

Weekly Digest

• September 28, 2022 •

EMPLOYEE
BENEFITS

What New Student Loan Relief Means for Employee Benefits

“Employers may want to consider building in flexibility to their education assistance programs and to any matching contributions offered through coordination of such a program and a 401(k) plan benefit. If proposed measures take effect, more individuals will be eligible for \$0 monthly income-based payment amounts in the future. Employers that do not currently offer education assistance programs may want to consider adding one by January 1, 2023, as many borrowers' priorities will be shifting from retirement savings to student loan repayments then.” [Full Article](#)

Ogletree Deakins



Federal Court Finds Key Part of ACA’s Preventive Service Mandate Unconstitutional

“The court found that U.S. Preventive Services Task Force (USPTF) members were principal officers who must be nominated by the President and confirmed by the Senate. The court noted that USPTF was not part of HHS or another agency and its members are not directed or supervised by someone appointed by the President and confirmed by the Senate. Further, the court agreed with the plaintiffs that the requirement to cover PrEP to prevent the transmission of HIV violates the RFRA because it substantially burdened their religious exercise.” [Full Article](#)

The Wagner Law Group

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The Inflation Reduction Act Has Been Signed Into Law; Includes Key Health Provisions

"The IRA provides a safe harbor that allows high deductible health plans (HDHPs) to cover insulin before the participant meets the HDHP's deductible without adversely affecting the participant's health savings account (HSA) eligibility. In addition, the IRA establishes a system for Medicare to negotiate drug prices with manufacturers, which has the potential to raise group health plans' costs in the future because employer group health plans are not eligible for the negotiated drug price rates or the rebates." [Full Article](#)

Miller Johnson

Final Rule Changes No Surprises Act Requirements

"The Final Rule addresses specific disclosure requirements for group health plans and health insurance issuers related to the Qualified Payment Amount (QPA) for out-of-network (OON) services and sets forth the factors and information which certified Federal Independent Dispute Resolution (IDR) entities must consider in arbitrating disputes for OON services or items. The Final Rule is effective October 25, 2022, for services/items rendered during plan years beginning or after January 1, 2022."

[Full Article](#)

Sheppard Mullin



Employee Benefits in the United States – March 2022

"Life insurance was available to 57 percent of private industry workers in March 2022. Forty-three percent of private industry workers had access to short-term disability insurance. Thirty-five percent of private industry workers had access to long-term disability insurance. Wellness programs were available to 43 percent of private workers." [Full Article](#)

U.S. Bureau of Labor Statistics (BLU)



Three Key Strategies for Defending MHPAEA Claims: Preparing for the Lawsuit Before It Is Filed

"[1] Carefully review plan terms related to the benefits that are frequently the target of MHPAEA claims and the medical/surgical treatments that plaintiffs typically claim are analogs for these treatments. [2] Confirm that the processes for designing and applying coverage limitations are well-documented and in compliance with MHPAEA's requirements. [3] Confirm that processes are in place to comply with MHPAEA's disclosure requirements in response to participant document requests. Such requests are an 'early warning' that a MHPAEA lawsuit may be coming." [Full Article](#)

Groom Law Group