRS Technical Advice Memorandum Requires Pre-ERISA Hours Worked In "Continuous Noncovered Employment" To Be Credited Toward Participation and Vesting By A Multiemployer Pension Plan

BNB 2000-32 6/8/00 Pro-Rata Pension Plan Is Subject To ERISA's Minimum Vesting Requirements (*Smith v. Teamsters Local 641 Pension Fund*, 3/9/00)

5. BENEFIT ACCRUAL AND OTHER QUALIFICATION REQUIREMENTS

BNB 86-30 11/17/86 Benefit Accrual Required For Work Performed After Reaching The Normal Retirement Age Under The Plan

RM 2000-47 9/21/00 IRS Issues **Final** Regulations Permitting Defined Contribution Plans To Eliminate Certain Optional Benefits

RM 2002-19 5/7/02 IRS Publishes **Final** And Temporary Regulations On The Calculation Of Required Minimum Distributions Under Code Section 401(a)(9)

[BNB 2003-10](#) 2/26/03 The 13th Check: Is It An Accrued Benefit Protected Against Elimination By Code Section 411(d)(6) - *Board of Trustees of the Sheet Metal Workers National Pension Fund v. IRS*

[RM 2003-30](#) 7/23/03 IRS Issues **Final** Regulations On Catch-Up Contributions For Individuals Age 50 Or Older Participating In A 401k Plan

[RM 2004-36](#) 6/22/04 IRS Releases Amended **Final** Minimum Required Distribution Regulations For Defined Benefit Plans Replacing 2002 Temporary Regulations

[SB 2004-39](#) 7/7/04 Some Pension Plans Get A Break!!! - IRS Delays Effective Date Of Certain 401(a)(9) Regulations From July 1, 2004 Until February 1, 2006

[BNB 2005-12](#) 2/4/05 IRS Releases Proposed Regulation Modifying the 2003 Final Regulations on the Disclosure of the Relative Value and Financial Effect of Optional Forms of Benefit if QJSA Explanations

[BNB 2005-24](#) 6/3/05 Internal Revenue Service Newsletter Discusses How Pension Plans Can Fix The Problem Of Failing To Make Timely Minimum Required Distributions

[RM 2005-45](#) 10/28/05 IRS Issues Final and Proposed Regulations on Code 411(d)(6) Anti-Cutback Rules

[RM 2007-49](#) IRS Provides Temporary Relief from New Regulations on In-Service Distributions and “Normal Retirement Age”
9/7/07

6. **415 LIMIT TESTING**

[SB 2001-24](#) At Last! 415 Changes For Multiemployer Defined Benefit And All Defined Contribution Pension Plans Are Adopted - Effective January 1, 2002
6/7/01

[RM 2001-46](#) IRS Releases *Revenue Ruling 2001-51* Dealing With New 415 Limitation Increases Permitted Under EGTRRA
11/13/01

[BNB 2007-21](#) IRS Publishes New, Final 415 Regulations
5/10/07

7. **CREDITING OF HOURS WORKED FOR A DELINQUENT EMPLOYER**

RM 85-23 Multiemployer Plans Must Credit All Hours Worked Including Hours Worked For Delinquent Employers Toward Participation, Vesting And Benefit Accrual
9/4/85

RM 96-21 Crediting Of Hours Worked For Delinquent Employers Toward Benefit Accrual Is Mandatory Under Both DB And DC Plans According To *IRS Examination Guidelines For A Multiemployer Plan*
4/22/96

8. **RULES ON SUSPENSION OF BENEFITS**

RM **Final** Regulations Issued On Suspension Of Benefits -Effective Date Is January 1, 1982
12/11/81

RM Updated Information On Trustees Options Under The **Final** Regulations On Suspension Of Benefits
12/17/81

RM Four Conditions Must Be Met Before Multiemployer Pension Plans May Suspend Benefits
1/14/82

RM Notification Requirements Applicable To The Suspension Of Benefit Regulations - Sample notices and forms attached
1/22/82

RM Required Items In The Suspension Notice - Standardized Notice May Help To Minimize Administrative Costs
2/24/82

RM Need To Send A Suspension Of Benefits Notice To Active Employees Nearing The Normal Retirement Age
4/25/83

CB No. 10 IRS Issues Clarification On The Application Of Suspension Rules To Older Workers (*Heinz & Schmitt v. Central Laborers Pension Fund*)
7/83

[BNB 2005-21](#) IRS Issues Guidance On Suspension Of Benefits In Light Of Supreme Court Decision in *Central Laborers' Pension Fund v. Heinz*
5/13/05

[SB 2005-52](#) IRS Extends the Date for Pension Plans to be Operationally Compliant with a Reforming “*Heinz*” Amendment From January 1, 2006 to January 1, 2007
12/7/05

Court Cases Involving Suspension Of Benefit Issues

- BNB 85-12 Court Upholds Use Of Different Suspension Of Benefit Rules For Early
5/15/85 Retirement (*Richard Geib, et al. v. New York State Fund*)
- BNB 86-11 U.S. District Court Upholds Strict Application Of A Plan's Suspension Of Benefit
3/31/86 Rules To Early Retirees (*Dennis v. Food Employers Labor Relations Assn. and
Commercial Workers Union Pension Fund*)
- BNB 87-12 Different Suspension Of Benefit Rules For Different Groups Of Retirees Violates
8/31/87 ERISA (*William Deak, et al. v. Masters, Mates and Pilots Pension Plan, et al.*),
- CB 98-9 Retroactive Change In Suspension Of Benefits For Early Retirees Not Considered
3/30/98 To Be A Benefit Reduction, (*Spacek v. Maritime Association*)
- [BNB 2002-39](#) Two U.S. Circuit Courts Disagree Over Legality Of Tightening Suspension Of
9/26/02 Benefit Rules For Early Trustees - Fifth Circuit & Seventh Circuit Rulings
- [BNB 2004-2](#) U.S. Supreme Court Agrees To Review Conflicting Circuit Court Decision With The
1/6/04 Suspension Of Benefits Applicable To Early Retirees (5th Circuit and 7th Circuit
decision up for review)
- [BNB 2004-35](#) U.S. Supreme Court Speaks Out On Suspension of Benefits Rules For Early Retirees...
6/10/04 Tightening of rules for early retirees viewed as violation of 411(d)(6) - (*Central
Laborers v. Heinz*)
- [BNB 2005-21](#) IRS Issues Guidance On Suspension Of Benefits In Light Of Supreme Court Decision
5/13/05 in *Central Laborers' Pension Fund v. Heinz*
- [SB 2005-52](#) IRS Extends the Date for Pension Plans to be Operationally Compliant with a
12/7/05 Reforming "Heinz" Amendment From January 1, 2006 to January 1, 2007

