



# Benefits WEEKLY DIGEST

October 29, 2019

## New Jersey Individual Mandate Requires State Filings in March 2020

“Currently, the existing IRS Forms 1094/5-B and 1094/5-C contain the information New Jersey needs to verify enrollment, and therefore, New Jersey is willing to accept those forms. However, New Jersey notes that if the IRS changes the forms, it is possible that the state will develop its own forms. As of Oct. 25, 2019, the IRS has not issued draft Forms 1094/5-B or 1094/5-C for 2019. Given that 2019 is the first year without the ACA's individual mandate, it is possible that the IRS is developing significantly revised forms.”

[Full Article](#)

*Proskauer*



## New California Law Imposes FSA Notice Requirements

“If the notice applies, employees must be notified in two different forms including email, phone, text, mail or in-person. The law takes effect January 1, 2020 but doesn't further specify when the notices must be provided. Presumably, one of the notices could be provided by distributing the FSA SPD by email, mail or in-person.” [Full Article](#)

*Miller Johnson*

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*Readers should contact legal counsel for legal advice.*

## Comparison of Proposals to Control Drug Prices

“Tables compare HR 3 based on the legislative text advanced by key committees of jurisdiction, and key provisions of related proposals: the Prescription Drug Pricing Reduction Act of 2019 (S 2543), advanced by the Senate Finance Committee in July; and the Advanced Notice of Proposed Rulemaking (ANPRM): Medicare Program, IPI Model for Medicare Part B Drugs, issued by [CMS] last October.” [Full Article](#)

*The Commonwealth Fund*

### Best Practices in Administering Benefit Claims: Dealing with Benefit Assignments

“Anti-assignment provisions must be drafted carefully and clearly so they will accurately reflect the plan sponsor's intentions. Some of the issues to consider include: [1] Will the plan prohibit all benefit assignments? [2] Will it prohibit only the assignment of payment of benefits? [3] Will it only prohibit the provider from commencing action in court?” [Full Article](#)

*Proskauer*

### Open Enrollment Period is Coming: New Premium Data from CMS

“Overall, premiums are expected to drop by [4] percent for a 27-year old for a silver benchmark marketplace plan sold through [HealthCare.gov](#). The (unsubsidized) average benchmark plan premium for a 27-year old will be \$388/month for 2020. In six states three of which adopted a state-based reinsurance program for 2020 silver benchmark premiums will decline by double-digits.” [Full Article](#)

*Health Affairs*



## Adjusting COBRA Premiums for Midyear Increase in Insurance Premium

“If your plan is currently charging less than the maximum permissible COBRA premium, it can increase the COBRA premiums during the determination period to no more than 102% (or 150%, in the case of disability extension) of the applicable premium for the determination period. But if your plan is already charging the full COBRA premium amount allowed, it cannot increase the premium until the next determination period, even if the insurer increases its rates during the determination period.” [Full Article](#)

*Thomson Reuters / EBIA*

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