

IN THE KNOW

Bulletins for Benefits & HR Professionals



July 21, 2022

Self-Insured Health Plans: August 1st PCORI Fee Due Date is Rapidly Approaching

“Dental plans and vision plans that are excepted benefits are not subject to PCORI fees. Similarly, health flexible spending accounts that are excepted benefits are not subject to PCORI fees. For plans with plan years that ended on or after January 1, 2021, through September 31, 2021, the fee is \$2.66 per covered life. For plans with plan years that ended on or after October 1, 2021, through December 31, 2021, the fee is \$2.79 per covered life.” [Full Article](#)

Jackson Lewis P.C.



HHS Issues Guidance on Post-Dobbs PHI Protections Under HIPAA Privacy Rule

“The HHS guidance outlines the types of non-healthcare disclosures of PHI that are permitted without an individual's authorization. The guidance also describes how the Privacy Rule applies to such disclosures in the context of PHI that contains abortion and other sexual and reproductive healthcare information. For each such disclosure, HHS emphasizes that covered entities are permitted, but not required, to disclose the PHI.”

[Full Article](#)

Ogletree Deakins

In This Issue

Page 1

Self-Insured Health Plans: August 1st PCORI Fee Due Date is Rapidly Approaching
Jackson Lewis P.C.

HHS Issues Guidance on Post-Dobbs PHI Protections Under HIPAA Privacy Rule
Ogletree Deakins

Page 2

Health Plan's Blanket Exclusion for Wilderness Therapy Violated MHPAEA
Thomson Reuters Practical Law

May Abortions Be Reimbursed on a Tax-Free Basis from a Health FSA, an HRA, or an HSA?
Dickinson Wright

Fourth Circuit Revives Retirees' Claim of Vested Retiree Life Insurance Coverage
Roberts Disability Law

Amendment to Group Health Plan Fee Disclosure Rules Can Reduce Plan Costs
Hall Benefits Law

Health Plan's Blanket Exclusion for Wilderness Therapy Violated MHPAEA

"Accepting the dependent's argument, the court concluded that for parity analysis purposes, skilled nursing facilities were the medical/surgical analog to residential treatment centers for MH/SUD conditions. Next, the court noted that there was no evidence that the administrator would deny benefits in a skilled nursing facility (on the medical/surgical side) merely because the care occurred in a wilderness setting. According to the court, this tended to support the dependent's argument that the administrator had created a wilderness treatment exclusion that applied only to behavioral health programs — in violation of MHPAEA." [Full Article](#)

Thomson Reuters Practical Law



May Abortions Be Reimbursed on a Tax-Free Basis from a Health FSA, an HRA, or an HSA?

"The following expenses may be reimbursed from an FSA, HRA, or HSA under current federal tax law: [1] The cost of the abortion procedure, if legal; [2] Transportation expenses, if out-of-state travel is required; and [3] Lodging (up to \$50 per night), assuming that the care is received from a physician in a hospital or an equivalent facility. Many issues will depend on the interpretation of the IRS or the courts." [Full Article](#)

Dickinson Wright

Fourth Circuit Revives Retirees' Claim of Vested Retiree Life Insurance Coverage

"The Fourth Circuit agreed with the plaintiffs that if their retiree life insurance coverage were ever a vested benefit, PPG could not rely on the later-added reservation of rights clause to terminate that coverage. If the removal of the prior reservation of rights clause in 1969 vested retiree life insurance coverage for Plan participants working between 1969 and 1984, then the 1984 reservation of rights clause only allowed PPG to modify or terminate retiree life insurance coverage for participants hired after the clause's adoption." [Full Article](#)

Roberts Disability Law

Amendment to Group Health Plan Fee Disclosure Rules Can Reduce Plan Costs

"Now that plan fiduciaries have easier access to the compensation paid to these service providers, they can judge whether the compensation is reasonable and potentially cut costs by switching service providers....Fiduciaries could also explore eliminating indirect compensation to service providers to save costs." [Full Article](#)

Hall Benefits Law