9. RETIREMENT EQUITY ACT OF 1984 (REA) SURVIVOR ANNUITY REQUIREMENTS

- RM 88-17 **Final** IRS Regulations Issued On Joint And Survivor Requirements And Other REA
9/13/88 Issues - Effective August 22, 1988
- RM 97-5 IRS Issues *Notice 97-11* Providing Sample Language For Inclusion In "Qualified"
1/14/97 Domestic Relations Orders
- RM 97-6 IRS Issues *Notice 97-10* Providing Sample Language For Spousal Waiver Of A
1/22/97 Joint & Survivor Benefit
- RM 99-37 DOL Issues *Advisory Opinion 99-13A* Indicating That Plan Administrator May
11/9/99 Have To Pursue Some Independent Investigation When Determining Whether A
Domestic Relations Order Is "Qualified"
- [RM 2001-14](#) IRS Publishes Proposed Regulations Clarifying When J&S Explanation Must Be
3/20/01 Sent

10. CREDITING OF MILITARY SERVICE UNDER USERRA

- CB 90-26 U.S. Supreme Court Requires Crediting Of Military Service For All Pension
12/90 Purposes By A Multiemployer Pension Plan (*Imel v. Laborers Pension Trust For Northern California*)
- CB 94-42 New Veterans Rights Law (USERRA) Requires Crediting Of Military Service
11/4/94 Toward Vesting And Benefit Accrual – USERRA Creates Potential Funding Problems For Defined Contribution Plans
- RM 94-46 Additional Information About The Uniformed Services Employment And
12/12/94 Reemployment Act (USERRA) Requirements
- [SB 2001-38](#) Call-Up Of Reservists For War On Terror Suggests Need For Careful Review Of
9/27/01 Plan Rules Related To Military Service
- [SB 2002-15](#) DOL Approves Option Used By Some Multiemployer Health Care Plans To Satisfy
4/17/02 USERRA Requirements Applicable To Dependent Coverage
- [RM 2003-42](#) DOL Releases An Update (10/10/03) On Frequently Asked Questions About
10/21/03 USERRA

11. RETIREMENT PROTECTION ACT (RPA '94) REQUIREMENTS

- RM 95-8 GATT Contains Provisions Regarding Calculation Of The Present Value Of Single
3/8/95 Sum Distributions For Cash Outs And 415 Purposes
- RM 95-14 Update On RPA '94 Requirements Applicable To Qualified Defined Benefit Plans
5/4/95
- RM 97-9 IRS Issues Notice 96-67 Regarding The Timing Of Minimum Pension Distributions
2/5/97 Required Under IRS Code Section 401(a)(9) – Still Leaves Many Questions Unanswered

12. ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 (EGTRRA)

- [RM 2001-29](#) IRS Issues *Notice 2001-42* Providing Guidance On Amendments Related To The
7/24/01 Economic Growth And Tax Relief Reconciliation Act of 2001
- [RM 2001-40](#) IRS Releases Sample Amendments For Good Faith Compliance By Qualified
10/1/01 Pension Plans With EGTRRA
- [RM 2001-46](#) IRS Releases *Revenue Ruling 2001-51* Dealing With New EGTRRA 415
11/13/01 Requirements
- [RM 2004-15](#) DOL Proposes Safe Harbor Regulations For Default Rollovers For Cash-Outs Under
3/9/04 EGTRRA - Scheduled for publication in June 2004 with an effective date of January 1, 2005 (deadline missed)

- [BNB 2004-55](#) 10/7/04 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
Multiemployer Pension Plans Would Need To Submit A Request For EGTRRA Determination Letter To The IRS Between February 1, 2006 & January 31, 2007
- [BNB 2004-58](#) 10/18/04 DOL Issues **Final** Safe-Harbor Regulation For The Automatic Rollover Of Certain Mandatory Distributions
Regulation Applies To The Rollover Of Mandatory Distributions Less Than \$5,000 Made On Or After March 28, 2005
- [RM 2005-9](#) 1/21/05 IRS Issues Notice 2005-5 Providing Guidance On The Automatic Rollover Provisions Added by EGTRRA That Are Applicable To Pension Plans That Opt To Require The Distribution Of Vested Accrued Benefits With A Present Value Of Less Than \$5,000
- [BNB 2005-15](#) 2/25/05 IRS Clarifies Dates By Which Pension Plans That Require the Distribution Of Vested Accrued Benefit With A Present Value Of Less Than \$5,000 Must Be Amended – Plans With April 1 Plan Years Must Be Amended by March 31, 2005

13. PENSION FUNDING EQUITY ACT OF 2004 (PFEA)

- [CB 2004-57](#) 9/30/04 Multiemployer Defined Benefit Plan Funding Notices Required To Be Distributed Annually Beginning With The First Plan Year After The 2004 Plan Year
- [BNB 2005-13](#) 2/25/05 *DOL Releases Proposed Regulation Entitled "Annual Funding Notice For Multiemployer Defined Benefit Pension Plans – **Model Notice Included with Proposed Regulation***

14. PENSION PROTECTION ACT OF 2006 (PPA)

- [CB 2006-45](#) 8/8/06 Congress Passes Pension Reform Bill
President States Intention to Sign Bill Into Law
- [SB 2006-48](#) 8/18/06 President Bush Signs the Pension Protection Act of 2006 into Law
- [RM 2006-50](#) 8/29/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title X – Domestic Relations Orders and a New Spousal Survivor Annuity Requirement
- [RM 2006-52](#) 9/13/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title V – Disclosure
- [RM 2006-53](#) 9/18/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title VII – Pension Related Revenue Provisions
- [RM 2006-54](#) 9/20/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title IX – Increased Participation in 401(k) Plans and Faster Vesting of Employer Contributions in Defined Contribution Plans
- [RM 2006-56](#) 10/20/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title VI – Investment Advice, Prohibited Transactions and Fiduciary Rules

- [RM 2006-57](#) 10/20/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title XI – Administrative Provisions
- [RM 2006-58](#) 10/20/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Title III – Interest Rates
- [RM 2006-60](#) 10/27/06 DOL Publishes Proposed Regulations Under the PPA
- [RM 2006-62](#) 11/7/06 A Closer Look at the Pension Protection Act of 2006 (PPA):
Review of Effective Dates Relevant to Multiemployer Pension Plans
- [RM 2006-67](#) 12/27/06 EBSA Releases Guidance on the Periodic Benefit Statements Required Under the PPA
- [RM 2007-2](#) 1/18/07 IRS Issues Additional PPA Guidance in the Form of 44 Q&As Addressing Eight Sections of the PPA
Guidance Focuses on Distributions
- [RM 2007-4](#) 2/7/07 DOL Releases FAB 2007-1 Concerning the Effect of the PPA on Prior DOL Guidance Regarding Investment Advice and the Scope of the Statutory Exemption for Investment Advice in the PPA
- [BNB 2007-8](#) 3/9/07 DOL Publishes Interim Final Rule Under the PPA on How the Timing and Sequence of Domestic Relations Orders Affects Whether the Domestic Relations Order Affects Whether the Domestic Relations Order is a "Qualified Domestic Relations Order"
- [RM 2007-12](#) 3/30/07 A Closer Look at the New QJSA Notice Timing and Content Requirements Changes Made by the PPA
New Rules Apply To Plan Years Beginning After December 31, 2006
- [RM 2007-23](#) 5/24/07 Yes Dorothy, the 25% Combined Plan Limit Applicable to the Combinations of Multiemployer DB and DC Plans was Done Away with by the PPA
- [BNB 2007-26](#) 6/1/07 Recently Passed Law Makes Limited Technical Changes to the Pension Protection Act (PPA)
- [RM 2007-27](#) 6/6/07 A Closer Look at PPA Section 204(d):
PPA Makes Change to Employer Withdrawal Liability Procedures Involving Employer Transactions Designed To Avoid Withdrawal Liability
- [SB 2007-32](#) 6/15/07 IRS Releases Rev. Proc. 2007-44 Containing New Procedures for Remedial Amendments to Retirement Plans Including PPA Amendments
- [RM 2007-52](#) 9/14/07 DOL Publishes Proposed Rule Under PPA Implementing Information Disclosure Requirements for Multiemployer Pension Plans
- [BNB 2007-61](#) 10/15/07 IRS Releases Guidance Concerning Interest Rates for Present Value Calculations
- [RM 2007-64](#) 10/26/07 DOL Publishes Final Regulation Providing Fiduciary Safe-Harbor for Investment of Non-Participant Directed Accounts in Qualified Default Investment Alternatives

