

Heard on the Net

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IRS Finalizes 'Family Glitch' Fix - "Applicable large employers that are subject to the ACA's employer mandate should note that these final regulations do not impact the affordability or minimum value analysis under those rules ... Employer plan sponsors with non-calendar-year plans will need to decide if they want to amend their cafeteria plans to allow family members of employees who may be eligible for ACA exchange coverage with subsidies to drop their current family coverage in order to enroll in exchange coverage. Amendments must be done within the time frames set out in [Notice 2022-41]."

IRS Finalizes 'Family Glitch' Regs Ahead of 2023 Open Enrollment Period - The final rule means that family members who are offered unaffordable job-based family coverage will be newly eligible for subsidized marketplace coverage. Though not all of the newly eligible are expected to do so, the final rule ensures that eligible family members -- primarily children and women -- have the option of enrolling in affordable marketplace coverage. Federal officials expect the number of individuals with subsidized marketplace coverage to increase by about 1 million people."

ACA's Preventative Care Requirement Under Attack - Plaintiffs in an Affordable Care Act lawsuit are now asking a federal judge to toss all parts of the law requiring coverage of preventative health services. The filing raises the stakes in the closely watched case, Kelley v. Becerra: If U.S. District Court Judge Reed O'Connor sides with the plaintiffs, millions of Americans could lose coverage for cancer screenings, behavioral counseling and other recommendations made by the U.S. Preventive Services Task Force.

The New CAA Surprise Billing Notice - "Employers that maintain a public website for their group health plan need to post the new version of the Notice on that site by the first day of the plan year beginning on or after January 1, 2023. Employers without a public group health plan website should ensure the insurance carrier or TPA makes the Notice available on the carrier's or TPA's public website for the plan.

Medicare Advantage Is a 'Cash Monster' Absconding with Billions - "The New York Times published a well-researched, clearly-presented, and hard-hitting article about the Medicare Advantage diagnostic upcoding money machine.... Eight of the 10 biggest Medicare Advantage insurers -- representing more than two-thirds of the market -- have submitted inflated bills, according to the federal audits.... Another estimate ... suggested the overpayments in 2020 were double that, more than \$25 billion.... A study from the Kaiser Family Foundation ... found the companies typically earn twice as much gross profit from their Medicare Advantage plans as from other types of insurance."

IRS Announces 2023 Contribution Limits for Health Care FSAs - "This chart summarizes 2023 limits applicable to health and welfare plans that are reflected either in Revenue Procedure 2022-38 or earlier guidance. Also included are the 2023 contribution limits required by employers subject to the San Francisco Health Care Security Ordinance (SFHCSO)."

2023 Health FSA Limit Increased to \$3,050 - "Employer contributions (including non-cashable flex credits) generally cannot exceed \$500 per plan year for the health FSA to maintain excepted benefit status.... Therefore, in most cases the maximum health FSA amount available for plan years beginning on or after January 1, 2023 will be limited to \$3,050 (max employee salary contribution) + \$500 (max employer contribution, if offered) = \$3,550 (combined).... Other notable 2023 employee benefit amounts."

2022 HSA Survey (PDF) - "The average participant contribution in 2021 was \$2,483, down from the last few years. The average account balance at the end of 2021 was \$4,924, down from \$6,318 in 2020. Three-quarters of employers make contributions to the HSA and most provide a set amount per coverage level. Sixty percent of responding organizations offer investment options for HSA contributions. More than 20 percent of participants invested assets in 2021, accounting for nearly 30 percent of all HSA assets.... Fewer than 30 percent of employers position the HSA as a retirement savings vehicle."

District Court Finds Employer's Evidence of COBRA Notice Mailing Procedures Insufficient - "The court determined that the employer had failed to show that it made a good faith effort to provide the employee with a COBRA election notice. According to the court, the employer provided no evidence: [1] of sending the COBRA notice by certified or first class mail; [2] regarding the employer's standard procedures for generating or mailing COBRA notices; and [3] regarding whether the employer's COBRA mailing procedures were followed as to this employee."

Final Rules and FAQs Issued for Federal IDR Process - "The final rule means that family members who are offered unaffordable job-based family coverage will be newly eligible for subsidized marketplace coverage. Though not all of the newly eligible are expected to do so, the final rule ensures that eligible family members -- primarily children and women -- have the option of enrolling in affordable marketplace coverage. Federal officials expect the number of individuals with subsidized marketplace coverage to increase by about 1 million people."

Employer Coverage and Premium Tax Credit Eligibility Guide - "This guide explains eligibility rules for individuals with offers of employer-sponsored coverage. It covers how to determine whether employer-sponsored coverage is affordable and minimum value, as well as special rules that reduce an employee's required contribution. The guide also offers details and examples on how ICHRAs and QSEHRAs work with marketplace plans."

HHS Cybersecurity Newsletter: HIPAA Security Rule Security Incident Procedures for Employers - "Security incidents will almost inevitably occur during the lifetime of a regulated entity. Having a plan established and documented is essential to being able to detect security incidents quickly in order to respond to and recover from security incidents effectively.... [1] Forming a security incident response team ... [2] Identifying security incidents ... [3] Responding to security incidents ... [4] Mitigating harmful effects of a security incident ... [5] Documenting the security incident ... [6] Understanding your breach reporting obligations."