Weekly Digest

• *January 6, 2022* •

EMPLOYEE BENEFITS

IRS's Final 2021 ACA Reporting Forms and Instructions Include Important Process Changes

"The deadline extension is automatic, but the alternative method of furnishing forms to certain individuals requires careful consideration of the detailed requirements described in the instructions. Elimination of the good faith penalty relief for incorrect or incomplete information means filers need to really scrutinize their returns before filing." **Full Article**

Thomson Reuters / EBIA

Group Health Plans Subject to New Prescription Drug and Health Care Spending Reporting Requirements

"The IFR allows a fully-insured group health plan to enter into a written agreement with an insurance issuer under which the issuer agrees to provide the report to the Departments and accepts liability for failure to do so. Sponsors of self-funded group health plans may enter into similar agreements with other entities. Ultimate liability for the reporting will remain with a plan sponsor of a self-funded plan regardless of the agreement." **Full Article**

Foley & Lardner LLP

In This Digest

Simplify Compliance

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To Deduct or Not to Deduct: Washington Cares Act Dilemma Requires Employers to Make a Choice This January

"It makes sense to collect the premium given that the Act is currently the law and it requires employers to deduct premiums beginning on January 1, 2022. If the legislature changes the law, employers will likely need to refund those premiums quickly or risk a wrongful wage withholding claim. All signs seem to point to a change in the law, or even repeal, and the lack of civil penalties may make the risk of not following the current law more attractive." **Full Article**

Fisher Phillips

IRS Announces PCORI Fee Amounts for the 2022 Reporting Period

"The original PCORI fee assessments under the ACA were scheduled to end after September 30, 2019, but Congress extended these fees for another ten years, until at least September 30, 2029. The updated PCORI fee is now $2.79 per covered life for all plan years ending on or after October 1, 2021, and before October 1, 2022, up from $2.66 for the prior period." **Full Article**

Jackson Lewis P.C.

No Surprises Act Implementation: What to Expect in 2022

"Monitoring of the law's impact, as well as compliance, will be accomplished in various ways. Data reporting by IDR entities will provide some information. Annual health plan audits conducted by federal agencies can also yield information about prices charged and paid for surprise bills. State systems may also yield important data as to how the law is working. To a large extent, oversight and enforcement will rely on complaints." **Full Article**

Henry J. Kaiser Family Foundation

Premium Increase Upon Retirement Was a COBRA Qualifying Event

"The appellate court agreed that the employee's placement on unpaid leave was not a qualifying event, explaining that there was a reduction of hours … but not a corresponding loss of health coverage. Because the retirement (a termination of employment for COBRA purposes) resulted in a higher premium for the same health coverage (because it was now considered retiree coverage, the employee experienced a loss of coverage, resulting in a COBRA qualifying event." **Full Article**

Thomson Reuters / EBIA

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