November 07, 2025

Acrisure's Employer Compliance Updates, 11/7/25

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November has arrived sooner than expected. Open enrollment activities are in progress, employees have completed educational benefit sessions, and plans for the upcoming year have been finalized. While thoughts of Thanksgiving and its traditions are beginning to surface, there's still important work to be done.

In the meantime, let's keep our focus on maintaining our momentum through the remainder of the year.

In Case You Missed It

Family Medical Leave Act Opinion Letter

The U.S. Department of Labor recently issued an **opinion letter** clarifying how to calculate intermittent or reduced schedule leave for employees whose work schedules include mandatory overtime or who voluntarily work extra hours.

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If your organization employs shift workers, whether overtime is required or voluntary, it's important to carefully review their hours to ensure FMLA leave is calculated accurately for eligible employees.

Patient Centered Outcomes Research Institute (PCORI) Fee Adjusted for 2026

The Internal Revenue Service (IRS) has just issued **Notice 2025-61** which increases the PCORI fee amount for plan years ending on or after Oct. 1, 2025, and before Oct. 1, 2026. The updated PCORI fee amount is $3.84 per covered life.

For plan years that ended on or after Oct. 1, 2024, and before Oct. 1, 2025, the PCORI fee amount is $3.47 per covered life.

As a reminder, employers with self-insured health plans are responsible for paying PCORI fees annually. Fees for plan years ending in 2025 are due July 31, 2026.

Compliance Reminders

In the coming months, these compliance reminders will continue to be included to help ensure they are not missed, particularly given the time of year, and to provide adequate time to meet all compliance deadlines.

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Gag Clause Attestations are Due December 31, 2025

As a reminder, **the Gag Clause Attestation**(opens in a new tab) is designed to promote transparency between health plans and insurance carriers. This annual compliance requirement confirms that provider contracts do not contain clauses that restrict the disclosure of pricing or quality information, thereby supporting informed decision-making for plan participants.

Employers and plan sponsors are required to submit this attestation annually to ensure compliance with the transparency standards. If you are uncertain about the attestation process or whether your carrier will submit on your behalf, please contact your account manager for guidance.

Upcoming HIPAA Privacy Notice Changes Due February 16, 2026

Upcoming changes to HIPAA regulations require covered entities and health plan sponsors to update their Notice of Privacy Practices (NPP) to reflect new protections for substance use disorder (SUD) records. Although the reproductive health care provisions were vacated by a federal court decision in June 2025, the specific requirements related to SUD remain in effect.

These updates must clearly describe how SUD information may be used and disclosed, reinforcing privacy safeguards for individuals.

As with other government-required notices, a standardized form will be provided for use. Best practice is to use the supplied form to ensure that all compliance elements are met. It is also recommended that the form be carefully reviewed to confirm that it

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is both clear and fully understood by the health plan administrator.

All required updates must be implemented no later than February 16, 2026.

Upcoming Training

On November 20, from 2 PM to 3 PM, Acrisure will host a webinar titled **Modern HR Challenges: Balancing Compliance, Compassion and Business Goals**(opens in a new tab). This is free of charge and open to ALL VLCT members.

In today's workplace, HR professionals face the complex task of aligning regulatory compliance with empathetic employee engagement – all while driving strategic business outcomes. This webinar will explore how to navigate these competing priorities, offering practical insights and real-world strategies to help HR leaders foster a compliant, compassionate, and performance-driven culture.

Registration is required, so be sure to sign up in advance.

Attachments

Acrisure Legal Update: PCORI Fee Amount Adjusted for 2026

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