

## Paid Sick Leave: A Way Forward

"This paper examines what paid sick leave is and charts its transition from the exception to the rule. It highlights major compliance challenges these incongruous laws create for private-sector employers, identifies issues for lawmakers and enforcement officials to consider when drafting and enforcing laws, and discusses possible fixes for reducing discrepancies and enhancing administrative ease without sacrificing employee access to paid leave. Finally, [the authors] explore the viability of a federal solution." [Full Article](#)

*HR Policy Association*



## White House Announces Principles to Address Surprise Billing in Healthcare

"In emergency situations, balance billing for amounts above the in-network allowed amount should be prohibited.... Before scheduling their care, patients should be given information about whether the care providers are out of their network and what related costs that may bring." [Full Article](#)

*The White House*

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## Health Plans Should Prepare for Fallout from HHS Rule Requiring Manufacturers to Disclose Drug Prices

"In addition to impacting existing plan features and their administration, health plans, their fiduciaries, administrators and insurers should prepare for a predictable surge in scrutiny by plan members about health plan prescription drug formularies that in many cases will fuel new appeals and challenges to the plan denials, formularies and other impacted features. Health plan fiduciaries, administrators, PBMs and other vendors, employer and other sponsors should anticipate and begin preparing both to handle these new health plan demands and ideally, to educate patients and their caregivers to use the new information to make better health care choices." [Full Article](#)

*Solutions Law Press*

## ACA Round-Up: New Uninsured Data, Resources On 1332, Briefs In Texas

"A [new report](#) from the Centers for Disease Control and Prevention (CDC) shows that the uninsured rate remained largely stable in 2018 but that the number of uninsured people continues to rise. [CMS] released yet more resources for states interested in pursuing a state innovation waiver under Section 1332 of the [ACA]. And a comparatively small group of stakeholders filed amicus briefs in support of those challenging the ACA in Texas v. United States."

[Full Article](#)

*Health Affairs*

## The Importance of Retaining and Protecting Employee Benefit Plan Records

"This advisory describes ERISA and DOL record retention requirements, protecting personally identifiable information, the effect of inadequate records on audit scope and testing and the auditor's report, and the implications to the plan administrator for failure to properly retain records. The advisory also provides suggestions for best practices for record retention and data protection and additional resources." [Full Article](#)

*American Institute of Certified Public Accountants*



## Things Employers Should Know About EBSA Investigations

"25% of EBSA investigations start with a participant complaint.... If the EBSA finds that a service provider is violating ERISA or ignoring plan terms, it may also conduct investigations of the plans that the service provider serves.... An employer will not know the focus of the EBSA investigation ... The initial notice will include an extensive document request ... The onsite visit is not a formal deposition ... There will be long periods of time between contacts with the EBSA investigator.... An employer's cooperation with the EBSA investigation can affect the outcome of the investigation." [Full Article](#)

*Thompson Coburn*

## House Committee Approves Drug Price Transparency Legislation/Drug Sample Reporting Requirement Under Sunshine Act

"The STAR Act provides that if the price of a drug increases by more than 10% or \$10,000 over one year, or 25% or \$25,000 over three years, or if the manufacturer launches a new drug at or above \$26,000, the manufacturer must submit a "justification" to HHS with cost information beginning in 2021. HR 2113 also requires manufacturers to provide a summary of the justification, exclusive of proprietary information, for posting to the HHS website. Significantly, the STAR Act authorizes civil monetary penalties to be imposed for failing to submit a timely justification (\$10,000 per day) and/or providing false information in the justification (not to exceed \$100,000 per false item)." [Full Article](#)

*Morgan Lewis*

## Voluntary Benefits: Satisfying the Safe Harbor to Ensure Exemption from ERISA

"[T]he employer offered disability insurance in such a way that the employees were not clear it was a third party offering. Instead, there was evidence that the employer endorsed the program by stating that the program was offered by an industry leader and further, that the program had been chosen by the business to provide disability insurance. The court found that, because of the endorsement by the company and the fact that a reasonable employee would believe the program was being offered by the business and not a third party, [the program] fell under the protections of ERISA." [Full Article](#)

*Hall Benefits Law*



## Text of DOL FAQs, Part 2: Federal District Court Ruling About Final Rule on Association Health Plans

"[These FAQs are intended to provide additional clarification on the scope of the enforcement relief described in the Department's [April 29 statement](#)] ... [1] Are Pathway 1 AHPs affected by the district court's decision or the related enforcement policy? No.... [2] Can a 'Pathway 2' AHP formed pursuant to the Department's final rule prior to the district court's decision market to, and sign up, new employer members and remain within the scope of the Department's enforcement relief? No.... [3] How does the Department's enforcement relief apply to insured AHPs formed under the Department's final rule whose insurance contract term is longer than one year? ... [4] My association was designed to meet the test established in the Department's sub-regulatory guidance for purposes of acting as an 'employer' that is able to sponsor a 'Pathway 1' AHP. May the association seek an advisory opinion from the Department to confirm that the association meets the test?". [Full Article](#)

*Employee Benefits Security Administration, U.S. Department of Labor*