

# Weekly Digest

• June 22, 2021 •



EMPLOYEE  
BENEFITS

## The ACA Survives Supreme Court Challenge: What Happens Next?

"Given the Supreme Court's decision, the immediate focus likely will continue to be on making permanent the expanded ACA tax credits and reversing course on policies advanced by the prior administration that are perceived to undermine the ACA. Congress is actively considering legislative proposals on drug pricing reform, the public option, and Medicare eligibility age and benefits." [Full Article](#)

**K&L Gates**



## Can You Offer Employees Incentives for Vaccination?

"Under HIPAA, a vaccine incentive is likely to be considered a health-contingent wellness program. This kind of program is required to, among other things, [1] limit rewards to not more than 30% of the total cost of coverage under the employer's group health plan and [2] offer a reasonable alternative to satisfying the main condition. A vaccine incentive program can be [1] incorporated into a HIPAA-compliant group health plan or [2] designed to be voluntary." [Full Article](#)

**Miles & Stockbridge**

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## Calculating the ARP COBRA Premium Subsidy Tax Credit

"The calculations may be less than straightforward depending on the facts and circumstances, particularly where post-termination coverage is subsidized, or if the plan voluntarily provides continued coverage to individuals who are not otherwise qualified beneficiaries." [Full Article](#)

**Proskauer**

### Report of 2021 Stop-Loss and Health High-Cost Claims and Injectable Drug Trends

"Over half of all stop-loss claims are from the top ten conditions. In the four-year benefit year period from 2016--2019, 22% of employers had a member with over \$1 million in claims. Million-dollar+ claims are up 9% in 2020 compared to the prior year, and up 31% since 2017. Total spend related to mental disorders was up 25% in 2020 compared to 2019. Cancer conditions continue to be the number 1 and number 2 high-cost claims, with cancer drugs making up 9 of the top 10 high-cost injectable drugs in 2020." [Full Article](#)

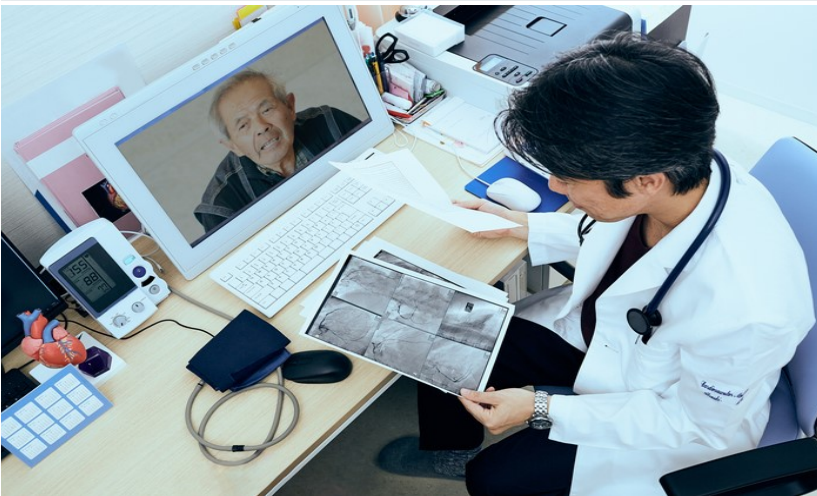
**SunLife**



### New Study Will Examine Whether Plans Provide 'Fair Access' to Drugs

"On May 12, 2021, the Institute for Clinical and Economic Review (ICER or the Institute) released plans to begin an annual examination into health insurance drug coverage policies to assess 'fair access' to prescription drugs. The new project is notable because it marks a deepening of ICER's look at payer policies and how they impact beneficiary access to medications." [Full Article](#)

**Faegre Drinker**



### Oregon Looks to Provide Parity for Telehealth

"The Bill expands coverage of and reimbursement for telehealth services in Oregon, promoting equitable and safe access to care. The Bill went into effect on June 1, 2021, continuing a recent trend among states to offer parity for telehealth, encouraging the use of telehealth for providing access to treatment services for its residents." [Full Article](#)

**Sheppard Mullin**