

# Weekly Digest

• March 1, 2022 •

EMPLOYEE  
BENEFITS

## March 1 Deadlines for Group Health Plans

"An employer with a group health plan that provides prescription drug coverage to Medicare-eligible individuals must make an annual disclosure to CMS within 60 days after the beginning of the plan year -- no later than March 1, 2022 for calendar-year plans. The plan must report small HIPAA breaches occurring in 2021 no later than March 1, 2022. A 'small' breach is one affecting 500 or fewer individuals." [Full Article](#)

**Venable LLP**



## Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case

"A split panel in the Fifth Circuit is the first appellate court to signal certain private employer mandates could be vulnerable. The opinion reverses the district court's denial of a preliminary injunction against the airline's mandatory vaccine program." [Full Article](#)

**Littler**

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*By, Venable LLP*

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*By, Groom Law Group*

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*By, Thomson Reuters / EBIA*

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*By, Health Affairs*

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*By, Davis Wright Tremaine LLP*

## Tolling of Important Health and Welfare and Retirement Plan Deadlines Extended Again Due to COVID-19

"On February 18, 2022, President Biden again **formally extended** the COVID-19 National Emergency. Certain deadlines continue to be tolled for one year (or, if earlier, 60 days from the end of the National Emergency). For Participants: [1] COBRA qualifying event and disability extension notices [2] COBRA election [3] COBRA premium payments [4] HIPAA special enrollment period [5] Benefit claims and appeals [6] External review [7] Perfecting a request for external review. For Plan Administrators: COBRA Election Notice." [Full Article](#)

**Groom Law Group**

## COVID-19 Testing Provider Sues Plans and TPAs for Violating Group Health Plan Coverage Mandate

"In a footnote to its opinion, the court acknowledged the plan's assertion that the price of the testing was too high and noted that its ruling did not foreclose a counterclaim challenging the propriety of the pricing." [Full Article](#)

**Thomson Reuters / EBIA**



## Recent Guidance on Implementing the No Surprises Act

"The No Surprises Act was enacted in December 2020 and went into effect on January 1, 2022. With just a year between enactment and the law's effective date, the Biden administration moved swiftly to implement the law by issuing several interim final rules, one proposed rule, and guidance. But federal officials have not stopped there and have continued to issue new guidance, answer questions, and establish new processes. This article summarizes recent federal guidance on the No Surprises Act." [Full Article](#)

**Health Affairs**



## The Clock Is Ticking: HIPAA Small Breach Notifications Due March 1st

"Covered entities must report small breaches to OCR no later than 60 days after the end of the calendar year in which the small breaches were discovered. Steps to take for notifications [1] Designating a person within the covered entity [2] Preparing the contents of the notification in advance [3] Printing out and retaining a 'receipt' of the filing of the notification [4] Verifying that the covered entity has appropriate documentation in place." [Full Article](#)

**Davis Wright Tremaine LLP**