

# Weekly Digest

• October 12, 2022 •

EMPLOYEE  
BENEFITS

## Biden Administration Proposal Restores, Updates Obama-Era ACA Section 1557 Rules

"The Proposed Rule also suggests that TPAs subject to Section 1557 may be held liable for Section 1557 violations when the allegedly discriminatory act or feature originated with the TPA. For example, if a group health plan adopts a template plan document provided by the TPA, the TPA could be found liable. This appears to be the case even in the event the plan sponsor formally adopts the document or benefit design as the plan settlor." [Full Article](#)

*Groom Law Group*



## Medical Claims Reviews: What Your Plan May be Missing

"With thousands and thousands of codes that can be assigned to everything from the diagnosis of a patient's condition to the facility where they receive care, there is plenty of room for error in medical billing. And it may never get caught—partly because billing has become so complicated and partly because patients, health plans and claims administrators may not have all the data they need to catch the errors." [Full Article](#)

*International Foundation of  
Employee Benefit Plans*

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## Navigating Open Enrollment Notice Requirements

"Fall open enrollment is upon us, and plan sponsors and administrators are preparing to provide their employees with the required notices related to their health and welfare plans. Notice and disclosure obligations for health and welfare plans have become increasingly complex, with some information being required at initial enrollment and others required annually. Although insurers and third-party administrators may prepare or distribute these notices, ultimately the responsibility for compliance often rests with the plan sponsor or plan administrator." [Full Article](#)

**Faegre Drinker**

### When to Provide Domestic Partner Benefits

"Domestic partners are entitled to the same employer-provided benefits as spouses only if the benefit is subject to state law and the state law recognizes domestic partnerships. This happens most commonly with insured group health plans. ERISA does not preempt state insurance laws." [Full Article](#)

**Holland and Hart LLP**



### Fourth Quarter 2022 Hits for Plan Sponsors and Administrator

"With the first RxDC reporting deadline of December 27, 2022, fast approaching, plan administrators should discuss RxDC reporting with their providers now to develop a compliance plan. As the CMS warns, HIOS accounts can take up to two weeks to create." [Full Article](#)

**Jackson Lewis P.C.**



## COBRA Election Notice Failure Underscores Need for Mailing Address Procedures

"In a dispute involving alleged violations of notice requirements under COBRA, a district court addressed the respective liabilities of a self-funded health plan's third-party administrator and its employer/plan sponsor for providing a COBRA election notice. The court concluded that the employer could not disclaim liability for providing the election notice to a plan participant at the correct address merely because it had contracted with the TPA to provide COBRA notices." [Full Article](#)

**Thomson Reuters Practical Law**