

Weekly Digest

• December 23, 2024 •

EMPLOYEE
BENEFITS

Despite Challenges to Reproductive Healthcare Privacy Final Rule, Plan Sponsors Should Still Comply by December 23

"The fate of the final rule is uncertain.... Despite the foregoing, plan sponsors should continue taking steps toward complying with the final rule until such time when they are no longer effective or additional guidance is issued. That means that plan sponsors should update their HIPAA Privacy Policies and Procedures and provide workforce training to comply with the final rule by December 23, 2024." [Full Article](#)

Morgan, Lewis & Bockius, LLP



Litigation Update: Another Health Plan Lawsuit Alleging Mismanagement by Third Party Administrator

"This Complaint is another example of the increased scrutiny that third party administrators and other service providers have recently encountered challenging their management of self-funded group health plans.... Unlike Lewandowski where the participants filed a class action against the plan sponsor, this Complaint was brought by the plan sponsor against the TPA." [Full Article](#)

Haynes Boone

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California Regulates Use of AI by Health Plans

"Effective January 1, 2025, a HCSP must ensure the use of any AI or other software tool in prospective, retrospective, or concurrent UR/UM functions based (in whole or in part) on medical necessity satisfies several requirements." [Full Article](#)

Boutwell Fay, LLP



Five Year End To Dos for Your Self-Insured Health Plan

"[1] Update your HIPAA policies [2] Prepare for the Mental Health Parity requirements [3] Submit your gag clause attestation [4] Review your high-deductible health plan (HDHP) to ensure it meets the requirements for 2025 [5] Insure your premiums are affordable under the ACA." [Full Article](#)

Bricker Graydon, LLP

Employer Cannot Voluntarily Subject Plan to ERISA

"Although the STD plan met all the requirements for the 'payroll practice' exception, the employer claimed a plan can still be subject to ERISA as long as the employer treats the plan as an ERISA plan. The court ruled that an employer's labeling of a plan as ERISA-covered does not determine whether it is, in fact, subject to ERISA. Further, it ruled that, in determining whether a 'plan' has been established within the meaning of ERISA, the fact that the employer complied with some of ERISA's requirements is not enough by itself to establish that the STD program constitutes an ERISA plan." [Full Article](#)

The Wagner Law Group



Don't Overlook Year-End HDHP Changes to Telehealth Cost-Sharing

"Although prior regulatory relief permitted employers to provide telehealth coverage without cost sharing, that relief is due to expire at year-end. Absent an extension individuals who are covered by an HDHP with no cost sharing for telehealth services will not be eligible to contribute to a health savings account (HSA) in 2025." [Full Article](#)

Ogletree Deakins