

THE LOCAL CHOICE E-NEWS

Department of State and Local Health Benefits Programs

May 18, 2017

Americans with Disabilities Act (ADA) Notice to Employees

If you offer a “Wellness Program” to your employees, other than the CommonHealth Program provided by The Local Choice (TLC), you may need to prepare and distribute a notice to your employees informing them of what information will be collected, how it will be used, who will receive it, and what will be done to keep it confidential. New rules published on May 17, 2016, under the Americans with Disabilities Act (ADA) require employers who offer wellness programs to inform employees.

Wellness programs often gather health information through voluntary health risk assessments (HRAs) or voluntary biometric screenings that include medical examinations (such as tests to detect high blood pressure, high cholesterol, or diabetes). The U.S. Equal Employment Opportunity Commission (EEOC) has published a sample notice to help employers comply with the ADA. It may be found at: <https://www.eeoc.gov/laws/regulations/ada-wellness-notice.cfm>

The requirement to provide the notice takes effect as of the first day of your plan year that begins on or after January 1, 2017 for the health plan an employer uses to calculate any incentives it offers as part of the wellness program. Questions and Answers from EEOC relating to this notice are available at: <https://www.eeoc.gov/laws/regulations/qanda-ada-wellness-notice.cfm>

Please feel free to contact Walter E. Norman, TLC Program Manager at (804) 786-6460 or via email at walter.norman@dhrm.virginia.gov if you have any questions.

Reminder: You must file PCORI fees before July 31, 2017

The Affordable Care Act (ACA) created the Patient-Centered Outcomes Research Institute (“Institute”) to help patients, clinicians, payers and the public make informed health decisions by advancing comparative effectiveness research. The Institute’s research is to be funded, in part, by fees paid by either health insurers or sponsors of self-insured health plans. These fees are widely known as Patient-Centered Outcomes Research Institute fees (PCORI fees).

Your group's Patient-Centered Outreach Research Institute (PCORI) fees and IRS Form 720 required by the Affordable Care Act are due no later than July 31, 2017.

Following are links to IRS web pages that define the due date and tax amount due for each participant on your plan during the 2013-2014 plan year and later. All TLC plan years end on either June 30 or September 30. All TLC groups are self-funded and must file and pay the fees.

Q and A

<https://www.irs.gov/uac/patient-centered-outcomes-research-trust-fund-fee-questions-and-answers>

Rates

<https://www.irs.gov/affordable-care-act/patient-centered-outreach-research-institute-filing-due-dates-and-applicable-rates>

Fee/ Calculation

<https://www.irs.gov/uac/newsroom/patient-centered-outcomes-research-institute-fee>

Form 720

<https://www.irs.gov/pub/irs-pdf/f720.pdf>

Please do not reply to this e-mail. You may send inquiries to the TLC mailbox at tlc@dhrm.virginia.gov.