

IN THE KNOW

Bulletins for Benefits & HR Professionals

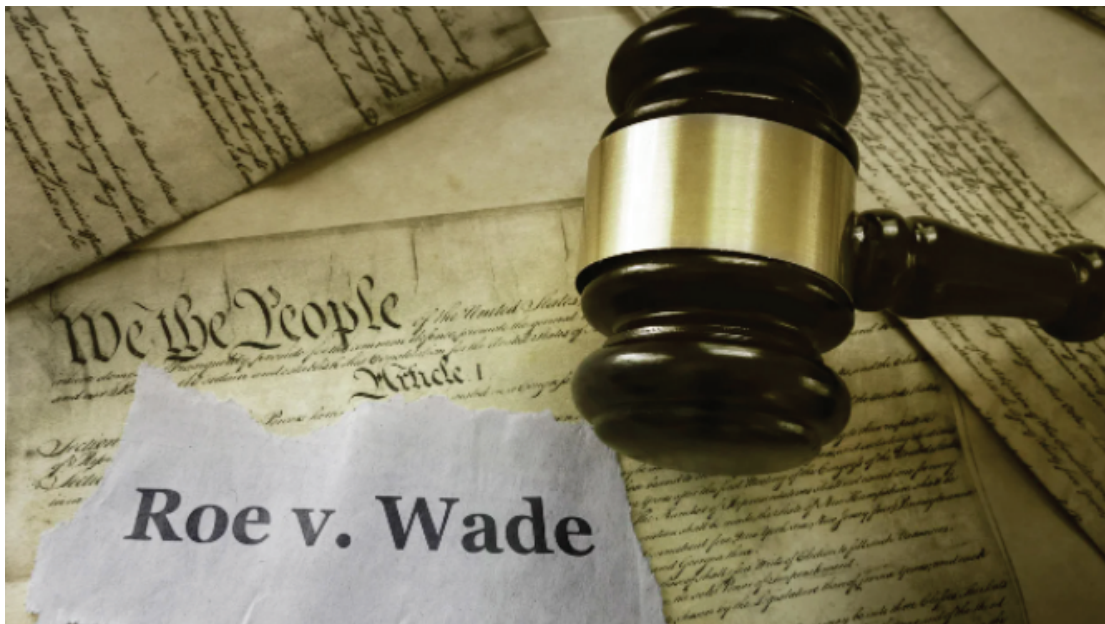


May 25, 2022

Employee Benefits Might Still Facilitate Abortions and Reproductive Choice in a Post-Roe v. Wade America

“If the Supreme Court ultimately overturns Roe, all employers should review their health plans to see what, if any, impact the applicable state laws will have. Employers will need to consider many factors, including [1] the types of abortion-related benefits to be offered; [2] whether the type of health plan involved (e.g., self-funded or fully-insured) offers any strategic protections; and [3] any federal guidance the DOL and IRS may issue.” [Full Article](#)

Michael Best



Plaintiffs' Bar Shows Renewed Interest in COBRA Notice Litigation

“Class action cases filed against high-visibility defendants in Georgia, Michigan, Florida, and elsewhere allege the companies violated federal law when they sent purportedly inaccurate, threatening, or confusing notices of former employees' rights to elect to continue medical-insurance coverage after their employment ended.” [Full Article](#)

Jackson Lewis P.C.

In This Issue

Page 1

Employee Benefits Might Still Facilitate Abortions and Reproductive Choice in a Post-Roe v. Wade America

Michael Best

Plaintiffs' Bar Shows Renewed Interest in COBRA Notice Litigation

Jackson Lewis P.C.

Page 2

Court Blocks Enforcement of Certain ACA Section 1557 and Title VII Nondiscrimination Rules Against Christian Employers Group

Thomson Reuters / EBIA

The Impact of Expanding Pre-Deductible Coverage in HSA-Eligible Health Plans on Premiums

EBRI

Is the IRS Going to Fix the 'Family Glitch'?

Conrad Siegel Actuaries

Third Circuit: ACA Individual Mandate Penalties Are Entitled to Priority Under the Bankruptcy Code

Thomson Reuters Practical Law

Court Blocks Enforcement of Certain ACA Section 1557 and Title VII Nondiscrimination Rules Against Christian Employers Group

"The court issued a preliminary injunction enjoining HHS from interpreting or enforcing Section 1557 and its regulations against the group's present or future members in a manner that would [1] require them to provide, offer, perform, facilitate, or refer for gender transition services, or [2] prevent, restrict, or compel the group members' speech on gender identity issues. Furthermore, the EEOC is enjoined from interpreting or enforcing Title VII against the group, its insurers, or TPAs in a manner that would require the group's present or future members to provide insurance coverage for gender transition services." [Full Article](#)

Thomson Reuters / EBIA



The Impact of Expanding Pre-Deductible Coverage in HSA-Eligible Health Plans on Premiums

"The impact on premiums of expanding pre-deductible coverage for 14 services in HSA-eligible health plans is small. Estimated premium increases range from virtually zero to 1.5 percent. EBRI found a 0.9 percent increase in premiums when use of health care services was assumed to increase because of the lower cost sharing and when employers did not impose any cost sharing." [Full Article](#)

Employee Benefit Research Institute [EBRI]



Is the IRS Going to Fix the 'Family Glitch'?

"The IRS issued a proposed rule on April 5, 2022 to close a loophole in the ACA policy affecting subsidies in the ACA marketplace. This proposal could indirectly affect employers as many spouses and dependents may elect to enroll in the ACA marketplace plans instead of the employer plan. This also opens the door for more employers to encourage spouses and dependents off their plans by increasing the cost that they pay to stay on the plan."

[Full Article](#)

Conrad Siegel Actuaries

Third Circuit: ACA Individual Mandate Penalties Are Entitled to Priority Under the Bankruptcy Code

"The IRS asserted that the debtors owed more than \$900 for failing to maintain health insurance coverage in violation of the ACA's individual mandate during 2018. The IRS characterized the payment as an excise tax that was entitled to priority under the Bankruptcy Code. The Third Circuit held that the individual mandate payment was a tax on or measured by income for bankruptcy purposes. The court relied primarily on a six-factor test under Third Circuit precedent for determining whether a payment is a tax." [Full Article](#)

Thomson Reuters Practical Law