

Weekly Digest

• December 7, 2022 •

HIPAA Compliance and Tracking Technologies for Apps and Webpages

"The guidance generally provides that HIPAA covered entities and business associates: May not impermissibly disclose protected health information (PHI) to tracking technology vendors (TTV). Must ensure that they disclose PHI only as expressly permitted or required by the HIPAA Privacy Rule." [Full Article](#)

Thomson Reuters Practical Law



I Want a New Drug...Prescription Drug Data Collection Reporting is Due December 27th

"The Departments... have issued some relief in that they will not take enforcement action against the plan sponsor if the average monthly premium paid by employers and employees (Columns E and F) is not included on the D1 for the 2020 and 2021 reporting period, as long as the information is provided for 2022 and beyond." [Full Article](#)

Holland & Hart LLP

EMPLOYEE BENEFITS

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Significant Parity Cases For Benefits Lawyers to Watch

"Many expect the outcomes of these lawsuits to clarify the standards for a successful parity claim and what remedies plaintiffs can seek under the Parity Act." [Full Article](#)

Hall Benefits Law



SCOTUS Denies Review and Leaves Seattle's "Play-or Play" Ordinance Intact

"The Supreme Court declined to review whether federal law preempts a Seattle Ordinance mandating that large hotels offer their employees health insurance coverage or increased pay. This left the Ninth Circuit's ruling, which found that the particular ordinance was not preempted...."

[Full Article](#)

Proskauer

Plan Administrators May Not Adopt Rationales for Benefit Denials Not Raised During the Claims Review Process

"The Ninth Circuit confirmed that a district court must decide whether the plan administrator's decision to deny LTD benefits is supported by the record and cannot engage in a new determination of whether the claimant is disabled." [Full Article](#)

The Wagner Law Group



Health Plans and Marijuana: What to Know Now

"On November 16, the U.S. Senate passed Medical Marijuana and Cannabidiol Research Act [[HR 8454](#)], which was passed by the House of Representatives in July. News reports have predicted that Biden will sign the bill. The bill doesn't specifically address health plan coverage of medical marijuana, but the processes it sets in motion could lead to greater clarity on the issue." [Full Article](#)

International Foundation of Employee Benefits Plans