

# Weekly Digest

• August 2, 2024 •

EMPLOYEE  
BENEFITS

## Health Plan Hygiene Part 1: A Spoonful of Sugar Helps the Medicine Go Down

"Section 408(b)(2) of the Employee Retirement Income Security Act of 1974 (ERISA) requires certain disclosures regarding employee benefit plan fees. When this so-called fee disclosure rule was put in place for retirement plans, it sparked litigation regarding whether the fees paid by defined contribution retirement plans for recordkeeping, plan administration, and investment management are too high."

[Full Article](#)

*Jackson Lewis P.C.*



## Summer's Hot Debate: Does a Self-Funded Group Health Plan Cover Gender-Affirming Care?

"We are often asked whether a self-insured group health plan is required to cover gender-affirming medical services. Many state governments have enacted legislation on this topic and it can be confusing for plan administrators to determine which rules do and do not apply." [Full Article](#)

*Bricker Graydon, LLP*

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## IRS Issues FAQs on Educational Assistance Programs

"The Student Loan provision applies to payments made before January 1, 2026. For education expenses other than Student Loans, the employee must pay the education expenses in the same calendar year that the employer makes the reimbursement to the employee, and the employee must not have incurred the expenses prior to employment." [Full Article](#)

*Groom Law Group*



## No Surprises Here! Divergent Court Rulings Spotlight Ongoing Challenges in No Surprises Act Implementation; Tee Up Split in Authority on Award Enforcement Mechanisms

"Two District Courts have reached opposite conclusions on the enforceability of arbitration awards under the No Surprises Act ("NSA"). The two decisions, while far from the final word on the subject, highlight the most recent challenge relating to the implementation of the NSA." [Full Article](#)

*Proskauer Rose LLP*

## What the Latest Decision in the Braidwood Case Could Mean for Preventive Care

"On June 21, a three-judge panel in the U.S. Court of Appeals for the Fifth Circuit issued its long-awaited decision in *Braidwood Management v. Becerra*. The case has consequences for the Affordable Care Act's guarantee of coverage for a wide range of free preventive care." [Full Article](#)

*The Commonwealth Fund*



## District Court Rules That Guardian Did Not Waive It's Rights to Cancel Group Life Insurance Plan Due to Low Participation

"The Court found unpersuasive Plaintiff's assertion that Guardian waived its right to cancel the plan when it became aware that Decedent was the only participating employee at the end of 2019 yet continued to accept premium payments for over two years before choosing to cancel the policy. Reiterating that waiver must be an intentional relinquishment of a known right, the Court held there was no waiver because Guardian canceled the coverage per the plan's terms and before Decedent passed away and Plaintiff brought the claim for benefits." [Full Article](#)

*Roberts Disability Law, P.C.*