- [RM 2007-66](#) Review of PPA Effective Dates Relevant to Multiemployer Pension Plans
11/19/07
- [RM 2008-13](#) IRS Releases Notice 2008-30 Containing Guidance on Distribution Related Provisions
3/10/08 of the PPA Effective in 2008
- [RM 2008-14](#) IRS Publishes Proposed Regulations Regarding the Determination of Endangered or
3/19/08 Critical Status
- [SB 2008-15](#) DOL Releases Proposed Model Notice of Multiemployer Plan in Critical Status
3/25/08
- [RM 2008-17](#) PBGC Publishes Proposed Regulations Implementing PPA Withdrawal Liability PPA
4/1/08 Withdrawal Liability Reforms
- [BNB 2008-22](#) DOL Releases: Field Assistance Bulletin Containing Guidance on QDIAs;
5/1/08 Amendments to the QDIA Regulations and a QDIA Fact Sheet
- [RM 2008-24](#) PBGC Publishes Final Premium Payment Regulations Implementing PPA Changes
5/7/08 and Instructions for New Form
- [BNB 2008-48](#) DOL Publishes PPS-Related PTE and Regulations of the Provision of Investment
9/24/08 Advice to Participants in Self-Directed Plans
- [RM 2008-51](#) IRS Releases Proposed Regulations on Contents of “Consequences of Failing to
10/9/08 Defer” Notice and Other PPA Changes
- [BNB 2008-53](#) DOL Publishes Several PPA-Related Rules
10/17/08
- [BNB 2008-60](#) IRS Releases Revenue Procedure 2008-67 on Amortization Extensions for
11/25/08 Multiemployer Plans Under the PPA
- [BNB 2008-69](#) IRS Releases FAQs on Amortization Extension
12/22/08
- [BNB 2009-3*](#) DOL Publishes Final Rule on Civil Penalties Under PPA
1/7/09
- [BNB 2009-51*](#) DOL Releases Proposed Regulations on Civil Penalties for Failing to Adopt a
9/4/09 Funding Improvement or Rehabilitation Plan
- [BNB 2009-58*](#) DOL to Host FREE Webcast on Preparing for 2009 Form 5500 and Electronic Filing
10/28/09 Requirements
REMINDER – NEW PPA UNION/EMPLOYER DISCLOSURE

15. WORKER, RETIREE, AND EMPLOYER RECOVERY ACT OF 2008 (WRERA)

- [CB 2008-66](#) Congress Passes Pension Relief Bill
12/15/08 *President Expected to Sign Soon*
- [RM 2009-25*](#) IRS Releases Guidance on Election and Notice Procedures for Multiemployer Plans
4/1/09 Under WRERA

[SB 2009-31*](#) IRS Extends Time to Make A WRERA Election to June 30, 2009
4/30/09

[SB 2009-54*](#) IRS Issues Guidance and Model Amendment for the 2009 Waiver of Required
9/29/09 Minimum Distributions Under WRERA

16. HEROS EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 (HEART)

[BNB 2008-29](#) New Law Makes Changes to Pension Plan Rules
6/17/08 *Affects Individuals Who Enter Military Service*

17. IRS REGULATIONS

[RM 2004-7](#) IRS Issues **Final** Regulations Regarding The Disclosure Of Relative Values Of
1/27/04 Optional Forms Of Benefits

[SB 2004-39](#) PENSION PLANS GET A BREAK!!!
7/7/04 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

[RM 2004-41](#) Defined Benefit Plans May Offer Retroactive Annuity Starting Dates for Plan Years
7/28/04 Beginning on or after January 1, 2004

[BNB 2005-10](#) IRS Extends Retroactive Annuity Starting Date Remedial Amendment Period For
1/28/05 Defined Benefit Plans to the End of the 2005 Plan Year

[RM 2005-49](#) Proposed 415 Regulations – *District Court Allows Plan to Use “Alter-Ego” and*
11/11/05 *“Veil- Piercing” Theories to Recover Withdrawal Liability Amounts From Owners of*
Bankrupt Companies

[BNB 2006-4](#) IRS Provides Limited Relief from Relative Value Disclosure Regulations – Good
1/20/06 Faith Effort at Substantial Compliance will be Acceptable Until January 1, 2007

[RM 2006-18](#) IRS Releases “Final” Relative Value Regulations
4/6/06

[RM 2006-49](#) IRS Publishes Final Regulations Concerning the “Anti-Cutback” Rules of Code
8/25/06 Section 411(d)(6)

[RM 2006-60](#) DOL Publishes Proposed Regulations Under the PPA
10/27/06

[BNB 2007-21](#) IRS Publishes New, Final 415 Regulations
5/10/07

[BNB 2007-36](#) Highlights of Information in IRS Employee Plan News
6/22/07

[BNB 2008-18](#) IRS Publishes Proposed 204(h) Regulations
4/4/08

[SB 2009-65*](#) Congress Passes COBRA Subsidy Extension – President Expected to Sign
12/21/09 *Other Recent News (Notice Requirements for Pension Plans that Reduce Benefit Accruals)*

18. IRS REVENUE PROCEDURES

[RM 2004-42](#) IRS Issues Revenue Procedure 2004-44 Containing a Procedure for Retirement Plan
7/28/04 Sponsors to Request an Extension of an Amortization Period

[BNB 2004-55](#) IRS Releases Draft Revenue Procedure Proposing Staggered Remedial Amendment
10/7/04 Periods For Pension Plans Based On 5 Year Cycles and Extending The EGTRAA Remedial Amendment Period
Multiemployer Pension Plans Would Need To Submit A Request For EGTRRA Determination Letter To The IRS Between February 1, 2006 & January 31, 2007

[CB 2005-39](#) IRS Releases Revenue Procedure 2005-66 Establishing A System of Cyclical
9/13/05 Remedial Amendment Periods for Qualified Retirement Plans – *Multiemployer Plans Should Submit Their EGTRAA Determination Letter Requests Between February 1, 2009 and January 31, 2010*

