

# Weekly Digest

• September 18, 2023 •

## Illinois Enacts Pre-Tax Commuter Benefits Requirement

"Beginning January 1, 2024, certain employers located within designated Illinois counties and townships will be required to provide employees a 'pre-tax commuter benefit.' The pre-tax benefit means that employers must allow covered employees to use pre-tax dollars for the purchase of a transit pass through payroll deduction. A transit pass is any pass, token, care card, and the like entitling the employee to take public transit."

[Full Article](#)

*Jackson Lewis P.C.*



## You May Need to Lower Employees' Premiums to Keep Your Plan Affordable Under the ACA

"The IRS recently announced that the affordability percentage for 2024 will be 8.39%. This is down from 9.12% in 2023. For employers this means that if you set your employee premium costs last year right at the affordability threshold, your plan will no longer be affordable if you charge employees the same amount in 2024 as you did in 2023." [Full Article](#)

*Bricker Graydon*

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## New Federal Rules Seek to Strengthen Mental Health Parity

"On July 25, 2023, the Departments of Labor, Health and Human Services, and the Treasury (the tri-agencies) proposed a new rule to strengthen the enforcement of the federal Mental Health Parity and Addiction Equity Act (MHPAEA) and ensure that patients can access mental health and substance use disorder (MHSUD) services as easily as they can access medical/surgical services."

[Full Article](#)

*Health Affairs Forefront*



## District Court Dismisses Employees' COBRA Election Notice Claims, Save One (Involving COVID-19)

"In litigation involving an employer's alleged COBRA notice violations, a district court rejected almost all of the employees' claims for why the notices were deficient (Bryant v. Walgreen Co., (N.D. Ill. Aug. 29, 2023)). In the one surviving claim, an employee who was terminated in June 2020 alleged that the employer's COBRA election notice failed to state an enrollment deadline that accurately reflected a COVID-19-related time extension." [Full Article](#)

*Thomson Reuters Practical Law*

## Circuit Court Holds ERISA Preempts State PBM Regulation

"A 10th Circuit panel recently heard oral arguments in the case of Pharmaceutical Care Management Association (PCMA) v. Mulready concerning the Patient's Right to Pharmacy Choice Act ("Act"), an Oklahoma state law that regulates pharmacy benefit manager ("PBM") networks. On August 15, 2023, the court issued its opinion, overturning the district court's decision and holding that all the requirements imposed on PBMs by the Oklahoma law that were on appeal are preempted as applied to ERISA-covered group health plans." [Full Article](#)

*Slevin & Hart, P.C.*



## 5 Things to Know About the New Drug Pricing Negotiations

"The Biden administration has picked the first 10 high-priced prescription drugs subject to federal price negotiations, taking a swipe at the powerful pharmaceutical industry. It marks a major turning point in a long-fought battle to control ever-rising drug prices for seniors and, eventually, other Americans." [Full Article](#)

*KFF Health News*