Notice 2015-52

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From: rjohnsmith510@gmail.com on behalf of R John Smith Esq. <rjohnsmith510@post.harvard.edu>
Sent: Friday, July 31, 2015 12:20 PM
To: Notice Comments
Cc: Levin Karen; Johnson LaTashia M; Professor Christopher Robertson; Jeff Carlson Editor; Michael Cohn, Editor in Chief; Reed Albelson; Honorable Jacob J Lew Secretary Department of the Treasury; Professor Ezekiel J. Emanuel; Professor Gillian Brock; Kim Nilsen, Executive Editor; Kimberly Johnson
Subject: Notice 2015-52 - Note of Appreciation and Public Comment on IRS Notice 2015-52 Section 4980I — Excise Tax on High Cost Employer-Sponsored Health Coverage
Attachments: Notice2015-52.pdf; YaleJournalHealthPolicyLawEthics_Robertson.pdf

Dear US Treasury IRS, am writing to submit a note of appreciation and public comments on the recently published Ethical Regulatory Guidance "Notice 2015-52 ", in regards Section 49801 Section 4980I — Excise Tax on High Cost Employer-Sponsored Health Coverage etc.

1. Tax Law Ethicists, Fiduciary Stakeholders, etc are significantly benefited by publication of your informative Notice 2015-52 and look forward to issuance of US Treasury Ethical Regulatory Guidance in regards Section 49801 that may be used to inform proposed regulations that will be issued in the future.

2. "Notice 2015-52 is intended to initiate and inform the process of developing regulatory guidance regarding the excise tax on high cost employer-sponsored health coverage under § 4980I of the Internal Revenue Code (Code). Section 4980I, which was added to the Code by the Affordable Care Act,applicable to taxable years beginning after December 31, 2017.

3. Under this provision, if the aggregate cost of "applicable employer-sponsored coverage" (referred to in this notice as applicable coverage) provided to an employee exceeds a statutory dollar limit, which is revised annually, the excess is subject to a 40% excise tax.

4. One feature of Notice 2015-52 may especially interest Third Party Administrators of Self insured plans who may be significantly impacted with the tax compliance payor responsibility due to legislative provisions such as Section 4980I(c)(1) provides that each coverage provider must pay the excise tax on its applicable share of the excess benefit with respect to an employee for any taxable period and Section 4980I(c)(2) which defines the "coverage provider" as ...and (C) the person that administers the plan benefits, in the case of any other applicable coverage.

5. Tax Law Ethicists, Due Diligent Fiduciaries, Third Party Plan Administrators etc may find the Scaled Costs Sharing Health Initiative, developed by Professor Christopher T Robertson, Affiliate Faculty with the Harvard University Petrie Flom Health Center and author of the attached Yale Journal of Health Policy Law and Ethics article "Scaling Cost-Sharing to Wages: How Employers Can Reduce Health Spending and Provide Greater Economic Security" an appropriate "safe harbor" for ethical compliance with US Treasury Department Regulations in 31 CFR Subtitle A, Part 10 (Cir 230) such as 10.22, Best Practices provisions of Section 33; 10.34(b), 10.35, 10.37, 10.51(a)(4), 10.51(a)(13) etc; the IRC Section 2716 Non Discrimination Provisions as well as mitigation of potential IRC Section 49801 High cost employer-sponsored health coverage excess subject to 40% excise tax effective in 2018.

6. Am sharing this important US Treasury IRS Ethical regulatory guidance with thought leaders as am confident critical feedback, public comments etc will be insightful;

Thanks again and all the best.

r john smith esq. CAF 030445546R

rjohnsmith510@post.harvard.edu

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"We shall keep the Crimson fire burning!" rjohnsmith510@post.harvard.edu