[BNB 2007-1](#) CMS Releases HIPAA Security Guidance For Remote Use of and Access to
1/5/07 Electronic Protected Health Information
IRS Releases Updated Revenue Procedures

[SB 2007-32](#) IRS Releases Rev. Proc. 2007-44 Containing New Procedures for Remedial
6/15/07 Amendments to Retirement Plans Including PPA Amendments

19. DOL GUIDANCE

[BNB 2004-59](#) DOL Releases Guidance on Fiduciary Duties and Missing Participants in
10/21/04 Terminated Defined Contribution Plans
Field Assistance Bulletin 2004-02 Gives Guidance on Locating Such Plan's Missing Participants and Making Distributions of Missing Participant's Account Balances

[RM 2007-4](#) DOL Releases FAB 2007-1 Concerning the Effect of the PPA on Prior DOL
2/7/07 Guidance Regarding Investment Advice and the Scope of the Statutory Exemption for Investment Advice in the PPA

[BNB 2007-8](#) DOL Publishes Interim Final Rule Under the PPA on How the Timing and Sequence
3/9/07 of Domestic Relations Orders Affects Whether the Domestic Relations Order Affects Whether the Domestic Relations Order is a "Qualified Domestic Relations Order"

[BNB 2007-54](#) DOL Announces Rules on Selecting Annuity Providers for Benefit Distributions from
9/17/07 Pension Plans

[BNB 2007-70](#) DOL Publishes Proposed Regulations on Disclosure of Fees by Service Providers to
12/17/07 ERISA Benefit Plans

[RM 2008-11](#) DOL Issues Proposed Changes to Regulations Defining When Employee
3/7/08 Contributions to a Pension or Health Plan Become "Plan Assets"
Proposed Regulation to Provide a Seven Business Day Safe Harbor for Employers to Transmit Employee Contributions

- [BNB 2008-12](#) 3/7/08 DOL Publishes Proposed Regulation and Form T-1 Requiring Labor Organizations to File Reports on Trusts
- [RM 2008-57](#) 11/11/08 DOL Releases Interpretative Bulletin Relating to Fiduciary Responsibility in Considering “Economically Targeted Investments”
- [RM 2008-58](#) 11/13/08 DOL Releases Interpretive Bulletin Relating to Exercise of Shareholder Rights
- [SB 2008-62](#) 12/1/08 DOL Releases Guidance on ERISA Bonding Requirements

F. OTHER PENSION TOPICS

1. "PARTICIPANT-DIRECTED" ACCOUNTS

- RM 92-25 11/13/92 DOL Issues **Final** Regulations On "Participant-Directed" Accounts Under Section 404(c) Of ERISA
- RM 96-27 6/24/96 DOL Issues **Final** *Interpretive Bulletin 96-1* Dealing With Investment Education For Participants
- [RM 2002-34](#) 8/19/02 Pension Protection Provisions For Participant-Directed Accounts Included In Accounting Reform Legislation... Notification Rules Applicable to “Black-Out” Periods
- [RM 2003-44](#) 11/3/03 DOL Issues Advisory Opinion Permitting Participant-Directed Account Plans To Use “Profiles” Rather Than Complete Prospectus
- [RM 2006-56](#) 10/20/06 A Closer Look at the Pension Protection Act of 2006 (PPA): *Title VI – Investment Advice, Prohibited Transactions and Fiduciary Rules*
- [RM 2008-36](#) 7/25/08 DOL Publishes Proposed Regulation on Disclosure of Fees and Expenses in Plans with Participant-Directed Accounts
- [BNB 2009-8*](#) 1/27/09 DOL Publishes Final Investment Advice Regulations – Implementation Delayed by White House
- [RM 2009-36*](#) 5/28/09 IRS Employee Plans Team Audit Program Releases Compliance Trends for Pension Plans, Including Multiemployer Plans
DOL Investment Regulations Delayed Again
- [BNB 2009-62*](#) 11/17/09 DOL Delays Effective Date of Regulations on Advice to Participants in Individual Account Plans to May 17, 2010
- [BNB 2009-63*](#) 12/4/09 PBGC 2010 Premium Rates, DOL COBRA Subsidy FAQs and DOL Withdrawal of Investment Advice Regulations

2. LOANS TO PARTICIPANTS

- RM 93-7 2/24/93 IRS Issues Guidance On 20% Withholding And Rollover Rules Applicable To Loan Distributions

RM 2000-41 IRS Publishes **Final & Proposed** Regulations On Loans To Participants
8/16/00

RM 2002-47 IRS Issues Amendment To **Final** Regulations On Participant Loans - Rules liberalized
12/19/02 for refinancing, multiple loans and military service

SB 2004-1 Bush Signs Interest Rate Relief On Participant Loans During Military Service
1/6/04

3. **FDIC INSURANCE COVERAGE FOR PENSION PLANS**

RM 93-27 FDIC Issues **Final** Regulations On FDIC "Pass-Through Coverage" For Employee
7/26/93 Benefit Plans - plus text of **Final** Regulations

RM 95-6 FDIC Publishes Technical Amendments To **Final** Regulations On "Pass-Through"
2/16/95 Coverage For Employee Benefit Plans

4. **PENSION FUND INVESTMENTS**

RM 94-33 Department Of Labor Issues *Interpretive Bulletin On Proxy Voting* Applicable
8/15/94 To Trustees

RM 96-27 DOL Issues *Interpretive Bulletin 96-1* Setting Forth Guidelines For Investment
6/24/96 Education Of Plan Participants By Plan Sponsor Without Rendering "Investment
Advice"

RM 2003-8 DOL Publishes **Final** Regulations On Blackout Period Notices For Individual
2/12/03 Account Plans

RM 2004-18 U.S. District Court Addresses Application Of Prudent Man Rule To Real Estate
4/1/04 Investments

RM 2004-19 General Accounting Office (GAO) Reports On Changing Funding Status Of
4/6/04 Multiemployer Defined Benefit Plans And Future Challenges

CB 2005-3 Consequences to a Multiemployer Pension Plan of a Funding Deficiency
1/7/05

5. **NOTEWORTHY LITIGATION**

BNB 2004-46 District Court Holds Withdrawing Employer May Obtain General Information
8/14/04 From Plan Needed to Compute its Withdrawal Liability Even After the Employer
Withdraws

BNB 2004-53 Employer Which Failed To Pay Interim Withdrawal Liability Payments Until After
9/23/04 Suit Was Filed Against It Was Still Liable For Interest, Liquidated Damages,
Attorneys' Fees and Costs

BNB 2005-7 Illinois District Court Upholds Local 703's Pension Plan Eligibility Conditions On
1/14/05 "30 And Out" Pension – *Requirement That Participant Earn Six Of Last Ten Years Of
Service With Local 703 To Receive A "30 And Out Pension" Using Reciprocal Credits
Does Not Violate ERISA*

