

Weekly Digest

• September 14, 2022 •



Fifth Circuit Rules in Section 1557 Litigation

“The decision means that HHS is permanently barred from interpreting or enforcing Section 1557 in a way that would require the religious plaintiffs in Franciscan Alliance to perform or provide insurance coverage for services related to gender transition or abortion. This article discusses this case and also summarizes the status of other litigation over rules to implement Section 1557.” [Full Article](#)

Health Affairs



Hospital and Insurer Price Transparency Rules Now in Effect But Compliance Is Still Far Away

“The short answer to the question of whether these transparency rules are working is not quite yet. Hospitals have been slow to comply with transparency rules. Even when hospitals have complied with the rules, experts have found the data to be 'consistently inconsistent' in terms of how data elements are defined and displayed, making it very difficult for third parties to make connections across hospitals and payers.” [Full Article](#)

Health Affairs

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Agency FAQs Reveal Employers Continue to Struggle with Implementation of No Surprises Act and Transparency in Coverage Requirements

"The DOL, HHS and the Treasury recently issued joint guidance in the form of FAQs which [1] elaborate on and relax the requirement that plans make machine-readable files publicly available on the plan's website no later than 7/1/2022 [2] specify the three ways in which plans and issuers must satisfy the notice obligation, and [3] clarify how protections would apply for plans with no network (e.g., reference-based pricing plans) or plans that only extend in-network coverage." [Full Article](#)

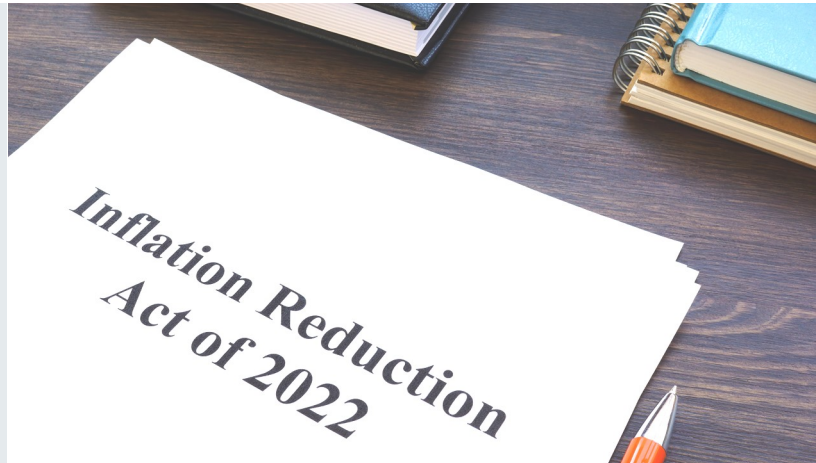
Seyfarth Shaw LLP

Benefits-Related Provisions of the Inflation Reduction Act of 2022

"On August 16, President Biden signed into law the Inflation Reduction Act of 2022 (P.L. 117-169; the "Act"). Although the Act differs considerably from the wide-ranging domestic economic package Democrats had initially envisioned under the Build Back Better moniker, the Act nevertheless includes a number of significant initiatives addressing the climate, healthcare, and tax issues.... [1] Extension of ACA subsidies [2] Medicare prescription drug pricing negotiations [3] Manufacturer rebates under Medicare [4] HSA safe harbor for insulin."

[Full Article](#)

Groom Law Group



ERISA Lawsuit Time-Barred Due to Plan's Limitations Period

"In reaching this determination, the Eleventh Circuit concluded that it was irrelevant that the plaintiff was not given actual notice of the limitations provision." [Full Article](#)

The Wagner Law Group



District Court: ACA's HIV/Prep Coverage Mandate Violates Religious Freedom Restoration Act

"In a dispute involving the ACA's preventive health services rules, a Texas district court held that the coverage mandate for preexposure prophylaxis (PrEP) drugs to prevent HIV infections violated an employer's rights under the Religious Freedom Restoration Act of 1993 (RFRA). The district court also addressed the appointment process for the entities that determine which items and services must be covered under the ACA's preventive health services rules, as implemented." [Full Article](#)

Thomson Reuters Practical Law