

Weekly Digest

• September 1, 2023 •



EMPLOYEE
BENEFITS

IRS Rev. Proc. 2023-29

"This revenue procedure provides the applicable percentage table in Section 36B(b)(3)(A) for taxable years beginning in calendar year 2024. This table is used to calculate an individual's premium tax credit under Section 36B. This revenue procedure also provides the indexing adjustment for the required contribution percentage." [Full Article](#)

Internal Revenue Service

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DOL Continues Enforcement of Non-Quantitative Treatment Limitation Requirements

"The most recent Report to Congress, which is over 100 pages, is instructive and provides several important lessons: [1] MH/SUD parity remains an enforcement priority; [2] Non-compliant plans reported to Congress; [3] Opportunity to think carefully and deeply; [4] Comparative analysis requirement is no longer new; [5] Top areas of DOL focus; and [6] More exclusions than expected, but also some successes." [Full Article](#)

Verrill Dana LLP

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ERISA Preemption Reaffirmed: Tenth Circuit Limits State PBM Regulation

"Pending the outcome of the district court proceedings, Oklahoma is likely to request that the Tenth Circuit rehear the case, and/or pursue an appeal to the Supreme Court.... Had the Tenth Circuit reached an opposite conclusion, it would have been a sea change in the world of both ERISA preemption and state regulation of ERISA plans." [Full Article](#)

Groom Law Group



New Regulation for Pharmacy Benefit Managers

"So rare is bipartisan regulatory legislation in Congress, especially in health care, that when it occurs one must presume it is in response to prohibitive costs to society or a threat to patient welfare. Pharmacy benefit managers (PBMs) seem to be considered both, as no fewer than eight separate bills to change PBM practices have recently been introduced or advanced out of committee, all of them involving both Democratic and Republican co-sponsors." [Full Article](#)

Health Affairs Forefront

In Its 45th Right of Access Initiative Settlement, OCR Reminds Health Plans of HIPAA Compliance Obligations

"Previously focused on healthcare providers, the settlement with UnitedHealthcare emphasizes the need for health plans to provide members with timely access to their health information." [Full Article](#)

Nixon Peabody International LLC



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

"A descriptive list of current and proposed state and federal guidance, regulations, and legislation concerning telehealth programs. Updated August 25, 2023." [Full Article](#)

Manatt, Phelps & Phillips, LLP