

# Weekly Digest

• November 30, 2023 •



## Bringing It All Together – Health and Welfare Plan Fiduciary Compliance Reviews

"Fiduciaries should strive to mitigate risks proactively by formalizing a fiduciary compliance review process. A solid process involves evaluating plan documents, participant communications, service provider agreements, and service provider performance to identify potential risks. Making corrections and taking steps to minimize risk can help reduce the chance of costly litigation in the future." [Full Article](#)

*Nixon Peabody*



## 11th Circuit Affirms District Court's Approval of the BCBSA \$2.67 Billion Settlement

"Employers should be aware that they may have fiduciary duties under ERISA with respect to the use of any proceeds from the settlement fund.... Unless specific guidance is issued related to the BCBSA settlement, employers may want to use the [DOL's] MLR guidance as a reference when determining how to calculate what portion of the BCBSA settlement proceeds should be considered 'plan assets,' and how those funds can be used." [Full Article](#)

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

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*By, Internal Revenue Service (IRS)*

## Self-Insured Health Plans: Adjusted PCORI Fee Announced for 2024

"For plans with plan years that ended on or after October 1, 2023, and before October 1, 2024, the fee is \$3.22 per covered life. Employers who maintain self-insured health plans and HRAs...need not pay a separate PCORI fee for HRA-covered lives. However, employers who provide coverage through a fully insured plan... and an HRA must pay a PCORI fee based on the HRA." [Full Article](#)

*Jackson Lewis P.C.*



## In An Era of Premium and Provider Price Increases, State Employee Health Plans Target Key Cost Drivers

"The agencies that purchase health insurance for [the more than 15 million] public employees ... are often the largest commercial purchaser of health care services in their state and therefore have market power to exert pressure on insurance companies and providers. Their efforts to shift health plan and provider behaviors and encourage greater efficiencies can have ripple effects for other commercial purchasers." [Full Article](#)

*Health Affairs Forefront*

## The Proposed MHPAEA Regulations: A Comment on the Comments

"The comment period for the proposed regulations closed on October 17, 2023. Stakeholders submitted more than 7,500 comments. While we have not read them all, we've seen enough to discern the broad contours." [Full Article](#)

*McDermott Will & Emery*



## Draft of 2024 IRS Publication 15-B: Employer's Tax Guide to Fringe Benefits (PDF)

"35 pages; Nov. 17, 2023. "What's New: [1] Cents-per-mile rule [2] Qualified parking exclusion and commuter transportation benefit [3] Contribution limit on a health flexible spending arrangement." [Full Article](#)

*Internal Revenue Service (IRS)*