

Weekly Digest

• August 31, 2021 •

September 15 Is Final Deadline for ARPA COBRA Subsidy Expiration Notices

"The expiration notice must be written in clear and understandable language to communicate that: [1] the ARPA COBRA subsidy for such individual will expire soon and the prominent identification of the date of such expiration and [2] such individual may be eligible for coverage without any subsidy through COBRA continuation coverage or coverage under a group health plan." [Full Article](#)

Brownstein Hyatt Farber Schreck LLP



Enforcement Delayed Under the New Healthcare Cost Disclosure Requirements

"The [regulations](#) and statutory provisions mandate substantial disclosure obligations and reporting requirements of health care providers, health plans, and health insurers. The [FAQs released on August 20](#) relate to the communication and reporting obligations and not the restrictions on charges, balance billing and cost-sharing obligations addressed in the Interim Final Regulations. The FAQs provide transitional non-enforcement relief from numerous new disclosure rules." [Full Article](#)

Ballard Spahr LLP

EMPLOYEE BENEFITS

In This Digest

PAGE 1

September 15 Is Final Deadline for ARPA COBRA Subsidy Expiration Notices

By, Brownstein Hyatt Farber Schreck LLP

Enforcement Delayed Under the New Healthcare Cost Disclosure Requirements

By, Ballard Spahr LLP

PAGE 2

IRS Information Letters Explain Post-Termination Health FSA Reimbursement Under COBRA and COVID-19 Relief

By, Thomson Reuters / EBIA

DOL Settles Unprecedented Lawsuit Against United Healthcare for Violations of the Mental Health Parity and Addiction Equity Act

By, Epstein Becker Green

2021 Prescription Drug Policy Trends

By, National Conference of State Legislatures (NCSL)

Ninth Circuit Holds Health Plan Did Not Abuse Its Discretion in Terminating Spousal Benefits Following Judgment of Dissolution of Marriage

By, Roberts Disability Law

IRS Information Letters Explain Post-Termination Health FSA Reimbursement Under COBRA and COVID-19 Relief

"While they do not break new ground or include any surprises, they may be helpful to those on the 'front lines' of cafeteria plan administration, who are sometimes asked to explain the reasons for plan operating rules and decisions. The letters also serve as a reminder that health FSAs are not typical group health plans and can present special COBRA administration challenges." [Full Article](#)

Thomson Reuters / EBIA

DOL Settles Unprecedented Lawsuit Against United Healthcare for Violations of the Mental Health Parity and Addiction Equity Act

"While Two settlement agreements filed on August 11 provide that United Healthcare Insurance Co., United Behavioral Health, and Oxford Health Insurance Inc. will together pay more than \$15.6 million to settle allegations they violated the federal mental health parity law. The enforcement actions reflect the first instance in which DOL has initiated litigation to enforce MHPAEA against a health insurance issuer, health plan, or administrative service provider in the 13 years since the initial passage of the statute."

[Full Article](#)

Epstein Becker Green



2021 Prescription Drug Policy Trends

"Prescription drug access and affordability is one area legislators looked for common ground, and over 700 bills were introduced in 48 states and Puerto Rico. Of those, at least 104 laws have been enacted in 33 states. This number kept pace with 2020 where almost the same number of bills were proposed." [Full Article](#)

National Conference of State Legislatures (NCSL)



Ninth Circuit Holds Health Plan Did Not Abuse Its Discretion in Terminating Spousal Benefits Following Judgment of Dissolution of Marriage

"The court found that because Plaintiff Robbins did not inform the Plan office of the final decree of divorce within 60 days of the state court judgment, the Plan was not obligated to send Goodman any additional information about her COBRA rights." [Full Article](#)

Roberts Disability Law