

Section 125 Cafeteria Plan

How the Plan Works

An IRS Section 125 Plan provides participants an opportunity to receive certain benefits on a pre-tax basis. Under your Employers' Plan, you may pay the premiums pre-tax for your medical, dental, vision and supplemental health plans. Flexible spending accounts are also offered for your health care and dependent care needs for you and your family.

Example of Employee Savings?

	Without a Section 125 Plan (After-Tax Deductions)	With a Section 125 Plan (Pre-Tax Deductions)
Employee Gross Pay	\$ 3,000.00	\$ 3,000.00
Pre-Tax Medical Premiums		\$ 304.00
Taxable Income	\$ 3,000.00	\$ 2,696.00
Tax Rate	25 %	25 %
Taxes Withheld	\$ 750.00	\$ 674.00
Employee Net Pay	\$ 2,250.00	\$ 2,022.00
Post-Tax Medical Premiums	\$ 304.00	
Take Home Pay	\$ 1,946.00	\$ 2,022.00

Flexible Spending Accounts

A Flexible Spending Account (FSA) is a special account for healthcare and dependent care expenses. When you enroll in an FSA, you decide how much to contribute to each account for the entire Plan Year. This annual contribution is then deducted in equal amounts from your paycheck, before Federal & State income taxes and FICA taxes are deducted. These "pre-taxed" funds are automatically deposited in your account through payroll deduction. Unless you have a qualifying event under Section 125 regulations, your election amount will not change during the Plan year.

Managing Your Flexible Spending Accounts

There are two kinds of Flexible Spending Accounts:

- Healthcare Reimbursement FSAs
- Dependent Care FSAs (Day Care Expenses)

Flexible Spending Accounts

You may choose to participate in both plans, depending on the options provided by your employer. Funds in these accounts cannot be co-mingled and the expenses must be incurred during your employer's plan year. Expenses in your flex account that are not incurred by the end of the plan year will be subject to the "use it or lose it" rules regulated by the Internal Revenue Service. Therefore, a decision as to how much you will contribute to your FSA accounts should be made carefully. Based on your Employer's flexible benefits plan year, you have a specified date or "run-off period" following the end of the plan year to submit your claims for reimbursement. If you do not exhaust your account balance, all funds still remaining in your account will be forfeited after this claim period ends. Check with the Plan Administrator to verify the last date that you may file claims to be reimbursed for your eligible FSA expenses.

Healthcare Reimbursement Flexible Spending Account

A Health Care Flexible Spending Account (FSA) is designed to reimburse you for out-of-pocket health care expenses incurred by you or your eligible dependents that are not reimbursable by your medical, dental and vision insurance plans.

Eligible Health Expenses

These expenses may be incurred by you or your eligible dependents. Expenses include deductibles, coinsurance payments, office co-pays, orthodontics, glasses and contacts.

An eligible expense item must not be used for general health or cosmetic purposes. In some instances, you will be required to submit a letter of medical necessity from your health care provider to demonstrate a medical need.

Once enrolled in a health FSA, the entire annual election is available to you on the first day of the plan year. You must spend the funds by the end of the plan year or they will be forfeited from your account.

Special Health Care Expenses

IRS does not allow pre-payment of certain medical treatment programs that may span over multiple plan years. These include orthodontic and prenatal expenses. Reimbursement of the entire expense generally violates the IRS requirement that expenses must be "incurred" during the coverage period and cannot be paid in advance.

Orthodontic Expenses

IRS stipulates how orthodontic expenses can be reimbursed in a health care FSA. You should carefully plan when deciding on your annual election if it includes orthodontic expenses. Special planning should be considered if you are planning to take advantage of an up-front discount payment. Please remember, services must be performed and incurred within the current plan year. Reimbursement of a lump sum

Flexible Spending Accounts

payment to a dentist may not be eligible for services. Also consider services that will be performed over more than one plan year. You will need to provide a copy of your contract with your dental provider, showing the initial deposit and monthly payments. This expense may be setup as a recurring expense throughout your plan year.

Prenatal Expenses

For maternity related expenses, payment cannot be advanced, but are reimbursed as they are incurred. Eligible charges may be reimbursed each time you are seen by your physician for prenatal care, but not in advance of the delivery.

Over The Counter (OTC) Items

The recently enacted Patient Protection and Affordable Care Act of 2010 changes the rules for the purchase of over-the-counter (OTC) products using Flexible Spending Accounts (FSA).

Effective for tax years January 1, 2011, over-the-counter medicines or drugs (e.g. Advil, Ibuprofen, and cough syrup) are not eligible for reimbursement under an FSA, HRA, or HSA without a doctor's prescription. Insulin is the only medicine that doesn't require a prescription.

Supplies you need for medical care (e.g. contact lens solutions, bandages for wounds, thermometers) will continue to be eligible for reimbursement. There are some medical items that may not be allowed unless you have a prescription or letter of necessity from a medical professional for a specific medical condition.