- [BNB 2005-8](#) District Court Holds Participant's Failure To Update His Beneficiary Designation Results In First Wife Receiving His Pension Account Balance, Not His Current Wife
1/10/05
- [RM 2005-48](#) ALL IN ONE COURT CASE!! *The Importance of ERISA Fidelity Bonds – Watch Out for the First Remand Step, it's a Doozy!!*
11/11/05
- [BNB 2007-3](#) District Court Finds Union An ERISA Fiduciary Due To Its Power To Appoint Union Trustees To Pension Fund
1/26/07
Court Further Finds Union Breached Such Fiduciary Duties
- [RM 2007-40](#) District Court Addresses Issue of Employer Withdrawal Liability for Construction Industry Employers and Relation of Subcontracting Clauses in CBA
7/13/07
- [BNB 2007-42](#) Federal Circuit Court Upholds \$3.7 Million Employer Withdrawal Liability Assessment
7/20/07
"Common Control" Liability Provision of MPPAA Allowed Withdrawal Liability to be Assessed Against a Ranch Owned by the Principals of a Bankrupt Trucking Company That Owed the \$3.7M
- [CB 2008-9](#) U.S. Supreme Court Upholds Rights of Individuals in Defined Contribution Plans with Participant Directed Accounts to Bring Action for Losses from Failure of Fiduciary to Carry Out Participant's Investment Directions
2/22/08
- [RM 2008-28](#) District Court Upholds DOL's LM-10 Reporting Requirements on Employer Payments to Unions
6/16/08
- [RM 2008-32](#) Fifth Circuit Court Case Addresses the Limits of Plan Actuary's Duty to Provide Advice to Trustees
6/23/08
- [RM 2009-12*](#) Supreme Court Holds Pension Plan Terms Determining Who is Beneficiary Control Over Divorce Decree "Waiver" – Ex-Wife Still Beneficiary After Divorce
2/9/09
- [RM 2009-41*](#) Sixth Circuit Court Case on Cutbacks to Post-Retirement Benefit Increases Generates Interest
7/8/09
- [RM 2009-46*](#) Tenth Circuit Joins Other Circuits Holding Pension Plan's Death Benefit was NOT Protected from Cutback
7/23/09

6. PENSION REFORM BILLS

- [CB 2006-6](#) Highlights of Current Senate and House Pension Bills
1/30/06
- [BNB 2006-7](#) President Signs Bill Increasing Annual PBGC Premiums for Multiemployer Plans from \$2.60 to \$8.00 per Participant
2/10/06
RDS Center Adds Functions to Website; Post January E-Newsletter Updated Links to CMS Website
- [BNB 2006-13](#) Pension Reform Bills Move Forward!!
3/14/06
U.S. House and Senate Conferees Named House Conferees Given Specific Instructions

[CB 2006-26](#) Proposed Changes to FAS 87 Do Not Affect Employers Participating in
5/5/06 Multiemployer Pension Plans

G. COLLECTION OF DELINQUENCIES AND REFUND OF OVERPAYMENTS

BNB 91-21 Update On Court Decisions Regarding Trustee Authority To Conduct Payroll Audits
8/23/91 (*Santa Monica Culinary Welfare Fund v. Mirimar and Plumbers and Steamfitters Local 150 Funds v. Vertex Construction Company*)

BNB 92-2 Payment Of Reasonable Attorney's Fees To Plan By Delinquent Employer Mandatory
2/12/92 When Plan Prevails In Suit To Collect Delinquencies (*Trustees For Michigan Laborers Health Fund v. Eastern Concrete Paving Company*)

CB 92-7 U.S. Court Of Appeals Rules That Employer Has Right To Refund For Contribution
3/30/92 Overpayments Under The Federal Common Law Of Restitution (*Jamail v. Carpenters District Council of Houston Pension and Welfare Trusts, 2/27/92*)

BNB 93-15 U.S. Court Of Appeals Prohibits Collection Of Delinquencies Incurred By A
4/22/93 Subcontractor From A General Contractor (*Electrical Workers Health & Welfare Trust v. Marjo Corp., 3/16/93*)

BNB 94-14 Policy Adopted By Trustees Regarding Refund Of Mistaken Employer Contributions
3/31/94 Must Satisfy Certain Conditions (*Whiteworth Brothers Storage Company v. Central States . . .*)

BNB 94-35 U.S. Court Of Appeals Decision Stresses Need For Contributing Employers To
8/30/94 A Multiemployer Plan To Maintain Proper Payroll Records For Fund Auditor
(*Michigan Laborers' Health Care Fund, et al. v. Grinaldi Concrete, Rocco's Concrete Company, U. S. Court of Appeals, Sixth Circuit, No. 93-1494, 7/26/94*)

BNB 96-10 Decisions By U.S. Court Of Appeals May Complicate Collection Of Delinquencies
2/14/96 Under A Surety Bond Arrangement

BNB 96-16 Collection Of Subcontractor's Delinquencies From A General Contractor
4/3/96 Preempted By ERISA (*Burgio & Campofelice v. New York, 1/22/96*)

BNB 96-40 Trustees Of Multiemployer Pension Plan Have Right To Examine All Payroll
10/2/96 Records Even Though The Bargaining Agreement Or Trust Agreement Does Not
Specifically Authorize Payroll Auditing (*New York State Teamsters Conference Pension & Retirement Fund v. Boening Brothers*)

BNB 2000-8 U.S. Circuit Court Rules That An Employer Must Pay Delinquent Contributions
2/1/00 Even Though He Did NOT Sign Bargaining Agreements (*Brown v. C. Volante Corp.*)

[BNB 2001-42](#) Employer Contribution Behavior Signifies Acceptance Of New Bargaining
10/23/01 Agreement (*Operating Engineers Local 139 Health Benefit Fund, et al. v. Gustafson Corporation*)

[RM 2002-33](#) DOL Issues **Advisory Opinion 2002-06A** Binding Trustees To Employer
8/19/02 Contribution Collection Procedures Set Forth In The Trust Agreement

[RM 2006-34](#) Collections Case Illustrates Legal Theory of "Piercing the Corporate Veil"
6/5/06

- [RM 2006-40](#) District Court Holds Two Companies Were “Single Employer” and Owner Liable for Unpaid Contributions
7/10/06
- [RM 2006-61](#) Michigan District Court Finds Owner of Companies Owing Unpaid Contributions is Personally Liable
10/27/06
Such Monies Owed were Plan Assets and Owner was ERISA Fiduciary Subject to Personal Liability
- [CB 2007-37](#) Fiduciary Duty Refresher
6/28/07
Collecting Delinquencies and the Use of Payroll Audits of Contributing Employers
- [RM 2008-6](#) EBSA Releases Field Assistance Bulletin 2008-01 on Collection of Delinquent Contributions
2/5/08

