

Weekly Digest

• August 29, 2024 •

EMPLOYEE
BENEFITS

Trends in Self-Insured Health Coverage: ERISA at 50

“What has happened to the availability of and enrollment in self-insured health plans since passage of the ACA? Using data from the Medical Expenditure Panel Survey - Insurance Component (MEPS-IC), this paper examines trends in offerings and utilization, with a particular focus on the time period from 2010 to 2023. And for the first time, this report looks at recent trends in stop-loss coverage.” [Full Article](#)

Employee Benefit Research Institute

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*By, McAfee & Taft
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HIPAA Security Rule Facility Access Controls – What are They and How Do You Implement Them?

“Recent data security research suggests that only 7% of data security decision makers are concerned with breaches due to lost or stolen equipment, even though these account for 17% of breaches. From 2020 through 2023, OCR received over 50 large breach reports attributable to stolen equipment and devices containing ePHI.” [Full Article](#)

Office for Civil Rights (OCR)

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HHS Releases Model Attestation Required by the HIPAA Privacy Regulations Relating to Reproductive Health Care

"Regulated Entities who receive requests for PHI potentially related to reproductive health care must obtain a signed attestation from the requestor that the use or disclosure is not for any of the Prohibited Activities... HHS released a model attestation that Regulated Entities may but are not required to use. Regulated Entities may develop their own attestation form, as long as the attestation is not combined with any other document and the attestation includes specified elements." [Full Article](#)

Haynes and Boone, LLP



Recent Health Plan Litigation Puts Family Building Benefits in Focus

"Family building benefits continue to be top of mind as employers and plan sponsors implement new benefit programs to support family building journeys for their employees. At the same time, there have been a few recent lawsuits challenging health plan eligibility criteria for infertility treatment coverage." [Full Article](#)

Proskauer Rose LLP

Medicare Drug Price Negotiation Program: CMS Releases New Discounted Prices for 2026 Selected Drugs

"The negotiated prices range from 38% to 79% discounts off the 30-day supply list prices. In a press release, CMS commented that if the new prices had been in effect last year, Medicare would have saved an estimated \$6 billion, or approximately 22%, across the 10 Selected Drugs." [Full Article](#)

Wiley Rein LLP



Gavel to Gavel: Fiduciary Committees Offer Shield Against Welfare Plan Litigation

"A slew of lawsuits against retirement plan fiduciaries caused a restructuring of the decision-making process for retirement plans, but the same committee structure, documentation, training, and decision-making process has not always been implemented for welfare plans despite the same fiduciary obligations under the law — and plaintiffs' lawyers are catching on." [Full Article](#)

McAfee & Taft A Professional Corporation