



# Benefits WEEKLY DIGEST

March 17, 2020

## CMS Publishes FAQs to Ensure Individuals, Issuers and States have Clear Information on Coverage Benefits for COVID-19

“The FAQs released today detail existing federal rules governing health coverage provided through the individual and small group insurance markets that apply to the diagnosis and treatment of COVID-19. The FAQs clarify which COVID-related services, including testing, isolation/quarantine, and vaccination, are generally currently covered as EHBs in these markets. As questions and issues continue to come to CMS, they will be addressed and added to these FAQs.” [Full Article](#)

*Centers for Medicare & Medicaid Services [CMS], U.S. Department of Health and Human Services [HHS]*



## IRS Grants COVID-19 Relief for High-Deductible Health Plans

“While the relief granted by the Notice is intended to avoid financial disincentives that might impede testing for, and treatment of, COVID -19, it appears that the relief is not intended to be permanent. Further, the IRS cautions that the Notice does not modify previous guidance related to the HDHP requirements in any manner other than with respect to the relief for testing and for treatment of COVID -19.” [Full Article](#)

*Epstein Becker Green*

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*This Weekly Digest is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice.*

## Employer Obligations Under the Proposed Families First Coronavirus Act (H.R. 6201)

“It appears the legislation will only apply to employers that have less than 500 employees. In its current form, the bill would amend the FMLA to provide temporary additional reasons for leave related to the Coronavirus/COVID-19 crisis and to provide pay for such FMLA leave beyond 2 weeks at a reduced rate. In addition, a new federal paid sick leave law would be put in place whereby employers would need to provide up to 80 hours (or for part-time employees the equivalent of two weeks) of paid sick leave to employees for Coronavirus/COVID-19 issues.” [Full Article](#)

*Jackson Lewis P.C.*

### HHS Gives New Guidance on Drug Manufacturer Coupons and Out-of-Pocket Maximums

“If the proposed rule is finalized, health plans and PBMs would be able to continue to utilize any current practices of excluding drug manufacturer coupons from members' annual cost-sharing amounts in 2021 and beyond. Some states have passed insurance laws that require that the value of drug manufacturer coupons be credited to a member's annual cost-sharing amounts in certain circumstances. While these state laws would not apply to self-funded group health plans, sponsors of fully insured group health plans and insurance carriers should be cognizant of any such restrictions imposed by state law.”

[Full Article](#)

*Foley & Lardner LLP*



### Key Group Health Plan Administration Considerations in Response to Coronavirus

“Employers and plan administrators should consider coordinating with service providers to ensure that business continuity and disaster recovery plans are in place and have been recently tested. Employers could obtain sensitive health information outside of their role as group health plan administrators (e.g., an employee calls out from work because they are quarantined due to COVID-19 diagnosis or exposure). In those cases, HIPAA would generally not apply, but employers still must consider other state and federal privacy obligations when determining whether to disclose that information.” [Full Article](#)

*Nixon Peabody LLP*



## New Federal Rules Will Let Patients Put Medical Records on Smartphones

“Officials said the rules likely will give patients a greater say in health care decisions and put an end to a long-standing practice in which some doctors and hospitals resist handing complete medical files over to patients upon demand. Many of the provisions are set to take effect in 2022.” [Full Article](#)

*Kaiser Health News*

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*Readers should contact legal counsel for legal advice.*

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