

IN THE KNOW

Bulletins for Benefits & HR Professionals



April 14, 2022

Do Employers Now Have to Offer Affordable Family Coverage?

“Although not directly affecting employer-sponsored plans, employers may experience indirect effects of the changes if the proposed rule is finalized. For example, in order for the IRS to make Premium Tax Credit determinations involving family coverage, they may require further information reporting from employers. The IRS Forms 1094 and 1095 might be modified to require separate affordability reporting regarding both employee-only coverage and other coverage offers.”

[Full Article](#)

Jackson Lewis P.C.



Ninth Circuit Reverses Decision Requiring Reprocessing of 67,000 Behavioral Health Claims; Hands United Healthcare a Win

“The Ninth Circuit decision means that UBH no longer has to reprocess the tens of thousands of claims. UBH was still adjusting its criteria and guidelines at the time of the Ninth Circuit's decision. It is not clear whether UBS will now 'walk back' its revised criteria. This decision signifies great latitude for plan administrators and seems to mark a deviation from an otherwise broad national movement toward enforcement of mental health parity laws.”

[Full Article](#)

ArentFox Schiff LLP

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Thomson Reuters/EBIA

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Hall Benefits Law

It's So Easy to...Put Your Employees' HSAs at Risk

"In addition to telehealth, there are other incentives or special benefits that employers may be tempted to offer, especially to encourage retention during this era of labor shortage. Be careful, though, that your generosity doesn't compromise your employees' HSAs by relieving them of their obligation to bear the full weight of their HDHP coverage."

[Full Article](#)

Holland & Hart LLP



HHS OCR Issues Annual HIPAA Reports to Congress

"OCR's breach report contains useful information regarding the most commonly reported categories of breaches and OCR's recommendations on best practices to avoid such breaches. OCR reported that 68% of the '500+' breaches in 2020 involved 'hacking/IT incidents of electronic equipment or a network server' while 23% involved 'unauthorized access or disclosure of records containing PHI.' OCR's enforcement report also provides statistics and information that can be useful to covered entities in focusing their compliance efforts."

[Full Article](#)

Health Law Advisor, Epstein Becker Green

CMS Announces 2023 Medicare Part D Benefit Parameters Used for Creditable Coverage Disclosures

"These parameters will be used by group health plan sponsors to determine whether their plans' prescription drug coverage is creditable for 2023. The information is needed for required disclosures to Part D eligible individuals and to CMS."

[Full Article](#)

Thomson Reuters/EBIA

Employer's Failure to Provide Timely COBRA Election Notice Results in Retroactive Coverage and Penalties

"Buford argued that his former employer prevented him from exercising his COBRA rights by providing him with a COBRA election notice with an incorrect termination date of February 28, 2014, and then disregarding that date for COBRA coverage. The court sided with Buford, finding that General Motors' failure to correct his COBRA eligibility date was arbitrary and capricious."

[Full Article](#)

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