

ERISA Compliance

for Health & Welfare Plans



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What's New and Filing Instructions

Enclosed is the 3rd Qtr. 2021 Update Package for *ERISA Compliance for Health & Welfare Plans*—the authoritative ERISA resource 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 *ERISA Compliance for Health & Welfare Plans* 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 "2nd Qtr. 2021 Edition." Once you have determined that the 2nd Qtr. 2021 update is in your manual, begin filing the 3rd Qtr. 2021 update, following the instructions in the table below.

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We have made numerous changes to the Outline (there are no changes to the Appendix this quarter). Here are some highlights:

- **Claims Procedures**

- The discussions of ERISA claims procedure requirements for group health plan claims (in Section XXXIV) and other types of claims (in Section XXXV) have been updated to reflect a recent DOL information letter regarding whether audio recordings and transcripts must be provided upon a participant's request. In addition, the group health plan claims discussion has been updated to highlight claims-related effects of the new surprise medical billing rules (under the Consolidated Appropriations Act, 2021 (CAA, 2021)). These include new disclosure requirements for EOBs, the requirement that external review apply to adverse benefit determinations regarding surprise medical bills, and an independent dispute resolution process for payment disputes between plans and providers.

- **Fiduciary Issues**

- In Section XXVIII, our coverage of the prohibited transaction exemption that allows for service arrangements between plans and service providers has been reworked to incorporate the new rules that will apply to certain types of group health plan service contracts beginning later this year. We also highlight recent DOL tips for fiduciaries on best practices for maintaining cybersecurity, including considerations when engaging service providers.

- **SPDs and SMMs**

- In Section XXIV, we have freshened up our discussion of fundamental SPD/SMM rules—including who must receive them, when they must be furnished, and how they must be distributed—with new practical insights and tips. In our discussion of transparency-related disclosures (also in Section XXIV), we reflect recent guidance under CAA, 2021 consisting of a model notice and interim final regulations that lay out the process for providing the notice, which is intended to serve as good faith compliance with disclosure requirements on balance billing.

(over, please)

• **Reporting and Disclosure Checklists**

- We have updated Section XXI to include new requirements under CAA, 2021 and provide additional context regarding reporting and disclosure requirements other than those originating in ERISA.

Filing Instructions for Outline:

| Take Out & Toss | Insert These Pages | Take Out & Toss | Insert These Pages |
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