



Attention Employers: Is your company in compliance with the Affordable Care Act?: Are you prepared for future compliance deadlines? By Antoinette M. Pilzner of McDonald Hopkins LLC. *

When the U.S. Supreme Court last week held the individual mandate provision of the Patient Protection and Affordable Care Act to be constitutional, the Court also upheld all of the other employer and group health plan provisions in the Act. With effective dates of the Act's various provisions spread over four years, employers should now be reviewing all of the Act's provisions and confirming that they – and their group health plans – are in compliance with the provisions currently effective, and are taking the necessary steps to comply with provisions becoming effective in the future.

Group Health Plan Provisions

Employer-sponsored group health plans should already be in compliance with the following requirements of the Act:

- Reimbursements for non-prescription drugs (other than insulin) not permitted from health flexible spending accounts or health reimbursement accounts

(applicable to expenses incurred after 12.31.2010)

- Pre-existing condition exclusions prohibited for children under age 19 (plan years beginning after 9.22.2010)
- Recissions of coverage prohibited (plan years beginning after 9.22.2010)
- Phase-out of annual limits on essential health benefits (plan years beginning after 9.22.2010, with annual limits totally prohibited for plan years beginning after 2013)
- Life-time limits on essential health benefits prohibited (plan years beginning after 9.22.2010)
- Children up to age 26 must be eligible for otherwise available coverage for children (plan years beginning after

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Hamilton County Law Library

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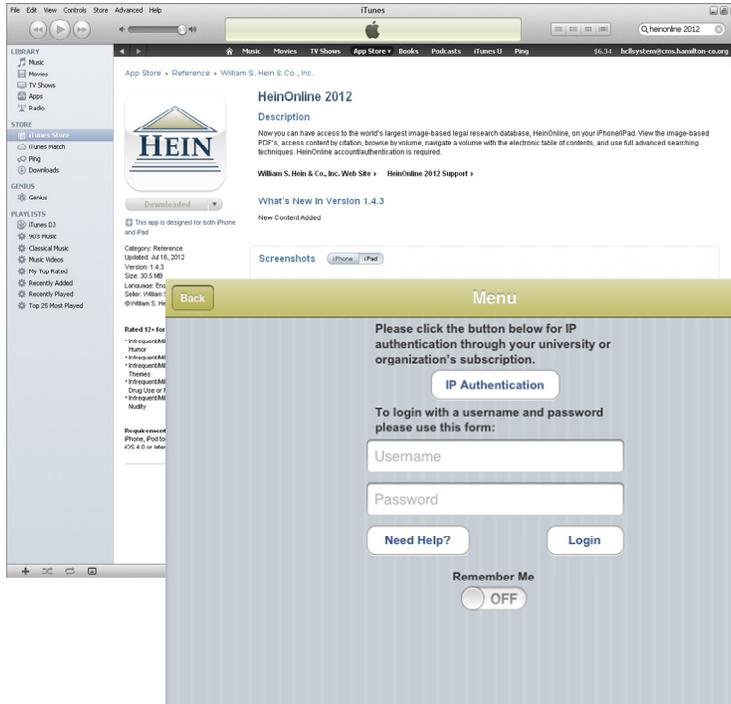
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Tech Tip: Free HeinOnline Access on Your iPad

By Melissa Barney, Technical Services Librarian

HeinOnline has over 725 law journals (full text), the Federal Register, US Supreme Court Opinions, US Attorney General Opinions, treatises, and monographs.



To get your free access:

Download the free HeinOnline 2012 App from iTunes.

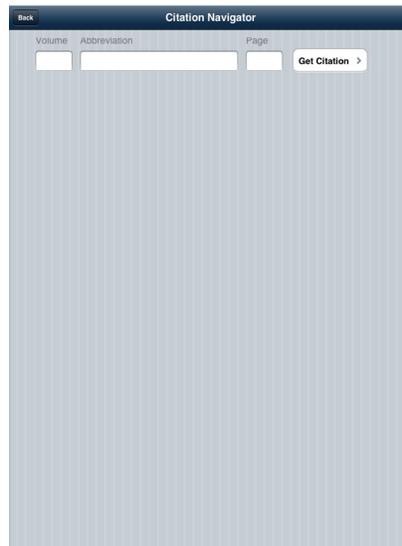
Bring your iPad to the library and sign on to the library's WiFi to IP authenticate.

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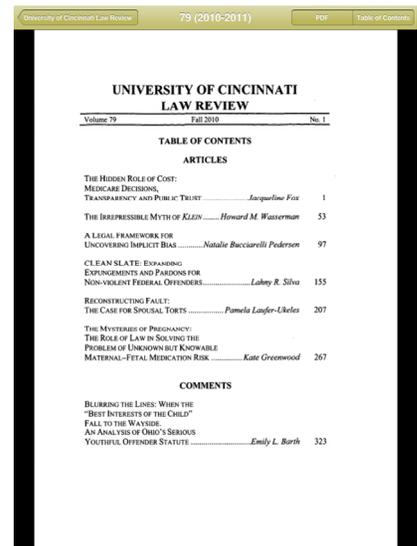
With the HeinOnline 2012 iPad app you can view image-based PDFs, access content by citation, browse by volume, navigate a volume within the electronic table of contents, and use full advanced searching techniques.



