

Weekly Digest

• November 23, 2022 •



EMPLOYEE
BENEFITS

December 27, 2022, Deadline for Mandatory Rx Data Collection Reporting

"The employer remains liable for noncompliance, even if it has an enforceable agreement with its vendor to ensure compliance, unless the plan is fully-insured and the agreement is with the insurer. There is no way for an employer to confirm on the HIOS module that a vendor uploaded the file(s) it agreed to upload. The employer should obtain written assurance from the plan's vendor(s) and rely on contractual provisions for recourse if a vendor fails to fulfill its RxDC reporting service as agreed." [Full Article](#)

Jackson Lewis P.C.



Federal District Court Certifies Transgender Discrimination Class Action Against Third-Party Administrator Under the Affordable Care Act

"The US District Court for the Western District of Washington certified a class of individuals who were denied gender-affirming care by a third-party administrator, Blue Cross Blue Shield of Illinois (BCBSIL). The class members have been, are, or will be [1] participants in an ERISA self-funded health plan, which is both administered by BCBSIL and contains a categorical exclusion for gender-affirming care and [2] denied preauthorization or coverage for excluded gender-affirming care because of BCBSIL's administration of the exclusion." [Full Article](#)

ArentFox Schiff LLP

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IRS Revises October 2022 Additional Election Change Guidance to Remove Non-Calendar-Year Plan Requirement

"Under the revised guidance, cafeteria plans—regardless of plan year—can be amended to allow prospective midyear election changes from family coverage to employee-only coverage (or family coverage including one or more already-covered related individuals) under a group health plan that is not a health FSA and provides minimum essential coverage if certain conditions are satisfied."

[Full Article](#)

Thomson Reuters/EBIA



Final Rules Issued on Private Plans Under Colorado's Paid Family and Medical Leave Insurance Act

"Employers and their employees are exempt from paying premiums if the employer provides a private plan for paid family and medical leave approved by the Division. The final rules provide employers a blueprint on how to obtain approval for such plans, whether the plan is self-insured by the employer or obtained through an insurer approved by the state." [Full Article](#)

Husch Blackwell

2023 Premium Tax Credit Chart

"John Peterson has created a 2023 Premium Tax Credit Chart, updated for the American Rescue Plan Act." [Full Article](#)

Kaufman & Canoles, P.C.



Has Your Company Decided to Self-Fund its Medical Plan? Don't Forget Privacy, Security, and Reporting Requirements

"In addition to drafting a new plan document and summary plan description, negotiating contracts with a claims administrator and other vendors, and purchasing stop-loss coverage to insure against the risk of catastrophic claims, employers must address privacy and security obligations under [HIPAA] and reporting requirements under the [PPACA]." [Full Article](#)

Dickinson Wright

Simplify Compliance