

Additional Guidance on Good Faith and Reasonable Interpretations

The Consolidated Appropriations Act of 2021 (CAA) created new requirements for brokers and consultants to disclose any direct or indirect compensation they may receive for referral of services to ERISA-covered group health plan sponsors. The requirements began on Dec. 27, 2021.

On Dec. 30, 2021, the U.S. Department of Labor (DOL) announced a temporary enforcement policy for these new requirements in [Field Assistance Bulletin No. 2021-03](#). According to the DOL, a person will not be treated as having failed to make required disclosures to a responsible plan fiduciary **as long as the person made disclosures in accordance with a good faith, reasonable interpretation of the law**. The Field Assistance Bulletin provides guidance on what is considered a good faith and reasonable interpretation in the form of eight questions and answers.