

Weekly Digest

• September 12, 2023 •

Illinois Enacts Pre-Tax Commuter Benefits Requirement

"Beginning January 1, 2024, certain employers located within designated Illinois counties and townships will be required to provide employees a 'pre-tax commuter benefit.' Employers must allow covered employees to use pre-tax dollars for the purchase of a transit pass through payroll deduction. A transit pass is any pass, token, care card, and the like entitling the employee to take public transit." [Full Article](#)

Jackson Lewis P.C.



You May Need to Lower Employees' Premiums to Keep Plans Affordable Under the ACA

"The authors are seeing an increased focus on ACA compliance and expect to see a ramp up in employer penalty notification. A failure to consider whether your plan is affordable when passing through any premium increases could result in an unintended penalty for each employee who enrolls in exchange coverage and qualifies for financial assistance." [Full Article](#)

Bricker Graydon

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New Federal Rules Seek to Strengthen Mental Health Parity

"Although MHPAEA has been in effect for more than a decade now, regulators enforcing the law have often struggled to narrow the many gaps in access between MHSUD and medical/surgical benefits ...This proposed rule makes the NQTL standard more prescriptive and incorporates outcomes data, and if finalized would represent a significant step forward in MHPAEA enforcement."

[Full Article](#)

Health Affairs Forefront



District Court Dismisses Employees' COBRA Notice Claims, Save One (Involving COVID-19)

"In litigation involving an employer's alleged notice violations under COBRA, a district court rejected almost all of the employees' claims for why the notices were deficient. In the one claim that survived dismissal, an employee who was terminated in June 2020 alleged that the employer's COBRA election notice failed to state an enrollment deadline that accurately reflected COVID-19-related time extensions." [Full Article](#)

Thomson Reuters Practical Law

Circuit Court Holds ERISA Preempts State PBM Regulation

"The court's opinion distinguished the case from **Rutledge v. Pharmaceutical Care Management Association** (PCMA), in which the Supreme Court held that an Arkansas law requiring PBMs to tie their reimbursement rates to pharmacies' costs was not preempted by ERISA because it did not dictate plan choices. The 10th Circuit reasoned that, whereas the Arkansas law at issue in Rutledge merely resulted in an increase of costs for the PBM, the Act goes further by potentially having a direct effect on a plan's network design, and therefore 'governs a central matter of plan administration.'" [Full Article](#)

Slevin & Hart, P.C.



5 Things to Know About the New Drug Pricing Negotiations

"The long-term consequences of the new policy are unknown. One theory is that reducing the prices drug companies can charge in Medicare will lead them to increase prices for the privately insured. Another theory is that Medicare price negotiations will equip private health plans to drive a harder bargain. Even though negotiated prices won't take effect until 2026, drug companies haven't wasted time turning to the courts to try to stop the new program in its tracks." [Full Article](#)

KFF Health News