

Weekly Digest

• September 14, 2021 •

IRS Reminder: Cost of Home Testing for COVID-19 Is Reimbursable Under FSAs, HSAs

"The cost of home testing for COVID-19 is an eligible medical expense that can be paid or reimbursed under health flexible spending arrangements (health FSAs), health savings accounts (HSAs), health reimbursement arrangements (HRAs), or Archer medical savings accounts (Archer MSAs). The costs of personal protective equipment, such as masks, hand sanitizer and sanitizing wipes, for the primary purpose of preventing the spread of COVID-19 are eligible medical expenses that can be paid or reimbursed under health FSAs, HSAs, HRAs, or Archer MSAs." [Full Article](#)

Internal Revenue Service [IRS]



Path Out of the Pandemic: Considerations for Employers and Government Contractors

"An employer that provides or otherwise pays for vaccination or testing for employees will need to consider the following issues: Does paying for vaccination/testing create a group health benefit that is subject to ERISA, COBRA and HIPAA? If so, how will the employer comply with the plan documentation, employee disclosure, COBRA, HIPAA privacy and other compliance requirements applicable to group health plans? Will HIPAA require that the employer obtain an authorization from each employee to receive or use the vaccination or testing results for employment purposes?" [Full Article](#)

Thompson Hine

In This Digest

PAGE 1

IRS Reminder: Cost of Home Testing for COVID-19 Is Reimbursable Under FSAs, HSAs

By, Internal Revenue Service [IRS]

Path Out of the Pandemic: Considerations for Employers and Government Contractors

By, Thompson Hine

PAGE 2

COBRA Subsidy Ends September 30: Don't Forget to Provide Notice!

By, Warner Norcross & Judd LLP

When Does the Premium Subsidy End for a Biweekly COBRA Billing Cycle?

By, Thomson Reuters / EBI

2022 Affordability Percentage Will Be Lower; Your Company's Health Plan May No Longer Be Affordable

By, Graydon

Medicare Part D Notices Required Before October 15

By, Fisher Phillips

COBRA Subsidy Ends September 30: Don't Forget to Provide Notice!

"If an AEI's period of coverage begins mid-month and extends into October, then the individual is entitled to the full subsidy for that entire period of coverage. Unless the AEI is also reaching the end of the maximum COBRA coverage period at the end of September, the COBRA coverage must automatically continue, assuming that the AEI submits timely COBRA premium payments per the plan's normal COBRA procedures." [Full Article](#)

Warner Norcross & Judd LLP

When Does the Premium Subsidy End for a Biweekly COBRA Billing Cycle?

"While The IRS has clarified that, under certain circumstances, subsidy availability will not be cut off on September 30. The subsidy will continue until the end of an AEI's last period of coverage that begins on or before September 30."

[Full Article](#)

Thomson Reuters / EBIA



2022 Affordability Percentage Will Be Lower; Your Company's Health Plan May No Longer Be Affordable

"Even if you do not increase your premiums at all this year, what was affordable last year may be unaffordable this year due to a reduction in the affordability percentage.... For example, if using the rate of pay safe harbor, premiums for an employee making \$15/hour were affordable in 2021 if they were less than \$191.68. In 2022, for that same employee, the premium is affordable if less than \$187.39." [Full Article](#)

Graydon



Medicare Part D Notices Required Before October 15

"The Medicare Part D notice requirement is generally straightforward, but [there are still] questions every year regarding these notices. This guide is designed to help answer some of the most common employer inquiries." [Full Article](#)

Fisher Phillips