

Poth Quoted in *HR Daily Advisory* Story Titled “As DOL Steps Up Health Plan Audits, Preparation and Documentation Are Critical”

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Christine Poth, a partner in the Columbus office, was quoted in an *HR Daily Advisory* story about the U.S. Department of Labor’s (DOL) health plan audits. According to the story, these audits have become more frequent, comprehensive, and fraught with pitfalls for plan sponsors and fiduciaries.

The story states:

“Requested documents typically include signed plan documents, summary plan descriptions (SPDs), and recent, signed Forms 5500. ‘I am seeing the agents really hone in on whether you are giving them signed documents,’ said Christine Poth, an attorney with Vorys, Sater, Seymour, and Pease LLP in Columbus, Ohio.”

“DOL also requests meeting minutes, Poth noted. ‘These are almost nonexistent for health and welfare plans in my experience,’ but employers should document these not only in case of audit but to show that fiduciary plan oversight duties are being met, she said. Plans also must produce financial records, service provider and insurer contracts, and employees’ enrollment applications.”

The story also states:

“DOL requests documents on compliance with HIPAA’s nondiscrimination and wellness rules, Poth noted. In fact, she added, the agency is finding violations of HIPAA wellness rules and requiring the employer to pay back all the noncompliant wellness penalties it collected, even if it means tracking down former employees.

As the Affordable Care Act (ACA) matures, DOL is increasingly ‘digging down into the ACA provisions,’ Poth said. Auditees must document compliance with market reform provisions and ACA claims procedures (if not grandfathered), and distribution of any medical loss ratio rebates.”

To read the entire story, visit the *HR Daily Advisor* website.

