

IN THE KNOW

Bulletins for Benefits & HR Professionals



August 5, 2022

We're Trying to Help! Employer Guidelines to Avoid Legal Pitfalls with Tuition Assistance Benefit Programs

"Put it in writing; look for tax caps, and; don't forget the Truth in Lending Act (TILA) or the Fair Debt Collection Practices Act (FDCPA). Income-Share Agreements (ISA) are considered 'credit' under TILA. Check state law before requiring a non-compete agreement or repayment requirement." [Full Article](#)

Bradley



HHS, DOL, and Treasury Issue Guidance Regarding Birth Control Coverage

"Following President Biden's Executive Order on ensuring access to reproductive health care, HHS, alongside the DOL and the Treasury, took action to clarify protections for birth control coverage under the Affordable Care Act (ACA). Under the ACA, most private health plans are required to provide birth control and family planning counseling at no additional cost." [Full Article](#)

Centers for Medicare and Medicaid Services (CMS)

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Thomson Reuters/EBIA

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Employee Benefit Research Institute [EBRI]

HHS Proposes to Reinstate, Revise, and Expand ACA Section 1557 Nondiscrimination Rules

“Now in their third iteration, these regulations are full of detailed rules and explanations that may again become a lightning rod for litigation. Group health plan sponsors, insurers, TPAs, and advisors may wish to submit comments. Meanwhile, HHS emphasizes that Section 1557 and the 2020 regulations remain in effect.” [Full Article](#)

Thomson Reuters/EBIA



IRS Rev. Proc. 2022-34: 2023 Required Contribution Percentage for Determining Affordable Employer-Provided Coverage

“This revenue procedure also updates the required contribution percentage in Section 36B(c)(2)(C)(i)(II) for plan years beginning after calendar year 2022. This percentage is used to determine whether an individual is eligible for affordable employer-sponsored minimum essential coverage under Section 36B. For plan years beginning in calendar year 2023, the Section 36B Required Contribution Percentage is 9.12%.” [Full Article](#)

Internal Revenue Service (IRS)



The Dobbs Effect: Equal Access to Travel Benefits

“Litigants are challenging as discriminatory under Title VII, employer travel benefits that enable employees to travel in order to terminate pregnancies in states where it remains legal. Specifically, litigants have begun to assert that providing travel benefits for the purpose of terminating a pregnancy is unlawful if the employer does not also allow travel benefits for pregnant women who intend to carry their pregnancy to term.” [Full Article](#)

Seyfarth

Recent Trends in Patient Out-of-Pocket Cost Sharing

“The share of out-of-pocket costs paid by patients with employer-sponsored health plans increased from 17.4 percent in 2013 to 19 percent in 2019, before a pandemic-related decline to 16.4 percent in 2020. The increase in the share of expenses paid out of pocket observed between 2013 and 2019 appears to be driven by an increase in the number of workers enrolling in plans with higher deductibles.” [Full Article](#)

Employee Benefit Research Institute [EBRI]