



Legislative Uncertainty Isn't New. The Right Questions Are.

Legislative uncertainty has always been part of the benefits business. Anyone who has spent time advising employers knows that change comes with the territory. Rules shift. Guidance evolves. Interpretations get refined. That part is not new.

What is different heading into 2026 is the pace. Compliance changes are happening faster, often overlapping, and rarely in a clean, linear way. Employers are trying to make decisions while guidance is still taking shape. Brokers are being asked for clarity when the answers are not always final.



**Legislative uncertainty
isn't new. What's changing
is how often employers are
expected to respond to it.**

In moments like this, it is tempting to wait. To hold off until regulations are settled or guidance is fully issued. But waiting is not a strategy. And in many cases, uncertainty creates more risk than change itself.

The agencies that will be most successful in 2026 are not the ones trying to predict every legislative outcome. They are the ones asking better questions right now.

WHY UNCERTAINTY CREATES MORE RISK THAN CHANGE

When regulations change, at least there is something concrete to react to. When guidance is unclear, hesitation tends to creep in. Employers delay decisions because they are worried about doing the wrong thing. Brokers hesitate to advise because they do not want to overstep. In that gap, expectations go unspoken, responsibilities blur, and documentation gets thinner than it should be.

Uncertainty also creates pressure. Clients want answers. They want reassurance. And sometimes, in an effort to be helpful, agencies step into gray areas without realizing it.

The reality is this: Compliance responsibility does not pause just because legislation is unsettled. The obligation to act reasonably, communicate clearly, and document decisions still exists. In fact, those expectations become even more important when the rules are evolving.



The real risk for employers isn't new rules. It's unclear guidance and inconsistent decision-making.

THE SHIFT AGENCIES NEED TO MAKE

For years, compliance conversations have focused on knowing the rules. That still matters. But in an environment where rules are changing quickly, knowing the rules is not enough.

The real shift is moving from rule memorization to process readiness.

Agencies that are prepared for uncertainty have done the work to pressure-test how compliance lives inside their organizations. They know where responsibility sits. They know how information flows. They know how decisions are documented and explained.

And most importantly, they are asking the right questions early, before an issue forces the conversation.

THE QUESTIONS THAT PREPARE AGENCIES FOR 2026

The goal is not to create a checklist. It is to surface blind spots. The questions below are the ones I see make the biggest difference when uncertainty is high.

Where does compliance live in our client conversations, and where does it get lost?

- ⊕ If compliance only comes up at renewal or after a problem arises, that is a signal. Clients should understand from the beginning how compliance fits into the relationship. What the agency supports. What the employer owns. What happens when guidance changes midyear. When this is clear upfront, uncertainty becomes easier to navigate later.



Brokers add the most value when they help employers ask better questions, not when they try to predict outcomes.

+ **When guidance changes, do we have a plan or a scramble?**

Change is inevitable. Disorganization does not have to be.

Agencies that are ready for 2026 have a defined approach for handling updates. Who reviews new guidance? How it is communicated internally? How messaging is shared with clients? What gets documented?

A plan does not need to be complicated. It just needs to exist.

+ **Do our clients clearly understand their responsibilities, or are they assuming we own them?**

This is one of the most common sources of exposure we see.

Employers often assume their broker is handling compliance unless told otherwise. Brokers often assume employers understand where the line is. When uncertainty enters the picture, those assumptions become risky.

Clear role definition protects everyone involved.

+ **Are we documenting decisions in a way that reflects intent and reasonableness?**

Good intent matters. Clear documentation matters more.

When guidance is evolving, documentation becomes the record of how decisions were made with the information available at the time. Agencies should be able to show their reasoning, not just the outcome.

This is about defensibility, not perfection.

+ **If our process were reviewed, would it make sense to someone outside our organization?**

This is a simple but powerful test.

Compliance readiness is not just about doing the right thing. It is about being able to explain it clearly. If processes are informal, inconsistent, or overly dependent on individual knowledge, uncertainty will expose that quickly.



Confidence in benefits strategy comes from preparation and perspective, not certainty.

PREPARING FOR 2026 MEANS PREPARING FOR CONVERSATIONS

Clients do not expect brokers to predict the future. What they expect is clarity, honesty, and consistency.

Agencies that succeed during periods of legislative uncertainty are the ones that can explain what is known, what is still developing, and how they are approaching both. They communicate without overpromising. They document without overcomplicating. They stay steady when others rush or retreat.

Preparation shows up in conversations long before it shows up in compliance audits.

BOTTOM LINE

Legislative uncertainty is not a temporary phase. It is part of the environment agencies are operating in today and heading into 2026. And while no broker can predict every regulatory outcome, preparation does not require perfect clarity.

The agencies that will thrive are not the ones chasing every update or waiting for final guidance before they act. They are the ones building disciplined processes, setting clear expectations with clients, and using the right questions to guide their strategy. When roles are defined, conversations are consistent, and decisions are documented thoughtfully, uncertainty becomes manageable rather than disruptive.

Compliance does not happen in isolation, and brokers should not have to navigate change alone. Trusted partners play a critical role in helping agencies interpret guidance, pressure-test processes, and translate complexity into practical action.

At CRC Benefits, we support brokers with compliance insight, tools, and experienced guidance designed to help agencies stay prepared, communicate clearly, and protect both their clients and their business. Not by predicting legislation, but by helping brokers build confidence and consistency in how they approach it.

When uncertainty is part of the landscape, preparation becomes the advantage.

CONTRIBUTORS

✚ **Misty Baker** is the Director of Compliance and Government Affairs at CRC Benefits.