

Weekly Digest

• June 26, 2023 •



EMPLOYEE
BENEFITS

The ERISA Edit: ACA Preventive Services Mandate Remains in Effect Through Appeal

“The government stipulated that it would not seek penalties or take enforcement action against Braidwood for its refusal to cover the PSTF-recommended preventive care at issue (HIV-related preexposure prophylaxis (PrEP) drugs) through the time the Fifth Circuit issues a decision on the merits. The government also agreed that, until the Fifth Circuit issues its decision, it would not take any enforcement action against any Texas-based insurance issuer for offering to the individual plaintiffs a plan that excludes PrEP drugs or against the individual plaintiffs themselves for purchasing such a plan.”

[Full Article](#)

Miller & Chevalier Chartered



The Undiscovered Country, Sort Of: Washington Employers Must Begin Collecting CARES Employee Premiums Starting July 1

“The new statute establishes a mandatory state-run insurance fund to help Washington residents pay for certain long-term care services, such as assisted living facilities, after retirement.” [Full Article](#)

Fisher & Phillips LLP

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Proposed Legislation Offers Guidance on Filing Requirements Under Affordable Care Act

"The Employer Reporting Improvement Act (HR 3801) would change tax identification number (TIN) requirements, as well as set definite response times and limitations periods for IRS enforcement of ACA filing requirements. The Paperwork Burden Reduction Act (HR 3797) would extend the use of the alternative furnishing method to all Forms 1095-C instead of just those that report only enrollment in Part III of the Form 1095-C or Forms 1095-B." [Full Article](#)

Ernst & Young LLP



Circuit Court Considers Whether ERISA Preempts State PBM Regulation

"The 10th Circuit's coming decision in Mulready could signal whether federal courts will continue to rethink the boundaries of ERISA preemption. At oral arguments held on May 16, 2023, the 10th Circuit panel appeared skeptical of Oklahoma's comparison of this case to Rutledge, given the significantly farther reach of the Oklahoma law into plan design and administration." [Full Article](#)

Slevin & Hart, P.C.

North Carolina Court Certifies Nationwide Class in Healthcare Fee Challenge

"With the increased scrutiny on healthcare plan practices and the uptick in ERISA healthcare litigation in recent years, plan participants and fiduciaries are increasingly challenging fees and costs associated with their healthcare plans." [Full Article](#)

Kantor & Kantor LLP



Schlichter Exclusive: Does a New Wave of Fiduciary Litigation Loom?

"ERISA litigation lawyer Jerry Schlichter has taken to social media to hunt for potential employee plaintiffs for a new brand of fiduciary litigation.... Failing to comply with the requirements of the CAA leaves employers at risk of fines and class-action lawsuits. But most employers are still in the dark, believing their broker or TPA will handle compliance on their behalf or that it's simply 'no big deal.'" [Full Article](#)

American Retirement Association