

IN THE KNOW

Bulletins for Benefits & HR Professionals



March 4, 2022

Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case

"A split panel in the Fifth Circuit is the first appellate court to signal certain private employer mandates could be vulnerable. The opinion reverses the district court's denial of a preliminary injunction against the airline's mandatory vaccine program."

[Full Article](#)

Littler



Tolling of Important Health and Welfare and Retirement Plan Deadlines Extended Again Due to COVID-19

"On February 18, 2022, President Biden again formally extended the COVID-19 National Emergency. Certain deadlines continue to be tolled for one year (or, if earlier, 60 days from the end of the National Emergency). For Participants: [1] COBRA qualifying event and disability extension notices [2] COBRA election [3] COBRA premium payments [4] HIPAA special enrollment period [5] Benefit claims and appeals [6] External review [7] Perfecting a request for external review. For Plan Administrators: COBRA Election Notice."

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Groom Law Group

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Thomson Reuters / EBIA

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COVID-19 Testing Provider Sues Plans and TPAs for Violating Group Health Plan Coverage Mandate

“In a footnote to its opinion, the court acknowledged the plan's assertion that the price of the testing was too high and noted that its ruling did not foreclose a counterclaim challenging the propriety of the pricing.”

[Full Article](#)

Thomson Reuters / EBIA



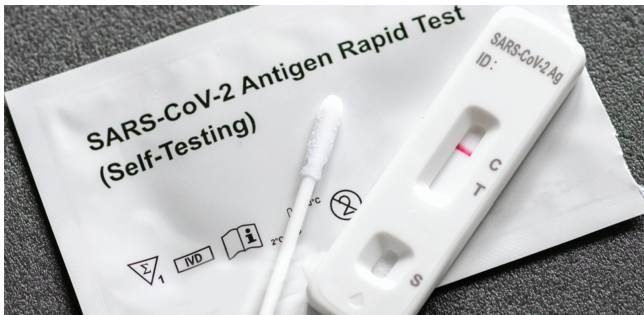
Recent Guidance on Implementing the No Surprises Act

“The No Surprises Act was enacted in December 2020 and went into effect on January 1, 2022. With just a year between enactment and the law's effective date, the Biden administration moved swiftly to implement the law by issuing several interim final rules, one proposed rule, and guidance. But federal officials have not stopped there and have continued to issue new guidance, answer questions, and establish new processes. This article summarizes recent federal guidance on the No Surprises Act.”

[Full Article](#)

Health Affairs

Feds Clarify At-Home COVID-19 Test Coverage Rules



“Three federal Departments recently released FAQs to provide more details as to how employer group health plans may comply with the previously announced requirement to cover at-home OTC COVID-19 tests provided with no prescription or health care provider involvement without cost-sharing or preauthorization. Initial rules that took effect on January 15 created safe harbors for plans to make at-home tests available through a preferred provider network or direct-to-consumer shipping program.”

[Full Article](#)

Fisher Phillips

Supreme Court Reinstates ERISA Class Action Alleging Imprudent 403(b) Plan Management

“The Supreme Court recently issued a unanimous decision reinstating an ERISA class action against fiduciaries of Northwestern University's 403(b) retirement plans. In *Hughes v. Northwestern University*, the petitioners alleged that plan fiduciaries violated their duty of prudence in a number of respects, based on certain investment options made available to participants. The Seventh Circuit Court of Appeals affirmed the District Court's dismissal of the case because the plans offered participants a range of higher-cost and lower-cost investment funds and permitted participants to select among available funds.”

[Full Article](#)

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