

# Weekly Digest

• October 14, 2020 •

EMPLOYEE  
BENEFITS

## HHS Renews COVID-19 Public Health Emergency Determination Affecting Group Health Plans

"HHS has renewed its determination that a public health emergency exists nationwide as a result of the COVID-19 pandemic, effective October 23, 2020. The FFCRA and CARES Act require group health plans to cover -- without cost-sharing, preauthorization, or other medical management requirements -- certain COVID-19-related diagnostic and preventive health services. The requirements are effective from March 18, 2020, for the duration of this HHS-declared public health emergency." [Full Article](#)

**Thomson Reuters**



## No Extension of Time to Provide Medicare Part D Notices

"Even during the global pandemic, employers must still distribute Medicare Part D notices to applicable plan participants prior to October 15th in order to satisfy this requirement. The CMS website has [customizable model Notices](#) for both creditable and non-creditable coverage." [Full Article](#)

**Graydon**

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## Text of Executive Order: An America-First Healthcare Plan

"The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services shall maintain and build upon existing actions to expand access to and options for affordable healthcare. The Secretary of Health and Human Services, in coordination with the Commissioner of Food and Drugs, shall maintain and build upon existing actions to expand access to affordable medicines, including accelerating the approvals of new generic and biosimilar drugs and facilitating the safe importation of affordable prescription drugs from abroad. The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services shall maintain and build upon existing actions to ensure consumers have access to meaningful price and quality information prior to the delivery of care. The Secretary of Health and Human Services, in coordination with the Administrator of CMS, shall maintain and build upon existing actions to reduce waste, fraud, and abuse in the healthcare system." [Full Article](#)

**Executive Office of the President**

### EXECUTIVE ORDER

### What is a Typical Open Enrollment Period?

"More than nine in ten (95%) responding organizations have an open enrollment period. More than three in four (77%) responding organizations begin their open enrollment periods in either October (34%) or November (43%). More than one-half (52%) of responding organizations have an open enrollment period that lasts two weeks. About three in four (75%) respondents have their workers make open enrollment changes online/virtually, while 12% give their workers the choice between making changes online/virtually or using hard copy documents." [Full Article](#)

**International Foundation of Employee Benefit Plans**

### Supreme Court to Hear ERISA Preemption Dispute

"On October 6, 2020, the U.S. Supreme Court will hear argument on ERISA's preemptive effect on a state law regulating pharmacy benefit managers' (PBMs) generic drug reimbursement rates. The case considers regulation of PBMs under Arkansas law, but because a majority of states have enacted similar laws, the decision in Rutledge will extend beyond Arkansas." [Full Article](#)

**Jackson Lewis**



### 2020 ERISA Welfare Plan Checklist for Participant Disclosures

"Many employers sponsor ERISA welfare benefit plans and are currently undergoing their open enrollment process and issuing related participant communications. This Participant Disclosures Checklist can be used during open enrollment and throughout the plan year." [Full Article](#)

**Bass, Berry & Sims PLC**

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

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