

# Consumer-Driven Health Care

A Companion Volume to Our Cafeteria Plans Manual



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## *What's New and Filing Instructions*

Enclosed is the 2nd Qtr. 2021 Update Package for our *Consumer-Driven Health Care* manual—the authoritative guidebook for employers, administrators, and advisors.

This quarterly update package includes replacement pages for the Outline and Appendix. Please see the filing instructions at the end of this letter for a detailed explanation of what pages to remove and replace in your manual.

### **Subscription Information**

EBIA's *Consumer-Driven Health Care* manual is updated quarterly.

Before you file this update, please be sure that your book is current. The box at the top of the title page in your binder should say "1st Qtr. 2021 Edition." Once you have determined that the 1st Qtr. 2021 update is in your manual, begin filing the 2nd Qtr. 2021 update, following the instructions in the table below.

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We have made numerous changes to the Outline and Appendix. Here are some highlights:

- **Short Course**
  - We have reorganized and refreshed the Consumer-Driven Health Care Short Course in Section II for ease of use and to better reflect the manual's focus on HSAs and HRAs. What is the Short Course? If you've heard of consumer-driven health care but are not sure what it means, the Short Course is for you. No legal citations or court cases, just a simple guide to consumer-driven health care basics, including HSAs and HRAs. Once you see the big picture, it will be easier to understand the details in the rest of the manual.
- **Health Savings Accounts (HSAs)**
  - We discuss the impact of COVID-19-related health FSA relief on HSA eligibility and the steps that can be taken to preserve HSA eligibility when the relief is offered under a general-purpose health FSA (see Section XI). In addition, the table of permissible and impermissible types of coverage for HSA eligibility, matrix of HSA contribution limits, and checklist for designing and implementing HSAs in the workplace have been updated and refreshed (see Sections XI, XII, and XIX). The discussion of HSA reporting requirements in Section XVII has been updated to reflect certain extended filing deadlines. We have also updated for the 2022 health care reform out-of-pocket limits, which were just announced (as discussed in Section X, family HDHP coverage must satisfy both the self-only and family cost-sharing limits under health care reform).
- **Health Reimbursement Arrangements (HRAs)**
  - We have expanded the discussion of HRAs and COBRA to address the temporary COBRA premium subsidy under the American Rescue Plan Act of 2021 (ARPA) (see Section XXV). The discussion of HRAs and ERISA has also been expanded to cover ERISA's requirements regarding service provider compensation, including new requirements for determining whether a contract between a group health plan and a service provider is considered reasonable that apply to certain contracts entered into, extended, or renewed on or after December

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27, 2021 (see Section XXV). In addition, the chart comparing the various available HRA options (integrated, limited-purpose, ICHRA, EBHRA, etc.) has been updated and refreshed (see Section XXVIII).

- **Appendix Tabs.** Changes have also been made to the Appendix Tabs. Those are highlighted in the second table below.

### Filing Instructions for Outline:

| Take Out & Toss                                       | Insert These Pages        | Take Out & Toss                               | Insert These Pages                |
|---|---------------------------|---|-----------------------------------|
| <b>Title Page,</b><br>dated 1st Qtr. 2021             | Title Page, 2nd Qtr. 2021 | <b>Outline:</b> pages 861-862                 | pages 861-862                     |
| <b>Intro Pages/ Table of Contents:</b> pages iii-viii | pages iii-viii            | <b>Outline:</b> pages 881-884                 | pages 881-884                     |
| <b>Outline:</b> pages 1-50B                           | pages 1-44                | <b>Outline:</b> pages 887-892                 | pages 887-892                     |
| <b>Outline:</b> pages 137-144                         | pages 137-144             | <b>Outline:</b> pages 943-944                 | pages 943-944                     |
| <b>Outline:</b> pages 201-204B                        | pages 201-204B            | <b>Outline:</b> pages 971-976                 | pages 971-976                     |
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| <b>Outline:</b> pages 459-482                         | pages 459-482             | <b>Outline:</b> pages 1218G-1218N             | pages 1218G-1218R                 |
| <b>Outline:</b> pages 489-492D                        | pages 489-492D            | <b>Outline:</b> pages 1221-1222               | pages 1221-1222                   |
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| <b>Outline:</b> pages 557-558B                        | pages 557-558B            | <b>Outline:</b> pages 1343-1344               | pages 1343-1344                   |
| <b>Outline:</b> pages 817-818                         | pages 817-818             | <b>Outline:</b> pages 1373-1376               | pages 1373-1376                   |
|   |                           | <b>Outline:</b> pages 1379-1402               | pages 1379-1402                   |
|   |                           | <b>Index &amp; Glossary Tab:</b><br>pages 1-8 | New Index & Glossary<br>pages 1-8 |

### Filing Instructions for Appendix:

| Take Out & Toss              | Insert These Pages                            |
|------------------------------|---|
| <b>Tab 10:</b> pages 113-114 | pages 113-114 [Minor correction]              |
| <b>Tab 10:</b> pages 333-334 | pages 333-334 [Minor correction]              |
| <b>Tab 11:</b> pages 1-22B   | pages 1-22B [Updated TOC and Table of Limits] |

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