

Weekly Digest

• May 24, 2023 •

EMPLOYEE
BENEFITS

First Gag Clause Attestations Due December 31, 2023 - What Group Health Plan Sponsors Need to Know

"Plan sponsors and carriers of fully insured plans are both required to submit a Gag Clause Prohibition Compliance Attestation (GCPCA). The Tri-Agency FAQs, however, provide that if the insurance carrier submits the GCPCA on behalf of the plan, the Departments will consider the plan (and insurer) compliant. Sponsors of fully insured plans, however, should confirm that the carrier will be submitting the GCPCA on the plan's behalf." [Full Article](#)

Hunton Andrews Kurth LLP



Fifth Circuit Stay Reinstates Preventive Services Mandate—For Now

"Plan sponsors should remember that the Fifth Circuit administrative stay is not a decision on the merits of the underlying case. Rather, what it means is the Fifth Circuit pressed pause on the district court order so that the pre-Braidwood preventive services mandate would remain intact for now while the case proceeds." [Full Article](#)

Proskauer Rose LLP

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IRS Announces 2024 Limits for Health Savings Accounts, High-Deductible Health Plans and Excepted Benefit HRAs

"All of the dollar limits currently in effect for 2023 will change for 2024, with the exception of one limit. The HSA catch-up contribution for individuals ages 55 and older will not change as it is not subject to cost-of-living adjustments." [Full Article](#)

McDermott Will & Emery



More Federal Action in the Pharmaceutical Sector as PBM Bill Advances in the Senate

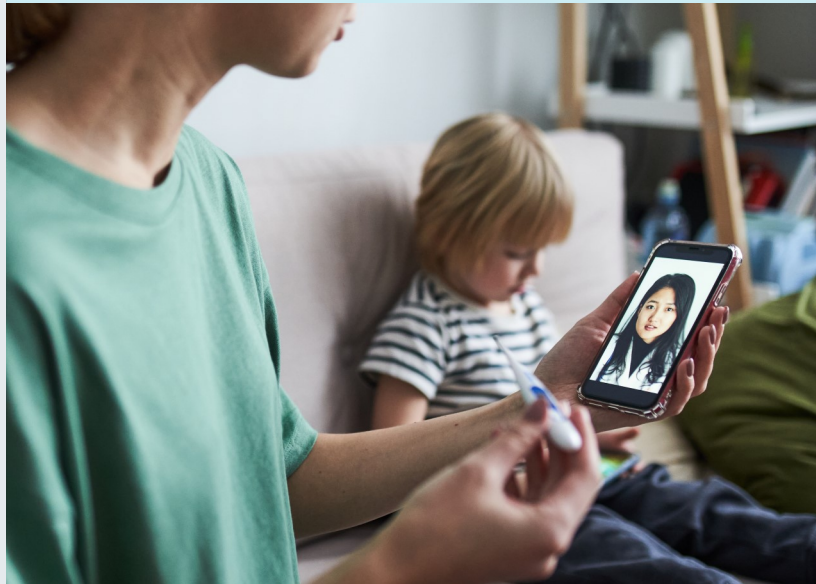
"The Pharmacy Benefit Manager Act reflects the overarching legislative push by members from both sides of the aisle and chambers of Congress to address drug pricing issues through federal fixes to the PBM framework." [Full Article](#)

Epstein Becker & Green, P.C.

Executive Summary: Tracking Telehealth Changes State-by-State in Response to COVID-19

"Updated May 19, 2023. Descriptive list of current and proposed state and federal guidance, regulations, and legislation." [Full Article](#)

Manatt, Phelps & Phillips LLP



No More Surprise Medical Bills: Providers Score More Victories in First Year of No Surprises Act Arbitrations, But Claims Backlog Otherwise Complicates Implementation

"More than 330,000 disputes have been submitted for resolution. This figure far outpaces the predictions ... and complicates the implementation of the NSA." [Full Article](#)

ArentFox Schiff LLP