We recommend you retain copies of all OTC documentation for your records. Documentation for reimbursement must state the place of purchase, date, amount, item name, and purchases can be claimed within reasonable quantities. Treatment for eligible expenses cannot be for preventative purposes and items purchased for personal care are not eligible for reimbursement. For example: toothpaste, vitamins, supplements and herbal remedies, and other items used for personal hygiene cannot be claimed for reimbursement.

Examples of Eligible Expenses

In order to use your health care flexible spending account (FSA), the health care item or service needs to be considered "eligible." The Internal Revenue Service – better known as the IRS – has guidelines to determine which expenses are eligible and qualify for reimbursement from your FSA. Typically, an eligible expense must be a service or product that is purchased for medical care to help treat a medical condition or prevent a disease, among other things.

As you shop for care and for health care items, use this as a helpful guide. This list does not include everything. In fact, the IRS may modify the guidelines from time to time, which may cause the list to change.

Flexible Spending Accounts

- Acupuncture
- Alcoholism treatment
- Ambulance
- Artificial limbs
- Artificial teeth
- Breast reconstruction surgery (mastectomy-related)
- Chiropractor
- Contact lenses and solutions
- Cosmetic surgery, but only if necessary due to disfiguring trauma or disease
- Dental treatment (X-rays, cleanings, fillings, braces, extractions, etc.)
- Diagnostic devices (blood sugar test kits for diabetics)
- Doctor's office visits and procedures
- Drug addiction treatment
- Drug prescriptions
- Eyeglasses and vision exams
- Eye surgery (laser eye surgery)
- Fertility treatment
- Hearing aids and batteries
- Hospital services
- Laboratory fees
- Operations/surgery (excluding unnecessary cosmetic surgery)
- Physical therapy
- Psychiatric care (if the expense is for mental health care provided by a psychiatrist, psychologist or other licensed professional)
- Special education for learning disabilities
- Speech therapy
- Stop-smoking programs including nicotine gum or patches
- Vasectomy
- Wheelchair

Ineligible medical expenses examples:

- Advance payment for future medical care
- Amounts reimbursed from any other source (health coverage or another FSA)
- Cosmetic surgery (unless necessary due to disfiguring trauma or disease)
- Diaper service
- Electrolysis or hair removal
- Health insurance premiums (e.g., COBRA, AD&D, LTD, STD, long-term care, group and individual health insurance and Medicare premiums)
- Health club dues
- Household help
- Illegal operations and treatments
- Long-term care for medical expenses
- Maternity clothes
- Nutritional supplements, such as multi-vitamins, for general good health
- Personal use items, such as toothbrush, toothpaste, etc.
- Swimming lessons
- Teeth whitening

Dependent Care FSA

The Dependent Care Assistance account allows you to pay for “employment related expenses” that enable you and your spouse to be gainfully employed, seek employment, and/or be a fulltime student. In general, expenses must be for the “care” of a qualifying individual.

Reimbursement may also include eligible expenses for children or elder dependents that rely on you for their care.

Flexible Spending Accounts

Eligible DCAP Expenses

Some examples of eligible expenses include:

- care in and outside the home
- child-care/dependent care centers
- before and after school care
- nursery school and preschool expenses
- preschool tuition
- day care camps and facilities (*only for "care" and not primarily for educational purposes*).
- Adult day care expenses

Expenses for services provided outside the employee's home by dependent care centers must comply with state and local laws. Your care provider must report day care income on their taxes to be considered as eligible.

Dependent Care FSA must be for children under 13 years of age, unless they meet the qualifications of physically or mentally incapable of self-care.

DCAP Reimbursements

The total amount you choose to contribute should be based on your expected child and/or dependent care expenses during the plan year. A single parent, or employee that is married but filing separately is limited to \$2,500 for the Plan year. If your spouse has a dependent care account through their employment, the two accounts cannot exceed \$5,000 during a given plan year. IRS requires that the amount reimbursed to a participant must first be on deposit in their account. When a claim is filed we first verify that there are adequate funds in the account to pay the entire claim. When sufficient funds are not available, participants are issued the maximum amount available in their account. The remainder of the reimbursement request is paid when additional funds are received through payroll deposits.

Ineligible Expenses

The following items are examples of expenses that are generally considered as ineligible for reimbursement in a Dependent Care FSA:

- Educational expenses, except where an eligible child attends preschool or nursery school
- Field trips, clothing
- Late payment or finance charges
- Payments for lessons
- Tuition expenses
- Overnight camps
- Kindergarten expenses

Flexible Spending Accounts

Submit valid documentation for Flex Expenses

Health Care Claims

The Internal Revenue Service requires that **ALL** health care claims be documented for approval in order to be eligible for reimbursement. Valid substantiation documentation for health care expenses will have the following:

- Name of service provider
- Name of patient
- Date of service or sale
- Description of service or product
- Amount of unreimbursed service or *sale*

Invalid Substantiation

A sales receipt normally shows only the date and amount of a transaction. These receipts do not provide the patient's name, a description of the service or show the actual date the service was performed.

