

Weekly Digest

• November 21, 2023 •

Bringing It All Together — Health and Welfare Plan Fiduciary Compliance Reviews

"Fiduciaries should strive to mitigate risks proactively by formalizing a fiduciary compliance review process. A solid process involves evaluating plan documents, participant communications, service provider agreements, and service provider performance to identify potential risks. Making corrections and taking steps to minimize risk can help reduce the chance of costly litigation in the future." [Full Article](#)

Nixon Peabody



11th Circuit Affirms District Court's Approval of the BCBSA \$2.67 Billion Settlement

"Employers should be aware that they may have fiduciary duties under ERISA with respect to the use of any proceeds from the settlement fund.... Unless specific guidance is issued related to the BCBSA settlement, employers may want to use the [DOL's] MLR guidance as a reference when determining how to calculate what portion of the BCBSA settlement proceeds should be considered 'plan assets,' and how those funds can be used." [Full Article](#)

Miller Johnson Snell & Cummiskey P.L.C.

In This Digest

PAGE 1

Bringing It All Together— Health and Welfare Plan Fiduciary Compliance Reviews

By, Nixon Peabody

11th Circuit Affirms District Court's Approval of the BCBSA \$2.67 Billion Settlement

By, Miller Johnson Snell & Cummiskey, P.L.C.

PAGE 2

Self-Insured Health Plans: Adjusted PCORI Fee Announced for 2024

By, Jackson Lewis P.C.

In An Era of Premium and Provider Price Increases, State Employee Health Plans Target Key Cost Drivers

By, Health Affairs Forefront

The Proposed MHPAEA Regulations: A Comment on the Comments

By, McDermott Will & Emery

Draft of 2024 IRS Publication 15-B: Employer's Tax Guide to Fringe Benefits (PDF)

By, Internal Revenue service (IRS)

Self-Insured Health Plans: Adjusted PCORI Fee Announced for 2024

"For plans with plan years that ended on or after October 1, 2023, and before October 1, 2024, the fee is \$3.22 per covered life. Employers who maintain self-insured health plans and HRAs ... need not pay a separate PCORI fee for HRA-covered lives. However, employers who provide coverage through a fully insured plan ... and an HRA must pay a PCORI fee based on the HRA." [Full Article](#)

Jackson Lewis P.C.



In An Era of Premium and Provider Price Increases, State Employee Health Plans Target Key Cost Drivers

"The agencies that purchase health insurance for [the more than 15 million] public employees ... are often the largest commercial purchaser of health care services in their state and therefore have market power to exert pressure on insurance companies and providers. Their efforts to shift health plan and provider behaviors and encourage greater efficiencies can have ripple effects for other commercial purchasers." [Full Article](#)

Health Affairs Forefront

The Proposed MHPAEA Regulations: A Comment on the Comments

"A **comment letter** from the [Brookings Institution] expresses concern over the depth of the analysis that is required for each NQTL [and] provides a useful schematic that fleshes out the particulars. The schematic makes the point that a substantial amount of effort is involved in demonstrating compliance for a single NQTL and all steps must be repeated for each additional NQTL." [Full Article](#)

McDermott Will & Emery



Draft of 2024 IRS Publication 15-B: Employer's Tax Guide to Fringe Benefits (PDF)

"35 pages; Nov. 17, 2023. "What's New: [1] Cents-per-mile rule [2] Qualified parking exclusion and commuter transportation benefit [3] Contribution limit on a health flexible spending arrangement." [Full Article](#)

Internal Revenue Service (IRS)