

# Benefits Buzz

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## DID YOU KNOW

While most health plans are now required to cover contraceptives for women without charging a copayment, deductible or coinsurance, churches are currently exempt from this requirement.

On Feb. 1, a rule was proposed that would exempt additional religious employers from the contraceptive coverage requirement. This proposal, however, also contains provisions that would guarantee contraceptive coverage for female employees through an insurance company directly and free of charge.



## Final Rule Issued on HIPAA Privacy and Security Protections

On Jan. 17, the Department of Health and Human Services (HHS) issued a final rule modifying the HIPAA Privacy, Security, Enforcement and Breach Notification Rules. The final rule is intended to enhance a patient's privacy protections, provide individuals new rights to their health information and strengthen the government's ability to enforce the law.

The final rule implements a number of changes to the HIPAA Rules and is made up of the following:

- Final modifications to the HIPAA Privacy, Security and Enforcement Rules mandated by the HITECH Act, and certain other modifications to improve the Rules, which were issued as a proposed rule on July 14, 2010.
- Final rule adopting changes to the HIPAA Enforcement Rule to incorporate the increased and

tiered civil money penalty structure provided by the HITECH Act, originally published as an interim final rule on Oct. 30, 2009.

- Final rule on Breach Notification for Unsecured Protected Health Information under the HITECH Act, which replaces the breach notification rule's "harm" threshold with a more objective standard and supplants an interim final rule published on Aug. 24, 2009.
- Final rule modifying the HIPAA Privacy Rule as required by the Genetic Information Nondiscrimination Act to prohibit most health plans from using or disclosing genetic information for underwriting purposes, which was published as a proposed rule on Oct. 7, 2009.

## Exchange Notice Requirements Delayed

On Jan. 24, the DOL announced that employers do not have to provide a written notice of ACA's health insurance exchanges by March 1 after all. Instead, this notice will not be required until final regulations have been issued and the final effective date is specified.

The DOL expects that the timing for distribution of notices will be the late summer or fall of 2013, which will coordinate with the open enrollment period for Exchanges. In addition, the DOL is considering providing model, generic language that could be used to satisfy the notice requirement.

Future guidance on complying with the notice requirement is expected to provide flexibility and adequate time to comply.