

Weekly Digest

• August 7, 2023 •



Proposed Mental Health Parity Regulations Arrive: Key Changes for Plan Sponsors

"As proposed, a plan will need to assess the expected dollar amount of all plan payments for medical/surgical benefits in the classification to determine whether the NQTL applies to 'substantially all' medical/surgical benefits, and then identify the most common or frequent variation of the NQTL for purposes of determining whether it is 'predominant.'" [Full Article](#)

Proskauer Rose LLP



Diverse Group of Health Care Organizations Support Government's Effort to Reverse Preventive Services

"A diverse set of advocates, academics, organizations, and participants in the health care system filed amicus briefs in support of the government and urged the Fifth Circuit to reverse the lower court's decision. Brief overviews of the amicus briefs are provided." [Full Article](#)

Health Affairs Forefront

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By, Thomson Reuters / EBIA

Employer Considerations Concerning the HIPAA Special Enrollment Rule Temporary Extension

"CMS announced a temporary special enrollment period on HealthCare.gov, through which individuals who lose Medicaid or CHIP coverage and come to HealthCare.gov anytime between March 31, 2023 and July 31, 2024 will be able to enroll." [Full Article](#)

Kilpatrick Townsend & Stockton LLP

IRS Issues Guidance on Expenses Related to COVID-19 and Preventive Care

"On June 23, 2023, the Treasury Department and IRS issued Notice 2023-37, which provides that for plan years ending after December 31, 2024, a high-deductible health plan ("HDHP") will no longer be permitted to provide coverage for COVID-19 testing and treatment under the HDHP before the minimum HDHP deductible is met without jeopardizing a participant's HSA eligibility." [Full Article](#)

*Miller Johnson Snell
& Cummiskey P.L.C*

Employer's Lack of COBRA Diligence Was Not Intentional Infliction of Emotional Distress

"Courts have repeatedly held that damages for COBRA violations are generally limited to unreimbursed medical expenses less applicable premiums and deductibles. Neither COBRA nor ERISA (of which COBRA is a part) provides for extra-contractual or consequential damages such as recovery for emotional distress." [Full Article](#)

Thomson Reuters / EBIA

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