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Free CLE

Due to increased attendance, registration in advance is now required for all Law Library CLEs.

Free to subscribers; \$35 for non-subscribers

To register, call 513.946.5300 or via email reference@cms.hamilton-co.org

Pulled Over: Will It Be A DUI?

Friday, September 28

Noon-1pm

Attorney Chuck Strain will focus on the legal issues that arise just before and after a DUI arrest. He will address such questions as:

- What should an individual say and not say to the officer?
- What should an individual be certain not to do as you exit the vehicle?
- Should an individual submit to field sobriety tests?
- Should an individual refuse a portable (or preliminary) breath test at the scene?
- Should an individual refuse a blood, breath, or urine test at the station?
- Are there ways to blow that will increase or decrease the measured alcohol level?
- Are there ways to blow that will increase the chances of an invalid sample result?
- How should you handle that 3 am phone call from the police station?
- Have chemical test refusals become criminalized? If so, is it unethical to advise a client to refuse?

The seminar is approved for 1.0 hour of general CLE in Ohio and Kentucky.

Lexis CLE: Forms, Rules and Treatises

Wednesday, October 10, 2012

1-2pm

1.0 hour of general CLE in Ohio

New CLE Materials

OSBA CLE books are a great resource if you want an update on legal developments, or ideas for making your practice more efficient. Check out this list of our latest titles.

Just call us or email

reference@cms.hamilton-co.org if you'd like us to hold some of these for you.

Administrative Law Review
KFO440 .A936 2012

Animal Law Update
KFO84.5 A451 2012

Basics of Federal Court Procedure
KFO8816 .B34 2012

Collection of Closing Arguments: Your Last Stand
KFO8924 .C6 2012

Ethical Issues and practicing law in the digital age
KFO76.5 A2 B33 2012

Insurance and Negligence Law Update
KFO185 .B7 2012

Mergers and Acquisitions-current legal issues/concerns
KFO215 .P33 2012

Ohio Elder Law Institute
KFO 91 .A3 O38 2012

Real Property Law Seminar
KFO112 .C66 2012

(Continued from page 1)

9.22.2010; grandfathered plans not required to offer until 2014 if child has own employer-based coverage available)

- First-dollar coverage for preventive services required (plan years beginning after 9.22.2010; non-grandfathered plans only)

- Emergency services must be covered without pre-authorization (plan years beginning after 9.22.2010; non-grandfathered plans only)

- Out-of-network emergency services must be covered at in-network level (plan years beginning after 9.22.2010; non-grandfathered plans only)

- Enhanced internal and external procedures required for appeals of denied claims (plan years beginning after 9.22.2010; non-grandfathered plans only)

- Enhanced access to participating providers required (plan years beginning after 9.22.2010; non-grandfathered plans only)

Employer-sponsored group health plans need to be ready to comply with the following requirements in the near future:

- Summary of Benefits and Coverage must be distributed to plan participants (initial distribution to all participants required for open enrollment periods beginning after 9.22.2012; initial distribution to all new enrollees required for plan years beginning after 9.22.2012)

- Employee contributions to health flexible spending accounts must be limited to \$2,500 (flexible spending account plan years beginning after 12.31.2012)

- Pre-existing condition exclusions prohibited for all covered individuals (plan years beginning after 2013)

- Waiting period to participate in plan cannot exceed 90 days (plan years beginning after 2013)

- Coverage must include essential health benefits (plan years beginning after 2013; non-grandfathered plans only)

- Plans may not discriminate in coverage or benefits against individuals in approved clinical trial (plan years beginning after 2013; non-grandfathered plans only)

- Increased limits on plan-based rewards for complying with wellness programs (plan years beginning after 2013)

- Non-discrimination rules for fully-insured group health plans (effective after regulations published)

Employer Provisions

Qualifying employers are currently eligible for the following provisions of the Act:

- Small employer tax credit for providing employer-sponsored health care (beginning with 2010 tax year; maximum credit increases for tax years after 2013)

- Reinsurance program for retiree health care expenses (claims incurred after 5.31.2010; program closed to claims incurred after 12.31.2011)

- Simple cafeteria plans for small employers (tax years beginning after 2010)

Employers need to be prepared to comply

with the following provisions of the Act:

