

Weekly Digest

• October 26, 2021 •

A Survival Guide to DOL Group Health Plan Mental Health Parity Audits

"The MHPAEA requires the preparation of an annual comparative analysis to ensure that NQTLs are applied to MH/SUD and M/S benefits in a comparable (and no more restrictive) manner. The CAA now makes it mandatory that fiduciaries provide this information upon request. The DOL's production requirements are specific, extensive, and require analysis of the plan document provisions and the history of the application of the document provisions, policies, and procedures." [Full Article](#)

Morgan Lewis



HHS Releases Second Interim Final Rule Implementing the No Surprises Act

"This interim final rule largely deals with: the provider-payer independent dispute resolution (IDR) process, 'good faith' cost estimates for uninsured and self-pay individuals and the patient-provider dispute resolution process (for when costs exceed these estimates)." [Full Article](#)

Holland & Knight

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“How To” Guide for Health Plan Premium Incentives for the COVID-19 Vaccine

“Determine the incentive amount. Make uniform offers. Decide timing. Give formal notice and an offer of a reasonable alternative. Give a new opportunity each year. Watch your affordability math. Discount now, but don't implement a surcharge until the change of the plan year. Don't require shots on-site. Consider your union.” [Full Article](#)

Foley & Lardner LLP

Stronger ... Services Agreements for Benefit Plans

“Request and review a copy of the provider's standard contract as part of the request for proposal (RFP) process. Consider business objectives and business events at the outset. Indemnification. Privacy & cybersecurity. Disguised transfers of risk under the contract.”

[Full Article](#)

Holland & Hart LLP



IRS Clarifies Key Time Extensions of COBRA Election and Payment Deadlines

“Specifically, Notice 2021-58 addresses: the extension of deadlines for COBRA elections and premium payments, and the interaction of the extended deadlines with the COBRA subsidy available under ARPA.” [Full Article](#)

Miller Johnson



Are Your Employee Benefits Plans Ready for the New Year, or Is It the Same Auld Lang Syne?

“For retirement plans, hardship distribution amendments are due by December 31, 2021. For welfare plans, flexible spending account amendments are due by December 31, 2021, and a number of the provisions of the Consolidated Appropriations Act, 2021 need to be implemented by the plan year beginning on or after January 1, 2022. This article provides a quick year-end checklist for employee benefit plans.” [Full Article](#)

Ogletree Deakins