

Weekly Digest

• March 28, 2024 •



EMPLOYEE
BENEFITS

Federal Court Approves \$1 Million Settlement in Class Action Involving Threatening and Misleading COBRA Notice

"A federal court has preliminarily approved a \$1 million settlement in a class action lawsuit between a large company and its former employees over allegations that its COBRA notice was threatening and misleading." [Full Article](#)

Hall Benefits Law, LLC

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A Rare Instance of Bipartisanship: Congress' Unified Approach to PBM Reform

"For pharmacists, one of the most important aspects of patient safety is ensuring access and adherence to the medications that have been prescribed. However, a significant barrier for patients in recent years has been the costs of those medications." [Full Article](#)

Faegre Drinker Biddle & Reath LLP, via Innovations Magazine

Revised OCR Guidance Provides New Examples, but Raises More Questions, Regarding Use of Online Tracking Technologies by HIPAA Covered Entities and Business Associates

"On March 18, 2024, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) issued updated guidance regarding the use of online tracking technologies by entities and business associates subject to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA")." [Full Article](#)

Epstein Becker & Green P.C.



The Cost Of Drugs: Johnson & Johnson Lawsuit Could Signal the Opening of a New Area of ERISA Class Action Litigation Against Health Plan Fiduciaries

"Lewandowski reinforces how important it is for health plan fiduciaries to pay close attention to their plans' costs and fees. Retirement plan 'excessive fee' litigation has reshaped the entire retirement industry -- from the pricing of investments to compensation paid to service providers to insurance and legal costs. If Lewandowski gains any traction and paves a new path of ERISA fiduciary litigation, we could see the same seismic disruption in the health plan industry." [Full Article](#)

Trucker Huss, APC

Group Health Plan ACA Reporting – The 2024 Edition

"If they haven't done so already, sponsors of group health plans that are subject to the Affordable Care Act's reporting requirements should act quickly to provide the required notices to participants and the IRS. The prompt correction of any late submissions can help reduce the likelihood of costly penalties." [Full Article](#)

Spencer Fane



Another Class Action Alleging Discriminatory Coverage of Fertility Treatment Proceeds to Trial

"A participant in a self-insured health plan filed a class action lawsuit against the plan's administration company under Affordable Care Act Section 1557, alleging that the plan discriminated against her, her wife, and similarly situated participants based on their sexual orientation by denying them equal access to fertility treatments." [Full Article](#)

Thomson Reuters / EBIA