

IN THE KNOW

Bulletins for Benefits & HR Professionals



July 8, 2021

The Last Existential Challenge to the ACA Goes Down Swinging in the Supreme Court

“Increasingly stringent and stylized budgetary rules adopted by Congress starting in the 1970s, accentuated by a deepening partisan divide since the 1990s, rendered it politically and procedurally impossible to implement major legislation, particularly health reform, through federal agencies and public financing mechanisms rather than by burdening private parties and relying on state partnerships. Various individuals, corporations, and states therefore found themselves unwilling participants in the ACA, and they often took their financial or ideological grievances to court.” [Full Article](#)

Williams M. Sage, Health Affairs



Are Employers Allowed to Use Health Plan Claims Records to Determine Whether Employees Have Received COVID-19 Vaccinations?

“An employer's group health plan is a HIPAA covered entity and, under HIPAA, is a separate legal entity from the employer. Because the plan generally is required to cover COVID-19 vaccinations as preventive services, it is likely to have information about employees' receipt of COVID-19 vaccinations, and this information is considered protected health information (PHI).” [Full Article](#)

Thomson Reuters / EBIA

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Verrill Dana LLP

Employers Consider More Pet-Friendly Benefits in the Postpandemic Workplace

By, International Foundation of Employee Benefit Plans [IFEPP]

Fourth Circuit: HIPAA Does Not Create a Private Right of Action

“There is no private cause of action to address an improper disclosure of medical information under HIPAA, the U.S. Court of Appeals for the Fourth Circuit has held for the first time. Although this case unfolded in a prison setting, this ruling could have implications in the workforce and reminds employers to treat confidential medical information of its workers carefully.” [Full Article](#)

Jackson Lewis P.C



Primer on Severance Plans Under ERISA and the Tax Code

The DOL has created a safe harbor rule for severance plans under which an arrangement providing for the payment of severance benefits on account of termination of employment will be treated as a severance plan and not a pension plan, provided [certain criteria are satisfied. Employers may have additional responsibilities when maintaining a severance program subject to ERISA but there are advantages. Certain bona fide severance arrangements that provide separation pay upon an involuntary termination of employment or pursuant to a window program are excluded from Code Section 409A.” [Full Article](#)

Verrill Dana LLP



Employers Consider More Pet-Friendly Benefits in the Postpandemic Workplace

“A survey released in March found that 57% of surveyed pet owners said they would be most happy returning to their workplace if they could bring their pets with them. According to the same survey, one in two C-suite executives surveyed said they are planning to allow pets in the workplace once employees return to the office, and 59% would allow more flexibility for workers wanting to stay remote with their pets.”

[Full Article](#)

International Foundation of Employee Benefit Plans [IFEFP]