

IN THE KNOW

Bulletins for Benefits & HR Professionals



April 27, 2022

Qualified Parking Compensation Reductions Unused Due to COVID-19 Cannot Be Transferred to Health FSA

“The Code prohibits cafeteria plans from offering qualified transportation fringe benefits, and IRS rules do not permit unused compensation reduction amounts under a qualified transportation plan to be transferred to a health FSA under a cafeteria plan. Because some risk of loss due to changing circumstances is unavoidable, employers should clearly articulate that risk to employees before they make compensation reduction elections.”

[Full Article](#)

Thomson Reuters/EBIA



Employee’s Widow Can Sue Walmart for Life Insurance Benefits — 6th Circ.

“The 6th U.S. Circuit Court of Appeals said a lower court erred in dismissing Ruth Mae Chelf’s claims for breach of fiduciary duty based on the ‘ministerial function’ exception to ERISA. That defense was unavailable to Walmart because Walmart was a fiduciary as it indisputably exercised control over the Plan’s assets when it handled Mr. Chelf’s premiums, exercised control over the disposition of the Plan’s assets, and had discretionary authority over the administration of the Plan.”

[Full Article](#)

Reuters

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Foley & Lardner LLP

A Fix for the ACA's 'Family Glitch'

"If an employee in a family was offered affordable self-only coverage, the employee would still not be eligible for premium tax credits. The family would thus have to purchase two policies — one for the employee through the employer and one through the marketplace for the remaining family members. The family also may have to meet two deductibles, be subject to two out-of-pocket limits, and might find itself in two different provider networks. Families with more than one employee offered self-only coverage may need to purchase several policies, one for each employee and a marketplace plan for the remaining family members."



[Full Article](#)

The Commonwealth Fund

Washington State Retools First-In-the-Nation Long-Term Care Benefit

"The WA Cares Fund, which was set to begin collecting money for the program with a mandatory payroll tax on workers in January, has been delayed while lawmakers made adjustments during the current legislative session. Payroll deductions will start in July 2023, and benefits will become available in July 2026. Other states are watching Washington closely as they weigh offering coverage for their own residents."

[Full Article](#)

Kaiser Health News

Ohio's Surprise Billing Law – Impact on Health Plans



"While the Ohio Surprise Billing Law intends to shield insureds from surprise medical costs, health plans and insurers may end up paying these costs in some instances. These additional costs are expected, at least in large part, to be ultimately borne by employers through increased reimbursement rates and higher premiums."

[Full Article](#)

Jackson Lewis P.C.

Deadline Approaching Under Health Plan Price Transparency Rules – Public Disclosure of Provider Reimbursement Rates Due by July 1, 2022

"To meet the Transparency in Coverage requirements that will be enforced starting on July 1, 2022, plans and issuers must create two files -- one to disclose in-network provider rates for covered items and services and another to disclose out-of-network allowed amounts and billed charges for covered items and services."

[Full Article](#)

Foley & Lardner LLP