

Weekly Digest

• November 17, 2023 •

EMPLOYEE
BENEFITS

Agencies Propose Extensive Modifications to Regulations Implementing Surprise Billing IDR

“Several provisions of both the interim final and final regulations, as well as related agency guidance, have been vacated in a series of cases brought by an association of health care providers. In response, the agencies recently issued proposed regulations addressing IDR fee issues raised by the litigation and, among other things, partially shut down and reopened the federal IDR portal multiple times. The agencies now propose additional regulations to adjust the IDR process and change the fee structure. Here are highlights.” [Full Article](#)

Thomson Reuters / EBIA

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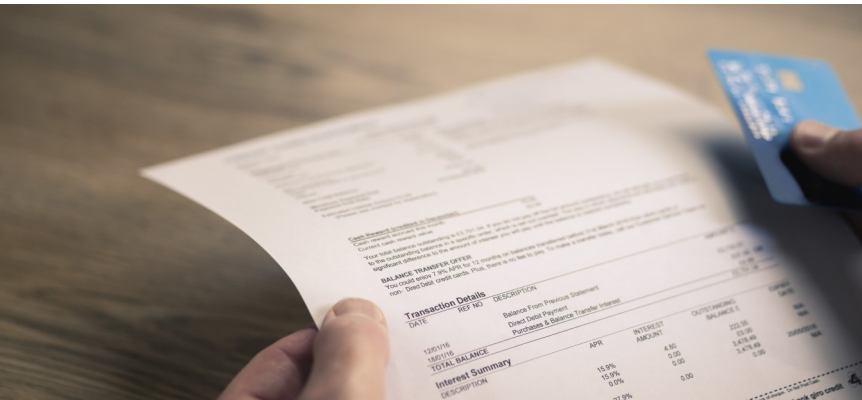
Winston & Strawn LLP: Benefits Bulletin – IRS Increases PCORI Fees Payable in 2024

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IRS Announces 2024 Retirement Plan Limits

“The IRS recently announced the 2024 cost-of-living adjustments to various benefit and contribution limits applicable to retirement plans. The IRS modestly increased the applicable limits for 2024. The following limits apply to retirement plans in 2024: The limit on elective deferrals under 401(k), 403(b), and eligible 457(b) plans increased to \$23,000.” [Full Article](#)

Faegre Drinker Biddle & Reath LLP



The Self-Funded Plan's Guide to Gender-Affirming Coverage

"Whether or how a group health plan (GHP) should cover gender-affirming care is a complex and evolving legal issue. This is especially true of self-funded GHPs, which are generally not subject to the nondiscrimination provisions of the Affordable Care Act (ACA). Both state and federal law are still unsettled. Self-funded GHP sponsors must carefully consider numerous legal factors."

[Full Article](#)

Hall Benefits Law



Fact Sheet #66E: The Davis-Bacon and Related Acts — Compliance with Fringe Benefit Requirements

"The following practices may lead to violations under the DBRA, resulting in failure to pay the applicable prevailing wage rate: [1] Misclassifying laborers and mechanics for the type of work performed; [2] Failing to obtain prior approval from the DOL for unfunded fringe benefit plans; [3] Failing to annualize (or incorrectly annualizing) the hourly equivalent of fringe benefit amounts. [4] Paying hourly rates and/or fringe benefit amounts pursuant to a Collective Bargaining Agreement (CBA), where the CBA specifies rates lower than those required in the applicable wage determination; and [5] Improperly taking credit towards fringe benefit obligations for certain expenses." [Full Article](#)

*Wage and Hour Division,
U.S. Department of Labor*

Winston & Strawn LLP: Benefits Bulletin — IRS Increases PCORI Fees Payable in 2024

"In Internal Revenue Service (IRS) Notice 2023-70, the IRS released the new Affordable Care Act's (ACA) Patient-Centered Outcomes Research Institute (PCORI) fee for policy and plan years that end on or after October 1, 2023 and before October 1, 2024. The new PCORI fee for policy and plan years that end on or after October 1, 2023 and before October 1, 2024 is \$3.22; an increase of \$0.22 per covered life as compared to the PCORI fee assessed on or after October 1, 2022 and before October 1, 2023." [Full Article](#)

Winston & Strawn LLP