H. TAX-RELATED ISSUES

1. TAX TREATMENT OF 501(c) TRUSTS

- RM 86-7 A Reminder Regarding Filing Of Form 1024 And Related Documents By 501(c)(9) Trusts In Order To Retain Tax Exempt Status
3/5/86
- BNB 89-1 Potential Problem With Reserve Limit Exemption For Collectively Bargained Welfare Plans If Number Of Employees Not Covered By The Collective Bargaining Agreement Increases
1/11/89
- RM 99-34 TIC Research Department Seeks Clarification On Taxable Status Of Self-Funded Death Benefits Paid By A Welfare Plan
10/27/99

2. WITHHOLDING OF TAX ON PENSION DISTRIBUTIONS

- RM 92-24 Analysis Of *IRS Temporary Regulations* On Direct Rollovers And 20% Withholding On Eligible Rollover Distributions From Qualified Pension Plans
11/4/92
- RM 93-5 Clarification On The Application Of The 20% Withholding Tax To Five-Year Period Certain Death Benefits Payable To Surviving Spouses
2/10/93
- RM 93-8 IRS Issues *Revenue Procedure 93-12* Offering Simplified Method Of Amending Plan To Reflect New 20% Withholding Rules - Use Of Model Amendment Guarantees Automatic IRS Approval
2/25/93
- RM 93-14 IRS Issues *Notice 93-26* Waiving 30-Day Waiting Period For Payment Of Eligible Rollover Distributions And Other Pension Distributions If Certain Conditions Are Met
4/20/93
- RM 93-18 A Reminder About Depositing And Reporting Amounts Withheld On Pension Distributions - Timely Deposits And Reporting Are Critical To Avoid Stiff Penalties
5/24/93
- RM 94-3 IRS Issues **Final** Regulations On Income Tax Withholding From Certain Benefit Payments - New Form 945 Must Be Used For Non-payroll Items
1/12/94
- RM 94-32 IRS Issues New Form 945 For Reporting Income Tax Withheld On Non-Payroll Pension Distributions
8/2/94

- RM 95-30 IRS Issues **Final** Regulations On Eligible Rollover Distributions
10/18/95 - Effective October 19, 1995
- RM 2000-23 IRS Issues **Final** Regulations Providing Relief If A Plan Accepts An Invalid Rollover
5/1/00
- [RM 2002-1](#) IRS Issues Updated Safe Harbor Notice - 402(f) Notice Regarding The Tax Treatment
1/3/02 Of Eligible Rollover Distributions
- [RM 2002-9](#) IRS Revises Safe Harbor Explanation For Tax Treatment Of Eligible Rollovers -
2/26/02 Analysis of four major changes

3. **1099 REPORTING**

- RM 93-33 IRS Begins Checking Tax Identification Numbers (TINs) For Health Care Service
9/10/93 Providers - Backup Withholding By Multiemployer Health Care Plans May Be
Required
- [BNB 2004-60](#) New IRS Regulation Changes the Way Third Party Administrators (TPAs) File IRS
10/21/04 Form 1099 Misc. on Behalf of Their Client Health Plans
*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*
- [BNB 2006-5](#) REMINDER – IRS Wants the TPA name and TIN on the 1099-MISC Forms Filed
1/23/06 on Behalf of a TPA's Client Plans Unless there is a Written Agreement Specifying
Otherwise
- [BNB 2009-29*](#) Stimulus Law May Have Adverse Effect on Retirees Due to New Tax Tables
4/13/09
- [SB 2009-32*](#) IRS Announces Optional Withholding Tables for Pension Distributions
5/15/09
- [BNB 2009-52*](#) CMS Posts Revised Forms for Obtaining SSNs and HICNs for RREs for Section
9/8/09 111 Reporting
IRS Releases Safe Harbor Notices for Participant Distributions

4. **DEFINITION OF DEPENDENT**

- [RM 2005-14](#) Congress Changes Definition Of "Dependent" For Federal Tax Purposes – *Change
2/25/05 May Affect Health Plans That Cover Dependents Over Age 23 Who Contribute More
Than 1/2 Of Their Support Or That Define "Dependent" By Reference To The Federal
Tax Code*
- [RM 2009-42*](#) New Law Changes Definition of "Dependent"
9/8/09 *Group Health Plans Should Review Their Plans to Determine if Amendments are
Needed*

I. ERISA PREEMPTION ISSUES AND LITIGATION

- BNB 90-16 Self-Funded Multiemployer Health And Welfare Funds In Michigan Win Another
7/26/90 Major Victory On Preemption Issue Involving Michigan's No-Fault Auto Insurance
Law (*Transamerica v. Detroit Carpenters Health And Welfare Fund, et al.*)
- CB 90-26 U.S. Supreme Court Confirms Preemption Of State Anti-Subrogation Laws When
12/90 Applied To Self-Funded Plans (*FMC Corp v. Holliday*)
- CB 91-26 U.S. Court Of Appeals Rules That ERISA Preemption Prohibits Use Of State
10/91 Mechanics Lien Laws To Collect Delinquencies And State Laws Regulating
Apprenticeship Training Programs (*Sturgis v. Miller and Boise Cascade v. Peterson*)
- BNB 91-27 ERISA Preempts Funding State's Catastrophic Health Care Plan By Taxing
11/2/91 Hospital Charges Incurred By ERISA Plan Participants, (*Bricklayers Local No. 1
Welfare Fund, et. al. v. Louisiana Health Insurance Association*)
- BNB 93-15 Attempt To Apply A State's No-Fault Auto Insurance Law To An ERISA Health
4/22/93 Care Plan Is Preempted By ERISA
- BNB 94-35 ERISA Preemption Provision Does Not Prohibit Michigan's Value-Added Tax (VAT)
8/30/94 On Health Care And Pension Plans, (*Thiokol Corp. v. Roberts*, U.S. District Court of
Western Michigan, No. 9-CV-12, 7/22/94)
- BNB 95-10 Different Conclusions Reached By The Courts On ERISA Preemption Of State
3/22/95 Prevailing Wage Laws - Discussion of Cases in California, Michigan and Pennsylvania
- SB 95-13 Bad News For ERISA Plans! U.S. Supreme Court Rules That New York State
5/1/95 Surcharges On Hospital Bills Payable By ERISA Plans Are NOT Preempted By
ERISA (The *Travelers* Case)
- BNB 95-28 Review Of Four U.S. Appellate Court Decisions Extending U.S. Supreme Court's
10/16/95 Decision In The *Travelers* Case To ERISA Self-Funded Plans
- SB 96-7 ERISA Preemption May Still Be A Valid Defense Against State Taxation Of ERISA
1/25/96 Health Care Plans
- BNB 96-14 U.S. District Court Rules That ERISA Preempts Application Of State Minimum
3/26/96 Stop-Loss Attachment Points To ERISA Self-Funded Plans (*American Medical
Security v. Bartlett*, 2/23/96)
- BNB 96-16 Review Of Four Cases Involving ERISA Preemption Including Two Cases Related
4/3/96 To Application Of A State's Prevailing Wage Law To Apprenticeship Training
Programs (*Inland Empire Chapter of AGC*, 2/21/96 and *AGC San Diego Chapter v.
Owen Smith*, 1/22/96)
- SB 97-4 Update On NY Surcharge Law - Where To Go On The Internet For List Of Plans
1/13/97 Which Elected To Make Surcharge Payments Directly To The State
- CB 97-14 U.S. Supreme Court Rules That California's Prevailing Wage Law Is NOT Preempted
3/31/97 By ERISA (*California Division Of Labor Standards Enforcement et al. v. Dillingham*)
U.S. Court of Appeals Rules That HMO Must Disclose Financial Incentives Designed
To Discourage Primary Physician Referrals To Specialists (*Shea v. Eisenstein*)