MISSING: Patient Name

MISSING: Description of Service

MISSING: Date of Service

ABC Medical Clinic
123 West Bound Road
Any Town, TX 78734
512-555-6458

Merchant ID: 154481118815
Ref # 1458

Sale

VISA Manual Entry Method:
Total: \$45.46

07/07/2013 10/14:45
Inv # 000045 Appr Code:
001248

Approved: Online Batch#
000456

Customer Copy

A "sales" receipt is not valid substantiation documentation based on IRS guidelines.

Example of Valid Substantiation Documentation

ABC Medical Clinic
123 West Bound Road
Any Town, TX 78734
Bill Jones, M.D.

This is a duplicate
This is not a bill

Summary
Total Billed: \$62.00
Total Benefits Approved: \$37.00
Amount You May Owe Provider: \$25.00

Group No: 29600
Identification No: Z1134523
Claim No: 123345678
Patient Name: James Doe

SERVICE INFORMATION	Service Date	Amount Billed	Not Covered	Covered
Provider Name: Bill Jones, M.D.	07/07/13	\$62.00		\$62.00
Provider Patient Account No: 123456789				
Services: Office Visit				

- Name of Service Provider
- Name of Patient
- Amount of Unreimbursed Service/Sale
- Date of Service
- Description of Service or Product

Flexible Spending Accounts

Dependent care claims

Valid substantiation documentation for dependent care claims may be in the form of a receipt from the day care provider that shows:

- Provider name and information
- Dependent's name
- Date span of service (i.e., January 1 -31, 2010)
- Amount of reimbursement

Flex Debit Card

The Flex Card is an automatic way to pay for qualified health care expenses. It is not a credit card, but can be used to pay for your eligible health flexible spending account (FSA) purchases. The value of the participant's annual contribution is loaded on the Card, and amounts of qualified purchases will be automatically deducted from your account. The Card may be used for eligible flexible spending account (FSA) expenses as determined by Section 213(d) of the Internal Revenue code.

You may use the Card for co-pays at hospitals, physician offices, pharmacies, dental offices, vision service locations, and wherever they accept MasterCard® or Visa® cards. Only eligible expenses incurred during the current plan year and/or grace period can be claimed as eligible expenses.

Substantiation of Flex Card purchases

Many purchases do not require receipts and can be automatically substantiated by one of the following IRS approved methods:

- | | |
|---------------------------------|---|
| <i>IIAS Approved</i> | <i>If you purchase your FSA eligible item at a merchant utilizing the Inventory Information Approval System, the charge is fully substantiated without the need for submission of a receipt or further review.</i> |
| <i>Co-Payment</i> | <i>If the dollar amount on your Flex Card transaction at a health care provider equals the dollar amount of the co-payment for the service under your major medical plan, the charge is fully substantiated with no need for submission of a receipt or further review.</i> |
| <i>Recurring Expense</i> | <i>If you use your Flex Card for recurring medical expenses, the charge is substantiated with no need for submission of a receipt or further review. Please note that an initial receipt request will be made to establish the expense as recurring.</i> |

Flexible Spending Accounts

Receipt Request

You will be required to submit itemized receipts for the following flex card debit purchases:

- *All FSA eligible items purchased at a 90% Rule Merchant*
- *All transactions at a health care provider that does not equal your co-pay amount*
- *Some dental procedures and vision care products and expenses*

You will receive a "Receipt Request" letter notification if you are required to submit receipts to substantiate a Flex Card purchase

Reasons your Flex Card may be declined

Your Flex Card may be declined for the following reasons:

- *Merchants do not Accept Master Card or Visa*
- *Ineligible Medical Expense*
- *Non IIAS Merchant*
- *Non-Medical Facility*
- *The expense is greater than you available FSA fund balance*
- *Your Flex Card has been inactivated due to outstanding receipt requests for substantiation*
- *Merchant is attempting to process your Flex Card as a debit card instead of a credit card*
- *Merchant is experiencing problems with their system.*

Termination of Employment

Health Care FSA

When you terminate employment, your participation in the plan ends and you will no longer be able to incur expenses for reimbursement. Your salary reductions will end; however you may still file claims for dates of service incurred before your termination as long as they are within your eligible plan year.

Dependent Care FSA

If you have not received reimbursement for all contributions made into your DCAP upon your termination of employment, you may continue to incur expenses during the plan year and submit claims reimbursement. Generally you may submit claims through the plan year run-off period until all your contributions are used.

COBRA

COBRA does not apply to DCAP. However, COBRA may apply to your Health Care FSA account and allow you to continue participation in your URM, thus allowing you to receive reimbursement for medical expenses incurred after your employment termination if you terminate employment and you have contributed more into your Health Care FSA than you have received in benefits.