



Weekly Digest

• April 27, 2021 •



DOL Takes First Bite at COBRA Subsidy Guidance

"The guidance does not specifically address the deadline to send updated COBRA election notices describing the subsidies for individuals with qualifying events on or after April 1, 2021. The election of subsidized COBRA coverage does not cut off an individual's pre-existing COBRA election right if it was extended under the **Joint Relief** and EBSA **Disaster Relief Notice 2021-01.**" [Full Article](#)

Groom Law Group



You've Sent the COBRA Special Extended Election Period Notices. What's Next?

"The extended COBRA election and payment deadlines under earlier COVID-19 relief continue to apply for COBRA elections, but do not apply to elections of COBRA with the premium subsidy. This means the period for qualified beneficiaries to elect unsubsidized COBRA coverage is tolled until the end of the Outbreak Period, up to a maximum of one year." [Full Article](#)

Proskauer

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Vaccine Incentives: You Have Questions, We Have Answers

"Does offering paid time off to employees to become vaccinated create an ERISA benefit or plan? What about reimbursing employees for any out-of-pocket costs associated with getting vaccinated? Should we limit our vaccine incentive program to 2021? Could a vaccine incentive be included in an existing wellness program?" [Full Article](#)

Ogletree Deakins

The Clock is Ticking on MHPAEA Compliance

"Although the statutory compliance requirements are based on elements in the DOL's MHPAEA Self-Compliance Tool, there is no uniform standard for how the comparative analysis should be formatted or conducted. On April 2, 2021, the Departments issued FAQs Part 45 which outlined additional elements that the Departments expect 'at a minimum, sufficient analyses must include.'"

[Full Article](#)

Sheppard Mullin



Ninth Circuit Affirms ERISA's Preemption of State-Law Claims of Deceptive Practices

"The court concluded that, because remedies potentially available under the state law could exceed those available under ERISA, the state law conflicted with ERISA's enforcement scheme and was preempted." [Full Article](#)

Thomson Reuters / EBIA



HIPAA, Business Associates, and the Conduit Exception

"Although the conduit exception is helpful to entities wishing to avoid business associate status, the scope of the exception is narrow and is often misunderstood or misapplied. When in doubt, the safest course for covered entities is to require a business associate agreement." [Full Article](#)

Holland & Hart LLP