- BNB 97-20
5/6/97 Application Of State Law Setting Minimum Attachment Points Of Stop-Loss Coverage For Self-Funded ERISA Plans Is Preempted By ERISA (*American Medical Security, et al. v. Barlett, Minnesota Insurance Commissioner*, 4/11/96)
- BNB 99-28
8/12/99 Conflict Continues In Maryland Over Whether Setting Of Attachment Stop-Loss Points By State Is Preempted By ERISA (*Lewis v. K-Mart*, U.S. Court of Appeals, Fourth Circuit, No. 98-2179, 6/29/99)
- RM 2000-37
7/5/00 Good News On New York State Surcharge Reporting - Annual Reporting, Instead Of Monthly Reporting, Likely To Become An Option
- [BNB 2002-26](#)
6/26/02 In A 5-4 Vote U.S. Supreme Court Upholds State Law Requiring HMOs To Extend External Review To Denied Claims (*Great-West Annuity v. Moran*)
- [BNB 2004-40](#)
7/13/04 U.S. Supreme Court Holds Texas State Law Allowing Suits Against HMOs Is Preempted By ERISA
- [RM 2007-34](#)
6/19/07 State Law Mandated Health Benefits, Self-Insured Health Plans and ERISA Preemption

J. NONDISCRIMINATION REQUIREMENTS (EXCEPT TRA '86)

1. PDA - PREGNANCY DISCRIMINATION ACT

- [SB 2001-1](#)
1/4/01 EEOC Renders Decision Requiring Group Health Care Plans Covering Preventive Medicines To Also Cover Contraceptives
- [BNB 2001-26](#)
6/14/01 U.S. District Court Rules That Failure Of A Group Health Care Plan To Cover Female Contraceptives Violates Title VII of the Civil Rights Act of 1964 (*Erickson v. The Bartell Company*)
- [RM 2002-44](#)
11/6/02 To Cover Or Not To Cover Contraceptives: That Is The Question - Latest Legal Developments Affecting the Answer to this Question
- [BNB 2002-46](#)
12/16/02 Pressure Continues To Require Group Health Care Plans To Cover Female Contraceptives
- [BNB 2003-12](#)
3/11/03 Recent Settlement With EEOC Is Likely To Encourage More Group Health Plans To Include Coverage For Contraceptives
- [BNB 2003-51](#)
12/8/03 U.S. District Court Moves Toward Mandatory Contraceptive Coverage Under The Pregnancy Discrimination Act (*DaimlerChrysler v. Cooley*, 12/2/03)
- [RM 2007-10](#)
3/23/07 Eighth Circuit Court of Appeals Holds Employer's Union Health Plan Was Not Discriminatory For Failing To Provide Female Contraceptive Coverage

2. ADEA - AGE DISCRIMINATION IN EMPLOYMENT ACT

- BNB 85-19
8/19/85 EEOC Permits Disparity Between Older And Younger Workers When Subsidizing Joint And Survivor Benefits
- BNB 88-10
6/14/88 EEOC Issues Policy Statement On ADEA Requirements Applicable To Group Health Care Coverage Of Older Workers And Their Spouses

- BNB 89-3
2/21/89 EEOC Follows IRS Position On Benefit Accrual For Hours Worked Beyond The Normal Retirement Age
- RM 96-20
4/16/96 EEOC Reverses Its Position On The Application Of The Age Discrimination In Employment Act To Apprenticeship Training Programs - EEOC Will Apply The ADA To Such Plans
- [SB 2002-32](#)
8/8/02 EEOC Rule Would Allow Retirement Health Plans To Limit Or Eliminate Plan Benefits For Medicare Beneficiaries Without Violating The ADEA
- [RM 2004-28](#)
5/5/04 EEOC Approves Proposal To Exempt Retiree Health Plans From ADEA Requirements

3. ADA - AMERICANS WITH DISABILITIES ACT

- CB 91-26
10/91 EEOC Issues **Final** Regulations On The Americans With Disabilities Act (ADA) Including Requirements Applicable To Group Health Care Plans - Regulations Still Leave Some Issues Unresolved
- RM 92-12
5/27/92 EEOC Publishes **Technical Assistance Manual** To Help Employers And Other Entities Comply With The ADA - Complimentary Copy Available from EEOC
- SB 93-6
2/17/93 EEOC Official In New York Rules That Exclusion Of AIDS Coverage By A Multiemployer Plan Violates The ADA
- RM 93-23
6/21/93 EEOC Issues **Interim Enforcement Guide** on Disparate Coverage of Specific Illnesses under ADA - Includes Criteria for Determining Whether Different Coverages for Different Illnesses is a Subterfuge of the ADA
- SB 94-2
1/12/94 Multiemployer Health Care Plan Agrees To \$100,000 Out-Of-Court Settlement For AIDS Case And Restoration Of Higher Lifetime Benefit Limit (*Kadinger v. International Electrical Workers Local 110*)
- SB 94-13
3/29/94 EEOC Wins Another Round in Reversing Decisions by Group Health Care Plans to Lower Coverage for AIDS
- CB 94-31
7/27/94 EEOC Vigorously Pursues Litigation Against Multiemployer Plans Which Have Reduced or Eliminated Coverage for AIDS
- SB 95-3
1/12/95 Another Multiemployer Plan Reinstates Full Coverage for AIDS Treatment Rather Than Pursue Litigation with the EEOC
- RM 95-12
4/24/95 Warning Regarding Potential Litigation Risks under The ADA If Plan Reduces Or Eliminates Coverage for AIDS or Other Specific Illnesses
- SB 96-2
1/11/96 Trustees Of Mason Tenders Health Care Plan "Lose Big" In ADA Case Involving Exclusion Of Treatment For AIDS
- CB 97-14
3/31/97 U.S. Court Of Appeals Considers Question Of Whether The ADA Requires Equal Coverage For Mental Illnesses (*Parker v. Metropolitan Life Insurance Company*)
- BNB 98-24
7/30/98 Exclusion Of Treatment For Particular Types Of Transplants Is NOT A Violation Of The ADA According To U.S. Appellate Court

