

# IN THE KNOW

Bulletins for Benefits & HR Professionals



September 30, 2020

## Administration Finalizes Drug Importation Plans, But Legal and Practical Questions Remain

"HHS released a final rule aiming to permit states or other specific actors to establish programs to import prescription drugs from Canada. If it is not blocked in court, the rule will become effective 60 days after its publication in the Federal Register, which is scheduled for October 1. This rule is one element of the Trump Administration's broader agenda on drug pricing, but it faces several large obstacles which are likely to derail its implementation." [Full Article](#)

*Rachel Sachs in Health Affairs Blog*



## October 14 Is the Last Day to Provide Medicare Part D Notice of Creditable (or Non-Creditable) Coverage

"Employers offering group health plans with prescription drug coverage are required to disclose to all Part D-eligible individuals who are enrolled in or were seeking to enroll in the group health plan coverage whether such coverage was 'actuarially equivalent,' i.e., creditable. This notice is required to be provided to all Part D eligible persons, including active employees over age 65." [Full Article](#)

*Fraser Trebilcock*

## In This Issue

### Page 1

**Administration Finalizes Drug Importation Plans, But Legal and Practical Questions Remain**

*Rachel Sachs in Health Affairs Blog*

**October 14 Is the Last Day to Provide Medicare Part D Notice of Creditable (or Non-Creditable) Coverage**

*Fraser Trebilcock*

### Page 2

**Health Insurer Pays \$6.85 Million to Settle Data Breach Affecting Over 10.4 Million People**

*U.S. Department of Health and Human Services [HHS]*

**Tracking Telehealth Changes State-by-State in Response to COVID-19**

*Manatt, Phelps & Phillips, LLP*

**2020 End of Year Plan Sponsor 'to Do' List, Part 1: Health and Welfare Plans**

*Snell & Wilmer*

**Employer May Be Held Liable for Service Provider's Error**

*The Wagner Law Group*

## Health Insurer Pays \$6.85 Million to Settle Data Breach Affecting Over 10.4 Million People

“Premera Blue Cross (PBC) has agreed to pay \$6.85 million to OCR and to implement a corrective action plan to settle potential violations of the HIPAA Privacy and Security Rules related to a breach affecting over 10.4 million people. This resolution represents the second-largest payment to resolve a HIPAA investigation in OCR history.” [Full Article](#)

*U.S. Department of Health and Human Services [HHS]*



## Tracking Telehealth Changes State-by-State in Response to COVID-19

“Updated Sep. 18, 2020. “As states and federal agencies continue to combat the COVID-19 pandemic, they are also beginning to develop and implement permanent telehealth policy changes in order to continue to expand access to telehealth services beyond the pandemic period. [A set of charts describes current and proposed] state and federal guidance, regulations, and legislation.” [Full Article](#)

*Manatt, Phelps & Phillips, LLP*



## 2020 End of Year Plan Sponsor 'to Do' List, Part 1: Health and Welfare Plans

“Amidst a once in a 100-year pandemic, many employers found themselves having to furlough and lay-off employees due to the related economic downturn. As a result, many Americans found themselves without health and life insurance when they needed it most. Depending on the outcome of the election, 2021 could bring significant changes to our employer-based health care system, but for now, ACA remains the law of the land and employers must continue to comply with its requirements.” [Full Article](#)

*Snell & Wilmer*

## Employer May Be Held Liable for Service Provider's Error

“The Second Circuit Court of Appeals has held that a plaintiff properly pled her breach of fiduciary duty claim for equitable relief against an employer in connection with a third party administrator's clerical error in calculating life insurance benefits payable to her under the employer's ERISA welfare plan.” [Full Article](#)

*The Wagner Law Group*