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Nondiscrimination for Insured Plans - Update

A few weeks ago we informed you of the delay in regulations regarding the insured plan nondiscrimination rules. Yesterday, the IRS published Notice 2010-63, requesting information regarding how the new nondiscrimination rules should apply to insured plans and the interaction with 105(h). Comments are due by November 4, 2010. The IRS is likely looking at how it can combine nondiscrimination testing when a single sponsor has multiple insured options and/or multiple insured and self-insured options. Based on the timing for comments, i would not expect regulations to be issued until the early part of 2011. Link to Notice 2010-63 is as follows:
http://www.irs.gov/pub/irs-drop/n-10-63.pdf