



Benefits WEEKLY DIGEST

May 26, 2020

IRS Announces 2021 Limits for Health Savings Accounts and High-Deductible Health Plans

“Many of the dollar limits currently in effect for 2020 will change for 2021. The HSA catch-up contribution for individuals age 55 or older will not change as it is not subject to cost-of-living adjustments. A table compares the applicable dollar limits for HSAs and HDHPs for 2020 and 2021.” [Full Article](#)

McDermott Will & Emery



COVID-19 Deadline Extensions Are Not Mandatory for Governmental Plans

“Rather than mandating affirmative extensions to plan participants like the Joint Notice did for participants in ERISA plans, HHS has taken the position that it will not consider a non-Federal governmental plan to be in violation of the Public Health Service Act if a non-Federal governmental plan voluntarily decides to grant the extensions described in the Joint Notice. HHS nonetheless encourages plans to grant the extensions.” [Full Article](#)

Ice Miller LLP

In This Digest

PAGE 1

IRS Announces 2021 Limits for Health Savings Accounts and High-Deductible Health Plans

By, McDermott, Will, & Emery

COVID-19 Deadline Extension Are Not Mandatory for Governmental Plans

By, Ice Miller LLP

PAGE 2

CMS Releases Notice of Benefit and Payment Parameters for 2021

By, Frost Brown Todd LLC

Tenth Circuit Upholds Health Plan's Denial of Surrogacy Expenses

By, Thompson Reuters Practical Law

COBRA in the Time of COVID-19

By, Foley & Lardner LLP

The Cost of Healthcare During Retirement: Expectations and Concerns of Older Workers

By, TIAA Institute

CMS Releases Notice of Benefit and Payment Parameters for 2021

“Major takeaways from the new rule include: 1.) the finalization of the user fee rates; 2.) the adoption of new rules regarding special enrollment; 3.) an increased focus on value-based plan designs; 4.) clarification regarding the use of drug manufacturer coupons; 5.) the application of category limitations for dependents; 6.) the treatment of wellness incentives in MLR calculations; and 7.) the implementation of MLR reporting requirements for outsourced activities.” [Full Article](#)

Frost Brown Todd LLC



Tenth Circuit Upholds Health Plan's Denial of Surrogacy Expenses

“The Tenth Circuit held that the plan unambiguously excluded coverage for expenses related to surrogate pregnancy. In reaching this conclusion, the court rejected the participant's argument that the plan excluded non-traditional medical services during surrogate pregnancy, but covered traditional medical services related to surrogate pregnancy. The facts of this case also underscore a practical difficulty for plan administrators in enforcing a plan's surrogacy exclusion - namely, that the plan may not always know that a surrogate pregnancy is occurring.” [Full Article](#)

Thompson Reuters Practical Law

COBRA in the Time of COVID-19

“Employers will have to consider how to address the potential lag in premium payments. For fully-insured health plans, the insurance carrier might require full payment of the COBRA premium by the employer so that coverage does not lapse altogether. For self-funded health plans, employers might continue to pay claims and seek recoupment from the COBRA participant if coverage is retroactively terminated, or they might consider pending claims until the premiums are received. Pending claims might become challenging if the Outbreak Period lasts for several months.” [Full Article](#)

Foley & Lardner LLP



The Cost of Healthcare During Retirement: Expectations and Concerns of Older Workers

“Across wealth levels, many workers are concerned about their ability to pay for health expenses in retirement. Yet most individuals have not saved specifically for such costs, nor have they reviewed their employer-provided retiree health care benefits. Those who are unfamiliar with their benefits exhibit higher levels of concern about retiree health care costs. Most people expect to rely primarily on Social Security and/or their retirement plan assets to fund health care costs in retirement.” [Full Article](#)

TIAA Institute