

Weekly Digest

• February 14, 2025 •



Generative Artificial Intelligence Leveraged to Deliver Healthcare - Legal Risks and Issues (PDF)

"Examples of the use of generative AI in health care are ... [1] collect and analyze medical scans, highlight abnormalities and recommend potential treating options for physicians. [2] collect data from patient monitoring and develop personalized treatment plans. [3] send reminders to patients about drug adherence, etc. [4] assist providers in completing medical records, allowing for more efficient and speedier care. At the state level, to date, only California, Colorado and Utah have enacted AI statutes while pending legislation at both the federal and state level are actively being considered nationwide." [Full Article](#)

JD Supra, LLC



Telehealth Access is Crucial to Mental Health Care for People with Employer-Sponsored Insurance

"We found that telehealth played an outsized role in the delivery of mental health services starting in 2020, with over 40% of mental health visits occurring via telehealth from 2020-2022. Females, young adults, and people residing in the northeast and west coast received the highest share of mental health care via telehealth." [Full Article](#)

Health Care Cost Institute Inc.

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Was the Johnson & Johnson Win a Win for Other Health and Welfare Plan Fiduciaries? Maybe Not.

"Health plan fiduciaries should strongly consider these steps to reduce their litigation exposure: [1] Establish a fiduciary committee for health and welfare benefits, adopt a committee charter, and delegate fiduciary responsibility to the committee. [2] Engage qualified prescription drug plan consultants to assist in comparing PBMs and prescription drug arrangements. Fiduciaries should ensure consultants do not have conflicts of interest. [3] Request and review PBM agreements, fee and rebate arrangements, and formularies, and negotiate reasonable terms. Avoid simply signing the PBM's standard form agreement" [Full Article](#)

Kutak Rock, LLP



Proposed Changes to the HIPAA Security Rule: What Regulated Entities Need to Know

"The NPRM [Notice of Proposed Rule Making] adds several new administrative, physical, and technical standards (and new defined terms) for safeguarding ePH"

[Full Article](#)

ArentFox Schiff, LLP

When Are Employee Benefits Not Subject to ERISA?

"While the scope of ERISA preemption is exceptionally broad, ERISA does not apply to plans offered by governmental employers or plans sponsored by religious entities unless an election has been made under the Internal Revenue Code to have the plan treated as an ERISA plan. ERISA's reach does not extend to "payroll practices," which the Department of Labor has excluded."

[Full Article](#)

DeBofsky Law, Ltd



March 1 Deadlines for Group Health Plans

"An employer with a group health plan that provides prescription drug coverage to Medicare-eligible individuals must make an annual disclosure to the Centers for Medicare & Medicaid Services (CMS). The disclosure is due 60 days after the beginning of the plan year—no later than March 1, 2025 for calendar-year plans. Employers must complete and submit the annual disclosure electronically on the CMS website." [Full Article](#)

Venable, LLP