

Weekly Digest

• February 28, 2023 •

Plan Sponsors: Prepare for the End of the COVID-19 Emergencies

"Sponsors of employee benefit plans will need to start preparing now for these upcoming changes: [1] COBRA deadlines; [2] HIPAA special enrollment deadlines; [3] Claims and appeals deadlines; [4] COVID-19 testing and vaccines; [5] Pre-deductible COVID-19 diagnosis and treatment; and [6] Employee Assistance Programs." [Full Article](#)

Hunton Andrews Kurth LLP



Agencies Propose Universal Contraceptive Coverage in Response to Roe Reversal

"The individual contraceptive arrangement established by the proposed rule would not require any involvement on the part of an objecting entity. Rather, providers or facilities that furnish contraceptive services could be reimbursed by offsets to their liability user fee adjustment." [Full Article](#)

McDermott Will & Emery

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Fourth Circuit: Court Cannot Equitably Toll Deadline to Covert Life Insurance Policy to Individual Coverage

"The court explained that under *Amara*, ERISA Section 502(a)(1)(B) does not permit modifying an ERISA plan's terms to provide a workaround [of] its conversion deadline. The plan administrator did not abuse its discretion in deciding that the terms of the plan do not provide for equitable tolling."

[Full Article](#)

Roberts Disability Law



CMS Delays Final Regs Addressing Penalties for MSP Reporting Violations

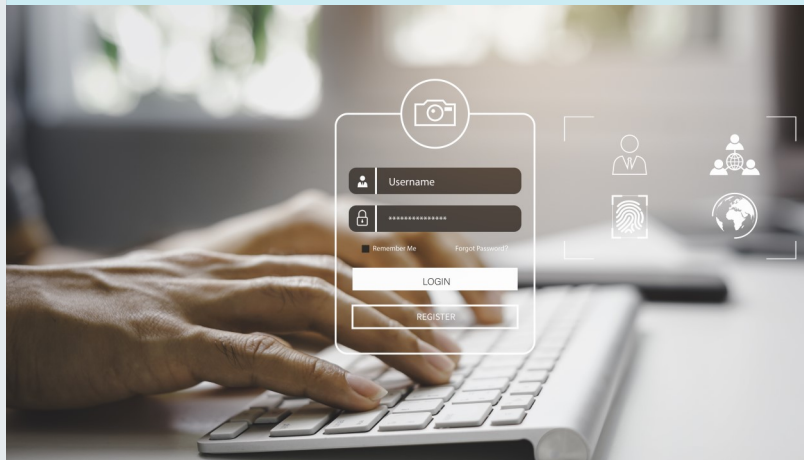
"CMS has extended by one year its deadline for publishing final regulations that would specify how and when it will impose civil money penalties for violations of the Medicare Secondary Payer (MSP) reporting requirements. CMS justifies the one-year extension by explaining that public listening sessions about the proposed rule raised additional concerns that need to be researched prior to publishing the final rule." [Full Article](#)

Thomson Reuters/ EBIA

DOL Continues Active ERISA Enforcement and Focus on Cybersecurity, Including Health and Welfare Plans

"The DOL has started including these cybersecurity questions and inquiries in health and welfare plan investigations. Plan sponsors of health and welfare plans should remember that compliance with HIPAA may not be enough -- and the DOL's cybersecurity guidance must also be considered." [Full Article](#)

Morgan Lewis



What Employers Say About Future of Employer-Sponsors Insurance

"The ACA presented an opportunity to challenge the status quo of employment-based benefits, with analysts predicting employers would eventually redirect workers to ACA exchanges. Yet the link between employment and health benefits has not wavered since passage of the ACA. 70 percent of workers receive coverage through an employer-sponsored plan." [Full Article](#)

The Commonwealth Fund