

Weekly Digest

• November 9, 2021 •



The Pandemic Continues, but ACA Reporting Relief Does Not

“Employers who have fluctuated in size a great deal over the past two years (sometimes getting smaller and then growing again quickly, or vice versa) are unsure of whether the ACA reporting requirements apply to them. Generally, the reporting requirements apply starting the year after which the employer first averages 50 or more full-time (including full-time equivalent) employees on business days. As with all things tax code, however, there can be a lot more to the analysis.” [Full Article](#)

Jackson Lewis P.C.



Democrats Reach Deal on Drug Pricing Reform That Caps Costs, Negotiates Parts D and B Prices for Some Drugs

“Democrats have reached a deal on lowering prescription drug prices that will give Medicare the power to negotiate for a certain number of drugs. The deal will enable Medicare to negotiate the price of certain drugs in Medicare Parts B and D. It also caps out-of-pocket spending on beneficiary drug costs at \$2,000 a year and would set a cap on insulin for \$35.” [Full Article](#)

Fierce Healthcare

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Do You Offer Employees Rebates To Lower Their Prescription Drug Costs... Just Make Sure You Don't Count It Towards Their Minimum Annual Deductible

"HDHP/HSA participants can use drug coupons and discounts, provided that the value of the coupon or discount does not count towards the HDHP minimum deductible. While insured HDHPs must cover certain benefits under applicable state laws, those benefits may not be covered without cost-sharing that is otherwise applicable to non-preventive services before the deductible is met." [Full Article](#)

Seyfarth

Fifth Circuit: Denial of Life Insurance Benefit Supported by Clear Plan Provisions Despite Years-Long Collection of Premiums

"The court concluded that reliance on the erroneous statements and deductions was not reasonable because the plan clearly and unambiguously set forth the evidence-of-insurability requirement and explained that insurance company approval was required before the coverage would become effective." [Full Article](#)

[Article](#)

Thomson Reuters / EBIA



State, Federal, and Private Enforcement of Mental Health Parity Compliance

"The DOL, state insurance regulators, state attorneys general, and private parties have an array of tools to probe a plan's compliance with MHPAEA. ERISA's disclosure obligations require health plans to provide their comparative analysis demonstrating MHPAEA compliance. The CAA further broadened disclosure and access requirements for plan beneficiaries. And the price transparency rules will give yet another tool for providers, beneficiaries, and regulators to evaluate reimbursement rates for potential parity compliance." [Full Article](#)

Sheppard Mullin



Unvaccinated? Don't Count on Leaving Your Family Death Benefits

"With COVID, some front-line workers have been considered eligible for accidental death benefits because they are presumed to have gotten sick on the job. Now that vaccines are widely available, some employers have considered limiting other benefits paid to unvaccinated workers, including reducing short-term disability payments." [Full Article](#)

Kaiser Health News