

Heard on the Net

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Compiled by *Bill Robinson*

DCAHU Communications Chair



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Study Finds Hospitals Are Still Not Posting Prices - Only 19% of hospitals fully comply with the Centers for Medicare and Medicaid Services rule that requires facilities to post estimated costs for items and services, an analysis published in the Journal of General Internal Medicine has found. The U.S. continues to spend more on health care than other countries for less value, and federal efforts to bring transparency to pricing have so far yielded little.

CMS Announces 600% Increase to No Surprises Act's IDR Fee - "The nonrefundable administrative fee increased from \$50 to \$350. CMS says the case load of disputes is nearly ten times greater than initially estimated, resulting in the fee increase. Hospital groups fear this price hike will hinder medical groups from initiating the IDR process."

California Lawsuit Accuses Drugmakers of Insulin Overcharging - "California is suing the United States' leading insulin makers and pharmacy benefit managers, accusing them of using their market power to overcharge patients for the life-saving drug ... The lawsuit, filed in California Superior Court in Los Angeles, targets Eli Lilly and Co, Novo Nordisk A/S and Sanofi SA, which together make more than 90% of the insulin drugs sold globally

What the Inflation Reduction Act's Reforms to Medicare Part D Mean for Prescription Drug Prices - "The Inflation Reduction Act (IRA) [set] into motion a series of changes to the way that Medicare and its beneficiaries pay for prescription drugs. Much has been written about the act's individual provisions, but little has been said about how they fit together as a whole. In fact, these seemingly standalone reforms act together to reshape access and affordability of branded prescription drugs under Medicare Part D, while also leaving the door open to further reforms."

Prescription Drug Policy, 2022 and 2023: The Year in Review and the Year Ahead - "This past year featured many significant developments in the prescription drug policy area, most notably the passage of significant prescription drug pricing reform legislation and a range of developments involving the Food and Drug Administration's (FDA) accelerated approval program. This post reviews five key developments from the past year and offer five items to watch for in 2023."

Pharmacy Benefit Managers and the Federal Trade Commission: A Relationship Gone Sour - "On June 7, 2022, the FTC announced its decision to launch an inquiry into the business practices of pharmacy benefit managers (PBMs).... This is not ... the first time that the FTC crossed paths with the PBMs. Earlier encounters offer a useful window into the evolving PBM market and the associated policy challenges. This Viewpoint offers a reminder of why PBMs emerged in the first place, why they have amassed such alarming influence, and how they positioned themselves as powerful actors within the prescription drug distribution system."

HIPAA Regulation of Online Tracking Technologies - "Covered entities and business associates must review tracking technologies on their website and mobile app to ensure that they are consistent with HIPAA's privacy and security rules, and that business associate agreements are in place with tracking technology vendors that may receive PHI. There are several key steps that covered entities and business associates should consider in response to this [OCR bulletin](#).."

Text of Instructions for 2022 IRS Form 8889: Health Savings Accounts (HSAs) (PDF) - "What's New: [1] Telehealth and other remote care extended.... [2] Surprise billing for emergency services or air ambulance services."

Deadline Approaching for Medicare Part D Creditable Coverage Disclosure to CMS - "March 1, 2023 is the deadline for employer sponsors of calendar year plans to complete an online disclosure form with CMS, indicating whether the plan's prescription drug coverage is creditable or non-creditable."

Reductions in Force: COBRA and Internal Revenue Code Considerations (PDF) - "If an employer intends for the COBRA continuation period to run concurrently with the subsidized severance coverage from the date of the qualifying event, the severance documentation should make this clear, and COBRA notices should be sent accordingly. Otherwise, the employee may mistakenly believe and argue that the COBRA continuation coverage begins when the subsidy ends."

Severance Benefits: What Employers Should Know - "Many legal disputes can arise in connection with the implementation and administration of severance plans.... Employers have flexibility in how they structure their severance policies.... In structuring severance arrangements, employers should take into consideration whether the arrangement will cause the severance plan to be subject to ERISA requirements."

Congress and Regulators Issue Welcome Deadline Relief for Group Health Plans - "The relief comes in the form of a permanent extension of certain ACA reporting deadlines, a temporary reprieve from new prescription drug reporting requirements, and a two-year continuation of the ability to offer telehealth and remote care services under HSA-compatible high deductible health plans."

Public Health Emergency Extended Once Again: Effect on Group Health Plans - "The public health emergency ... is now effective through April 11, 2023.... Group health plans must continue to provide coverage related to the testing (including certain over-the-counter tests) and diagnosis of COVID-19 without cost-sharing requirements ... Similarly, coverage for the COVID-19 vaccine must be provided (by non-grandfathered group health plans) without cost sharing for both in- and out-of-network providers."

What Are 2023's Employee Benefits Compliance Priorities? - "Compared to the flurry of regulatory changes in 2020 and 2021, 2022 seemed quieter for employee benefits compliance. However, many new rules are now taking effect that bring along with them increased government enforcement efforts and a higher likelihood of audits."

2023 Federal Poverty Levels Can Impact Employer Shared Responsibility Affordability - "Updated guidelines set the 2023 federal poverty level (FPL) at \$14,580 (up from \$13,590 in 2022) for a person living in the mainland US, but \$16,770 in Hawaii and \$18,210 in Alaska.... The FPL can affect employer shared-responsibility (ESR) play-or-pay assessments in two ways ... HHS issued updated FPL affordability safe harbor figures effective Jan. 12 that will apply for 2024 calendar-year plans and noncalendar-year plans beginning in 2023."

DOL Sets 2023 Penalties for Health and Welfare Benefit Plan Violations - "The higher rates apply to penalties assessed after Jan. 15, 2023, for violations occurring after Nov. 2, 2015. DOL rarely assesses the maximum and often waives penalties entirely for failures due to reasonable cause. But the penalty threat is an important enforcement and deterrent tool."

Workplace Supplemental Health Products and Disability Insurance Sales Increase in Third Quarter 2022 - "Supplemental health insurance premium is up 11% year over year. Disability insurance premium was up slightly -- driven by long-term disability sales. U.S. workplace life insurance new premium was down 1% from the same period in 2021."