- BNB 99-22 5/17/99 EEOC Issues *Determination Letter* Declaring That Group Health Care Plan Exclusions For Infertility Treatment Violate The Americans With Disabilities Act
- BNB 99-25 6/17/99 A U.S. Court Of Appeals Renders A Decision At Odds With EEOC's Position On Whether Less Valuable Benefits For The Treatment Of AIDS Violates The ADA (*John Doe & Richard Smith v. Mutual of Omaha*)
- BNB 2000-2 1/12/00 Two More U.S. Circuit Courts Rule That The ADA Does NOT Require Equal Benefits For Treatment Of Mental Illnesses and Physical Illnesses (*Kimber v. Thiokol* and *Weyer v. 20th Century Fox*)
- BNB 2000-21 5/1/00 U.S. Court Of Appeal For The Eighth Circuit Joins Six Other Circuit Courts In Ruling That The ADA Does NOT Require The Same Coverage For Mental Disabilities As It Requires For Physical Disabilities (*EEOC v. State Island Savings Bank*)
- BNB 2000-30 6/1/00 Another U.S. Circuit Court Rules That Provision Of Different Coverages For Mental Disabilities And Physical Disabilities Does NOT Violate The ADA (*EEOC v. Aramark Corp.*)
- [BNB 2002-20](#) 5/9/02 U.S. Supreme Court Permits Seniority System To Trump Americans With Disabilities Act (ADA) Under Certain Conditions (*U.S. Airways v. Barnett*)

K. PROHIBITED TRANSACTIONS

- RM 90-18 8/20/90 Department Of Labor Issues **Final** Regulations On Prohibited Transaction Exemption Procedures - Effective September 10, 1990
- RM 95-38 12/12/95 DOL Issues Proposed Class Exemption To Expedite Processing Of Prohibited Transaction Exemption Requests
- [RM 2004-14](#) 3/2/04 DOL Issues Prohibited Transaction Exemption 2003-39 Allowing Settlements Of Litigation
- [BNB 2006-21](#) 4/21/06 EBSA Expands Exemption for Interest-Free Loans to Employee Benefit Plans

L. PLAN TERMINATION INSURANCE PROGRAM

1. PBGC PREMIUM PAYMENT

- RM 97-44 11/13/97 PBGC Issues **Final** Regulations Setting Time Limits On Plan's Response To PBGC Requests For Premium-Related Information
- [BNB 2006-7](#) 2/10/06 President Signs Bill Increasing Annual PBGC Premiums for Multiemployer Plans from \$2.60 to \$8.00 per Participant
RDS Center Adds Functions to Website; Post January E-Newsletter
Updated Links to CMS Website
- [SB 2006-32](#) 6/2/06 PBGC Releases Final Rule Requiring Mandatory Electronic Filing of PBGC Premiums Declarations
- [RM 2007-28](#) 6/7/07 PBGC Pension Plan Terminations and Multiemployer Pension Plans
What's the Deal with That?

- [BNB 2008-64](#) PBGC Publishes 2009 Premium Rates
12/4/08
- [BNB 2009-2*](#) PBGC Publishes Final Rule on Employer Withdrawal Liability
1/7/09
- [SB 2009-11*](#) PBGC Announces Website Open for 2009 Premium Filing
2/9/09
- [BNB 2009-63*](#) PBGC 2010 Premium Rates, DOL COBRA Subsidy FAQs and DOL Withdrawal of
12/4/09 Investment Advice Regulations

2. MPPAA REGULATIONS AND REQUIREMENTS

- RM 6/19/84 **Final** PBGC Regulations Regarding Notice And Collection Of Withdrawal Liability - Effective Date Is July 2, 1984
- RM 6/25/84 PBGC Issues **Final** Regulations On Variances Permitted From Sale Of Assets Requirements - Effective Date Is July 2, 1984
- RM 85-24 9/19/85 PBGC Issues **Final** Regulations On Arbitration For Withdrawal Liability Disputes - Effective Date Is September 26, 1986
- BNB 86-13 4/21/86 PBGC Issues **Final** Regulations On The Reduction Or Waiver Of Employer Withdrawal Liability If Withdrawn Employer Reenters The Plan
- RM 91-10 2/28/91 PBGC Reverses Itself Regarding Calculation Of Withdrawal Liability When Fund Has No Unfunded Vested Benefits
- RM 93-2 1/19/93 PBGC Issues Three Sets Of **Final** Regulations On Employer Withdrawal Liability - Effective January 1, 1993
- RM 94-15 4/5/94 PBGC Issues **Final** Regulations Authorizing Adoption Of Plan Rules For Reduction Or Waiver Of Complete Withdrawal Liability - Effective April 1, 1994
- RM 98-15 5/18/98 PBGC Issues Amendments To **Final** Regulations On Merger & Transfer Of Assets Between Multiemployer Pension Plans
- [SB 2001-4](#) 1/9/01 PBGC Increases Guaranteed Benefit For Terminated Multiemployer Defined Benefit Plans
- [RM 2002-30](#) 7/24/02 IRS Issues **Final** Regulations Regarding Refund Of Employer Contributions Or Withdrawal Liability Payments

M. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

- [BNB 2004-54](#) 9/24/04 Veteran's Employment And Training Services (VETS), an Agency Within The Department Of Labor, Releases Proposed USERRA Regulations *Regulations Impose No New Legal Requirements But Explain Existing Ones, Some For The First Time*
- [SB 2005-1](#) 1/7/05 USERRA Coverage Extended To 24 Months For USERRA Elections On Or After December 10, 2004 – *New Law Also Requires Employers To Provide Employees Notice Of Their Rights Under USERRA*

[SB 2005-54](#) DOL Publishes Final USERRA Regulations & Final USERRA Rights Poster
12/21/05

[RM 2006-14](#) Final USERRA Regulations of Specific Interest to Trustees of Multiemployer Plans
3/17/06

N. STATE PRIVACY/SSN LAWS

[RM 2006-9](#) State Laws on the Protection of Personal Information and Security Breach Notification
2/27/06 Passed in 2005
More Stringent Laws Are NOT Preempted by the HIPAA Privacy or Security Rules and May Apply to Pension and Health Fund Offices

[SB 2006-41](#) State Laws on the Protection of Personal Information and Security Breach Notification
7/14/06 Passed in 2006

[RM 2008-25](#) Update on State Laws Governing the Protection of Personal Information and
5/9/08 Notification of Breach of Such Information And Social Security Number Protection
Laws

O. COMPLIANCE DATES

[CB 2005-2](#) 2005 Compliance Dates For New Federal Regulations Applicable to Pension and
1/7/05 Health and Welfare Plans

[CB 2006-3](#) 2006 Compliance Dates for New Federal Regulations and Laws Applicable to Pension
1/12/06 and Health and Welfare Plans
FINAL Defined Benefit Funding Notice Regulation Released

[RM 2006-9](#) State Laws on the Protection of Personal Information and Security Breach Notification
2/27/06 Passed in 2005
More Stringent Laws Are NOT Preempted by the HIPAA Privacy or Security Rules and May Apply to Pension and Health Fund Offices

[CB 2007-5](#) 2007 Compliance Dates For New and Recent Federal Regulations and Laws
2/23/07 Applicable to Pension and Health and Welfare Plans

[CB 2008-1](#) 2008 Compliance Dates for Selected Federal Regulations and Laws Applicable to
1/10/08 Pension and Health and Welfare Plans

[BNB 2009-49*](#) Health & Welfare Plan Reminder Upcoming Compliance Dates
8/21/09