

# 2016 Annual NCCMP Lawyers and Administrators' Meeting

## April 13, 2016

Time	Topic	Description	Presenter(s)
9:00 – 9:30	<i>Opening Remarks</i>	Welcome and Introductions	<b>Randy G. DeFrehn</b> Executive Director NCCMP
9:30 – 12:30		<i>Agency Updates</i>	
9:30 – 10:15	<i>PBGC</i>	Bruce Perlin will touch on PBGC financials, current premiums, partition and mergers, electronic filing and revised arbitration fees.	<b>Bruce Perlin</b> Assistant Chief Counsel Office of Chief Counsel
		Michael Rae and Chris Bone will discuss the findings and implications of the recently issued 5 year premium adequacy study.	<b>Michael Rae</b> Deputy Chief Policy Officer
			<b>Chris Bone</b> Director Policy, Analysis and Research Department
10:15 – 10:45	<i>HHS</i>	Iliana Peters will discuss HHS' recently completed first round of HIPAA privacy compliance audits to ensure and the upcoming second round. Recent cases and the results of the audits, including assessed penalties and what you can expect if you are audited.	<b>Iliana L. Peters, J.D., LL.M.</b> Senior Advisor for HIPAA Compliance and Enforcement Department of Health and Human Services Office for Civil Rights
10:45 – 11:00		<i>Break</i>	

11:00 – 11:30

*Treasury*

Among other items, Mark Iwry will discuss whether multiemployer plans can rely on guidance based on Treasury's tax qualification of single employer variable defined benefit plans; what individually designed plans might expect as an alternative to the determination letter process; how reciprocal payments from defined contribution to defined benefit plans can contribute to the objective of providing lifetime income; and the question of whether plans and contributing employers can continue to rely on the transitional rule for reporting compliance with health benefit coverage requirements under the ACA.

**J. Mark Iwry**  
Deputy Assistant Secretary  
for Retirement and Health Policy  
U.S. Department of Treasury

11:30 – 12:00

*IRS*

Seth Tievsky will be reviewing the recent developments in the IRS's Multiemployer Audit Program; upcoming changes to the Determination Letter Program; and recent IRS developments involving multiemployer plans.

**Seth Tievsky**  
Senior Technical Advisor  
Employee Plans R&A (TEGE)  
Internal Revenue Service

12:00 – 12:45

*DOL*

Lou Campagna will discuss the reissued guidance regarding Economically Targeted Investments and Tom Hindmarch will discuss both the rules for aligning disability claims procedures and penalty inflation adjustments.

**Louis Campagna**  
Chief  
Division of Fiduciary Interpretations  
**Thomas Hindmarch**  
Senior Employee Benefits Law  
Specialist  
Division of Fiduciary Interpretations

12:45 – 1:30  
1:00 - 1:30 pm

***Update on Alternative Pension Plan Designs: “The Composite Plan”***

***Working Lunch***

In this session, Randy DeFrehn and Mariah Becker will review the proposed construct of Composite plans as an alternative to the 401(k) plan. Following their remarks Chris Heinz will discuss the current status of our community’s joint efforts to enact Composite plan legislation in a Presidential election year.

**Randy G. DeFrehn**  
Executive Director

**Mariah M. Becker, MAAA, EA**  
Director, Research and Education  
NCCMP

**Chris Heinz**  
Principal  
Grossman Heinz

1:30 - 2:00 pm

***Implications of Recent Supreme Court Decisions for Multiemployer Plans***

*Montanile v. Board of Trustees of the National Elevator Industry Health Benefit Fund; Gobeille v Liberty Mutual; and Self-Insurance Institute of America v Snyder,* are all recent cases with significant implications for multiemployer plans. This panel will review the highlights of each case and why our plans should be concerned and what aspects of these can be insured.

**John McIntire**  
**Jennifer Simon**  
O’Donoghue and O’Donoghue

**Chris Condeluci**  
CC Law and Policy, PLLC

**Matthew Jackson, RPLU**  
Senior Vice President  
Segal Select Insurance Services

2:00 – 2:15 pm  
2:15 – 2:45 pm

***Current Issues in Reciprocity***

***Break***

The funding pressures facing many plans which have implemented Funding Improvement or Rehabilitation plans have caused some funds to re-examine their long-standing reciprocity agreements. Such changes have been the subject of several cases have been arbitrated or the subject of litigation. The wide ranging ramifications of such actions will be addressed by David Potts-Dupre in this session.

**David Potts-Dupre**  
Potts-Dupre Hawkins and Kramer



2:45 – 3:15

***Lost Participants -***

In 2013 the ERISA Advisory Council studied the questions of what plans were doing to locate lost participants and beneficiaries to ensure they receive the benefits to which they are entitled. In 2014 this became the subject of a DOL Field Assistance Bulletin – FAB 2014–01, which focused the Department’s enforcement activities on ensuring that Trustees fulfill their fiduciary obligations to such missing participants. In this session Jim Singer will review this issue and its implications for plans.

**James I. Singer**  
Schuchat, Cook & Werner

3:15 – 4:00 pm

***Health reform 56.0 –  
After voting to repeal the  
ACA 55 times, what may  
be in the offing when  
Congress gets serious  
about fixing the ACA.***

Carolyn Smith and Kathy Bakich will review proposals to modify the tax exclusion for employer sponsored health benefits; HSA Coverage and the ability to “opt-out;” and possible topics for ACA remedial amendments, if and when constructive amendments are on the table.

**Kathy Bakich**  
Sr. Vice President and  
National Director of  
Health Care Compliance

**Carolyn Smith**  
Counsel  
Alston and Bird

4:00 – 5:00 pm

***Open Forum***

This time is set aside for issues you would like the group to discuss, but which did not appear on the formal agenda.

Moderator:  
**Randy DeFrehn**

5:00 pm

**Adjournment**

**Router for Wi-Fi: Ballroom**

**Wi-Fi Access Code: Almas 1234 [case sensitive]**