- Reporting cost of employer-sponsored health care on Forms W-2 (beginning with calendar year 2012 Forms W-2 for employers that filed at least 250 Forms W-2 for the prior calendar year; employers that file fewer than 250 Forms W-2 not subject to this requirement until IRS issues further guidance)
- Tax deduction not permitted for retiree prescription drug expenses applied to receive Medicare Part D subsidy (tax years beginning after 2012)
- Withholding of increased Medicare Hospitalization Insurance on wages in excess of \$200,000 (calendar years beginning after 2012)
- Payment of comparative research initiatives annual fee (plan years ending after 10.1.2012)
- Employer shared responsibility penalty for failure to offer affordable group health insurance (calendar years beginning after 2013)
- “Free choice” vouchers required to be given to some employees (calendar years beginning after 2013)
- Automatic enrollment of eligible employees in group health plan (employers with more than 200 full-time employees; effective after regulations issued)
- Excise tax on “Cadillac” group health plans (calendar years beginning after 2017)

Employers that were waiting for the Supreme Court’s decision before moving ahead with

preparations for the compliance deadlines above need to start moving quickly to ensure that they and their group health plans meet the applicable effective dates. With resolution of the legal challenges to the Act, the Internal Revenue Service and the Departments of Labor and of Health and Human Services are expected to issue the remaining required regulations and other guidance in the near future, adding to employers’ short-term compliance burdens.

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Law Library Director News

We are pleased to announce that Mary Jenkins will be returning as Law Library Director on September 5th. Mary previously served as Law Library Director from November 2007-December 2011. Stop by and welcome Mary back!



Library Board Meeting

The next regularly scheduled meeting of the Hamilton County Law Library Resources Board will be held at 1:00 p.m. on October 4, 2012 in the Robert E. Kraft Board Room. Meetings of the board are open to the public. Minutes of past meetings are available at

<http://www.hamilton-co.org/cinlawlib/about/trustees.html>

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', CCH Omnitax, CCH Human Resources Group, and CCH Business Group resources, Hein Online Law Journals and Federal Register, and over 70 Aspen / LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive topics

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises and CCH Newsletters

You and the Legal System: Ohio Criminal Procedure Basics

Attorney James Grey Wolf is our next speaker in the *You and the Legal System* Series for the public. Mr. Wolf will address Ohio Criminal Procedure Basics on Friday, September 21, 2012 at 12:00 noon at the Law Library. The program will provide an overview of how the court system works.

The program is free to the public. To register, call 513.946.5300.

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5300.

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service.

Save the date for the next event in the *You and the Legal System* Series. David Gebhart will be presenting on October 19. Details forthcoming.



Library Resources on Criminal Law

The Law Library offers a variety of print and electronic resources on Criminal Law. If you have questions about access to any of these resources, just call us at 513.946.5300.

Books

Arrest Law Guidebook
KF9625 .A55 2010

Anderson's Ohio Criminal Practice and Procedure
KFO561 .A951

Criminal Advocacy
KFO575 .A75 C73 2011

Criminal Law Handbook: know your rights, survive the system/
Paul Bergman & Sara J. Bergman
KF9619.6 B47 2011

Criminal Lawyer's Job: a survival guide/
Amber L. St. Clair
KF9656. S7 2006

Criminal Procedure/
Wayne R. LaFave
KF9619. L33

Defending Federal Criminal Cases: attacking the government's proof /
Diana D. Parker
KF9660 .D44

Federal Rules of Criminal Procedure
KF9607 .U55

Federal Trial Handbook: Criminal
KF8915 .H35

Firearms Law Deskbook: federal and state criminal practice/
Stephen P. Halbrook
KF3941 .A15 F568

Katz & Giannelli Criminal Law (Ohio)
KFO561 .K37

Katz & Giannelli Ohio Criminal Laws & Rules
KFO561 .K3

Relentless Criminal Cross Examination/
Kevin J. Mahoney
KF9658 .M14

Sixth Circuit Criminal Handbook
KF9619 .S59

Street Legal: a guide to pre-trial criminal procedure for police, prosecutors, and defenders
KF9619 .W313 2007

Understanding Criminal Law/
Joshua Dressler
KF9219 .D74 2009

Online Resources

These resources may be accessed remotely through the Law Library's website

Aspen/Loislaw

Drunk Driving Defense Library

EBSCO NOLO Guides

Criminal Law Handbook
Deposition Handbook

Helpful Links:

Hamilton County Prosecutor's Office-
<http://www.hcpros.org/>

Hamilton County Public Defender-
http://www.hamilton-co.org/pub_def/default.htm

Ohio Rules of Criminal Procedure-
<http://www.supremecourt.ohio.gov/LegalResources/Rules/>

Upcoming Events

September 21: You and the Legal System: Criminal Procedure Basics

September 28: DUI CLE

October 4: Law Library Board Meeting

October 10: Lexis CLE

Law Library Holidays

The Law Library will be closed on Monday, September 3 in observance of Labor Day.



September 2012 Law Library Newsletter

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ADDRESS CORRECTION REQUESTED

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