

Group Health Plans: Federal Mandates Other Than COBRA & HIPAA



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What's New and Filing Instructions

Enclosed is the 2nd Qtr. 2021 Update Package for our *Group Health Plan Mandates* 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 *Group Health Plans: Federal Mandates Other Than COBRA & HIPAA* 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:

- **Patient Protections**

- We have updated Section XIII to cover expanded patient protections provided by the Consolidated Appropriations Act, 2021 (CAA, 2021), for plan years beginning on or after January 1, 2022. New requirements imposed on group health plans and insurers are intended to protect consumers from surprise medical bills for services provided by nonparticipating providers and facilities. We've added discussions of the surprise balance billing rules for emergency and non-emergency services, new air ambulance billing compliance requirements, and the "continuity of care" rules that apply when a provider ceases to be an in-network provider during an ongoing course of treatment. We have also updated our discussion of the coverage requirements relating to clinical trials.

- **Mental Health Parity**

- We have expanded Section IX.H to provide more detail about the comparative analysis that must be prepared for each nonquantitative treatment limitation (NQL) imposed by a plan on mental health or substance use disorder benefits. We cover recent agency FAQs addressing the scope of the analysis, the requirement to provide the analysis and supporting documents to federal or state agencies upon request, and the immediate focus of DOL enforcement efforts.

- **COVID-19**

- Section XVI has been updated for recent agency FAQs addressing group health plan coverage of COVID-19 tests and vaccinations. We also discuss the extension (until September 30, 2021) of the tax credit available to employers voluntarily providing employees with paid leave for certain COVID-19-related reasons, along with the recent announcement that the credit is applicable to paid leave taken to receive or recover from COVID-19 vaccinations.

(over, please)

- **Appendix Tabs.** Several other 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 |
|---|---------------------------------|--|------------------------------------|
| Title Page , dated 1st Qtr. 2021 | Title Page, dated 2nd Qtr. 2021 | Outline: pages 791-794 | pages 791-794 |
| Intro Pages/Table of Contents: pages iii-x | pages iii-x | Outline: pages 817-820 | pages 817-820 |
| Outline: pages 143-144 | pages 143-144 | Outline: pages 827-828 | pages 827-828 |
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| Outline: pages 345-346B | pages 345-346B | Outline: pages 923-926 | pages 923-926 |
| Outline: pages 387-388 | pages 387-388 | Outline: pages 943-952 | pages 943-952 |
| Outline: pages 499-508 | pages 499-522 | Outline: pages 961-964 | pages 961-964 |
| Outline: pages 534A-536 | pages 534A-536 | Outline: pages 975-976 | pages 975-976 |
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| | | Outline: pages 1081-1084 | pages 1081-1086 |
| | | Index & Glossary Tab: pages 1-12 | New Index & Glossary pages 1-12 |

Filing Instructions for Appendix:

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|-----------------------------|---|----------------------------|------------------------------------|
| Tab 2: pages 1-2 | pages 1-2 [Updated TOC] | Tab 5: pages 1-2 | pages 1-2 [Updated TOC] |
| Tab 2: pages 41-64 | pages 41-66 [Updated Code and ERISA sections] | Tab 5: pages 57-58 | pages 57-58 [Updated PHSA section] |
| Tab 2: pages 105-114 | pages 105-118 [Updated PHSA section] | | |

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