

# Weekly Digest

• May 25, 2021 •

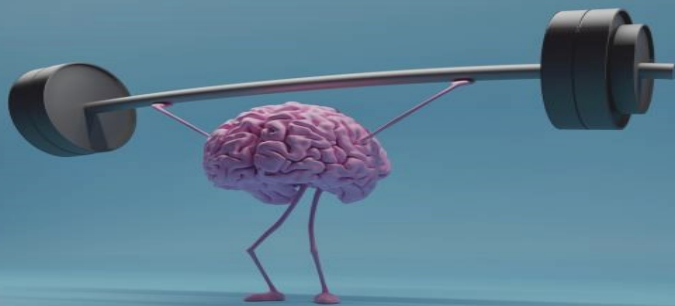


EMPLOYEE  
BENEFITS

## IRS Issues Guidance on COBRA Subsidies Just in Time

"A determination of whether a termination of employment is 'involuntary' is based on the facts and circumstances. The extended election period applies only to a group health plan subject to Federal COBRA, and does not apply to a group health plan subject to State mini-COBRA unless the State mini-COBRA statute itself provides for a similar extended election period." [Full Article](#)

*Ice Miller LLP*



## DOL Actively Enforcing Newly Required Mental Health Comparative Analysis

"For insured plans, this responsibility falls on the insurer. However, for self-insured plans, the employer is solely responsible and cannot expect third-party administrators to prepare the analysis. Preparing an analysis that compares the application of NQTLs to MH/SUD benefits and to medical and surgical benefits is no simple matter. Agency requests for the comparative analysis may be random or in response to a complaint alleging a parity violation." [Full Article](#)

*Bradley*

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*By, Ice Miller LLP*

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## LGBTQ+ Protections Under the ACA Are In Effect Again!

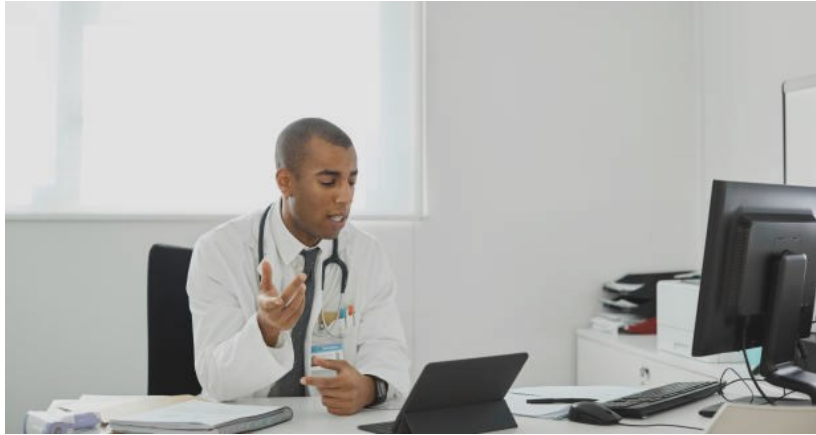
“Many questions remain unresolved about the scope of guidance— but one thing is certain: HHS will have more to say on this issue, and so, too, will the courts. Employers should know whether their plans contain provisions that could be discriminatory and could therefore put the employer at risk for enforcement action or discrimination claims.” [Full Article](#)

*Jackson Lewis P.C.*

### Senate Finance Committee Considers Telehealth Expansion; Payment Approaches Are Key Talking Point

“During a congressional hearing, a healthcare policy expert said a fee-for-service is not a viable way to fund a Medicare telehealth expansion. Implementation of capitated payment models for telehealth is essential both to manage overall spending and to promote innovation, experts said. Pending legislation would permanently incorporate some of the telehealth waivers that were established in response to the public health emergency.” [Full Article](#)

*Healthcare Financial Management Associations [HFMA]*



### PBM's Keep ERISA Preemption Fight Alive

“Five months after the Supreme Court of the United States handed down a loss to the pharmacy benefit manager (PBM) lobbying group Pharmaceutical Care Management Association (PCMA), filed a brief in the Eighth Circuit arguing that the ruling does not narrow the scope of ERISA preemption for the PBM regulation. PCMA’s filing signified the opening round of the next fight as to whether the Supreme Court’s ruling will be narrowly construed to apply to rate-setting regulation or applied more expansively to preempt PBM regulation of other conduct.” [Full Article](#)

*Duane Morris LLP*

