

IN THE KNOW

Bulletins for Benefits & HR Professionals



February 16, 2022

Medical Plan Surcharge for COVID-19 Unvaccinated: Checklist for Plan Sponsors

“A medical plan surcharge for the COVID-19 unvaccinated is workable, but complex. To implement a surcharge for COVID-19 unvaccinated participants, plan sponsors need to take these steps.”

[Full Article](#)

Fox Rothschild LLP



The 2021 Mental Health Parity Grades Are In: Everybody Failed

“The DOL issued 156 letters to plan sponsors and insurance providers requesting information about comparative analysis for NQTLs, and the initial responses were all insufficient. [The report] contains helpful information for those sponsors who were not part of the initial investigation. The agencies characterized the responses as generic, unresponsive, and lacking in sufficient detail and supporting documentation.”

[Full Article](#)

Jackson Lewis P.C.

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Illinois Employers: Are You Complying with the Consumer Coverage Disclosure Act?

“The Illinois Consumer Coverage Disclosure Act (CCDA) requires that Illinois employers provide a disclosure to employees regarding how the employer's group health plan compares with the essential health benefits under the Illinois benchmark plan. While Illinois takes the position that the law applies to employers with self-insured plans, a court may not necessarily agree if an employer was willing to challenge the law on ERISA preemption grounds.”

[Full Article](#)

Groom Law Group



In COBRA Election Notice Dispute, Court Requires Employer to Provide Retroactive Coverage and Pay Penalties

“The district court found that the employer's failure to correct the participant's COBRA eligibility date was arbitrary and capricious. The court reasoned that the employer's decision to use January 1, 2014, as the end date for the participant's active-employee coverage was inconsistent with the COBRA election notice furnished to the participant [and the] employer's decision to pay for his active-employee coverage through February 28.”

[Full Article](#)

Thomson Reuters Practical Law

You Have Questions, the Government Has Answers Regarding Group Health Plan Coverage of At-Home COVID-19 Tests



“When providing coverage of at-home tests through a direct-to-consumer arrangement, group health plans must cover reasonable shipping costs and sales tax in a manner consistent with other items or products provided by the group health plan via mail order. The direct coverage arrangement does not have to cover every eligible test from every manufacturer.”

[Full Article](#)

Miller Johnson

Washington Legislature Instructs Employers Not to Deduct WA Cares Act Premiums

“Employers should immediately stop any WA Cares payroll deduction. Employers that collected any premium from employees with the first paychecks of 2022 under the then-existing version of the Act have 120 days to refund those premiums to employees in full. Employers should maintain copies of all exemption approval letters for those employees who purchased their own insurance and obtained approved exemptions. Be aware of new exemptions.”

[Full Article](#)

Fisher Phillips