

# Weekly Digest

• July 18, 2023 •

## Tri-Agencies Issue Proposed Rule on Short-Term, Limited Duration Insurance, Excepted Benefits, and Level-Funded Plans

“Overall, the **Proposed Rule** seems focused on the effects of various coverage options on the stability of the risk pools and premiums in the individual and small group markets and consumer protection against deceptive or misleading marketing, which is consistent with the Biden Administration's January 28, 2021 Executive Order directing federal agencies to protect and strengthen the ACA.” [Full Article](#)

*Groom Law Group*



## Meet Me at the Corner of No Surprises and ...

“The FAQs make it clear that, for services within the ambit of the No Surprise Billing Rules, either the No Surprise Billing rules or the ACA cost-sharing limits will apply.” [Full Article](#)

*Ballard Spahr LLP*

EMPLOYEE  
BENEFITS

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## FTC Proposes to Vastly Expand the Health Breach Notification Rule

"The Proposed Rule's new definition of 'health care provider' is modeled after the HIPAA definition of this term, but its inclusion of the new term 'health care service or supply' considerably expands the customary definitions of a health care 'service or supply' and a 'health care provider.'" [Full Article](#)

*Nelson Mullins Riley & Scarborough LLP*



## Eighth Circuit: Plan May Exclude Certain Specified Emergency Services

"The Court upheld the lower court's decision, noting that while the participant argued that the plan had to cover his emergency treatment under the ACA and state law, neither law requires that a plan cover all emergency services. Moreover, both laws say that coverage is subject to a plan's exclusions." [Full Article](#)

*The Wagner Law Group*

## Avoiding the Storm of Excessive Fee Legislation: How Fiduciaries of ERISA Health Plans Can Get Ahead of the Weather

"As group health plan sponsors consider the fee disclosures mandated by the CAA, attorneys representing plan participants will likely do so also, seeking to determine if plans have been paying excessive service fees and whether those excessive fees have been passed on to plan participants in the form of insurance premiums, service charges, or other costs." [Full Article](#)

*Dickinson Wright PLLC*



## The ERISA Edit: A Case to Watch on Fiduciary Liability of TPAs

"The benefits committee board of the Kraft Heinz Company has sued Aetna Life Insurance Company, claiming that Aetna violated ERISA in numerous ways when serving as TPA to two of the company's self-funded group health benefit plans. This case is one of a growing number of lawsuits against TPAs involving who owns or has a right to access a plan's medical claims and payment data and what types of TPA activities are covered under ERISA's fiduciary duty provisions." [Full Article](#)

*Miller & Chevalier Chartered*