

IN THE KNOW

Bulletins for Benefits & HR Professionals



August 19, 2020

IRS Allows Employees to Donate Paid Leave to Charity in 2020

"Notice 2020-46 requires that the value of the leave be donated to a Code Section 170(c) charitable organization for the relief of victims of the COVID-19 pandemic in one of the 50 U.S. states, the District of Columbia or five U.S. territories. The Notice also requires that the employer make the cash payments to the charity (or charities) by January 1, 2021." [Full Article](#)

Frost Brown Todd LLC



Implications of COVID-19: Coverage Under Private Group Health and Disability Plans (PDF)

"While some states have regulations concerning short-term disability leave benefits for employees who are unable to work because they have COVID-19 symptoms, were exposed to COVID-19, or have been subject to mandatory or precautionary quarantine, states lack the authority to regulate most employer-sponsored benefits plans governed by ERISA. The DOL has not yet announced any analogous regulations specific to COVID-19. Overall, COVID-19 fears and financial instability caused by the pandemic are likely to cause a spike in the number of disability benefit claims that are filed over the next few months." [Full Article](#)

Robinson & Cole LLP, via For The Defense

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Hodgson Russ LLP

Avoiding COVID-19 Benefits-Related Litigation

“1). Did employee layoffs trigger a partial termination of your plan that requires accelerated vesting? 2). Were there any changes to investments during the COVID-19 pandemic period and, if so, were those actions documented? 3). Were decisions whether or not to continue benefits to laid off or furloughed employees made consistently and uniformly? 4). Were separating employees timely notified of their COBRA rights and continuation of other benefits? 5). Have you recorded any changes to your COVID-19-related benefits strategy in plan documents?” [Full Article](#)

Hall Benefits Law



Employers May Need to Provide Employees with Documentation of Qualified Health Coverage Under Michigan No-Fault Auto Insurance Reform

“Michigan's no-fault law no longer requires Michigan drivers to carry unlimited medical coverage (PIP coverage). Under certain circumstances, individuals with qualified health coverage (QHC) may be able to opt-out of PIP coverage under their no-fault policy, which generally will lead to a lower premium. Carriers of fully insured group health plans must provide documentation to plan participants about whether their coverage under the group health plan is QHC. Private employers sponsoring self-funded group health plans are not required to comply with the bulletin's obligations because of ERISA preemption.” [Full Article](#)

Miller Johnson

State Health Insurance Marketplaces Increasingly Take Over Obamacare Exchanges from Feds



“Pennsylvania is one of six states shifting in the next several years from the federal insurance exchange to run their own online marketplaces. They will join 12 states and the District of Columbia with self-contained exchanges. The transitions come amid mounting evidence that state marketplaces attract more consumers, especially young adults, and hold down prices better than the federal exchange.” [Full Article](#)

Kaiser Health News

HIPAA Enforcement Relaxed, But Not Abandoned

“OCR announced in March 2020 that it would exercise discretion in enforcement actions related to HIPAA restrictions that might otherwise limit the good faith provision of telehealth services. But with the pandemic and the implementation of work-from-home policies, health care providers -- so called 'Covered Entities' -- must be more vigilant than ever to employ commercially reasonable efforts to safeguard the protected health information (PHI) of patients.” [Full Article](#)

Hodgson Russ LLP