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COVID-19's Impact on Your Group Health Benefits – Are You Compliant?

By Ann Murray and Matt Zischke



Ann Murray

As employers approach the start of their 2021 plan year for their group health plans, the COVID-19 pandemic has upended how we view “normal” healthcare. As a result, employers will need to balance the difficult task of implementing COVID-19 coverage mandates while at the same time continuing to provide affordable and reliable health care to employees. To make these changes more complicated, most employers are also still struggling to adjust to a reduced or remote workforce. As they adjust to the new “normal,” employers should rely on the expertise of their benefits

brokers, advisors and insurance carriers, who are likely dealing with these issues for numerous clients.

COVID-19 Coverage Mandates



Matt Zischke

When the pandemic first began, Congress enacted the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief and Economic Security Act (CARES Act), which set forth a number of coverage mandates aimed at ensuring that families continue to receive the care they require without having to worry about whether they can afford it. The most significant of these mandates is that plans and insurers are required to cover COVID-19 diagnostic tests without employee cost-sharing (i.e., co-payments, co-insurance).

Plans and insurers must also offer “qualifying coronavirus preventative services” without cost-sharing within 15 days after the service is properly recommended. “Coronavirus preventative services” are items, services or immunizations that are intended to prevent or mitigate COVID-19. “Qualifying” means that the item or service is evidence-based with an “A” or “B” rating by the United States Preventive Service Task Force and that immunizations are administered under the recommendation of the Advisory Committee on Immunization Practices or the Centers for Disease Control and Prevention.

These coverage mandates apply equally to self-insured and fully insured plans, so employers who have not done so already should consult with their advisors and carriers to make sure that coverage mandates are timely implemented and employees continue to have access to the health care they require.

Changes in How Healthcare Is Provided

In addition, the pandemic has significantly changed the way health care is delivered. Due to limitations on elective procedures, shelter-in-place orders and social distancing, we have seen a significant increase in the popularity and availability of telehealth. According to McKinsey, consumer interest in telehealth has increased from 11% in 2019 to 76% in 2020. When the pandemic is over, interest in telehealth is expected to continue to be high. The driving force behind the growth in telemedicine is convenience. Individuals in need of medical care now welcome the opportunity to consult with a physician remotely rather than having to pack up and travel to a brick and mortar physician's office. This is especially true in rural areas where small populations have limited access to coverage networks and health care resources are limited.

Now is a good time for employers to review their plans to determine what telemedicine coverage options are provided and expand services to keep up with demand. In addition, employers should review and adjust cost-sharing requirements. Many carriers have waived co-pays for in-network telemedicine services. The CARES Act also provided a temporary safe harbor, allowing a cost-sharing waiver for high-deductible health plans, which permits plans to pay for certain services before the out-of-pocket maximum is met (so the individual's ability to contribute to an HSA is not jeopardized).

Other COVID-19 Related Changes

Recognizing the challenges facing employers and the need for flexibility, the IRS and DOL issued joint guidance, extending various deadlines applicable to health plans. The election, payment and notification deadlines under COBRA, the special enrollment periods under HIPAA (such as due to birth or marriage), and the claims and appeals deadlines, have all been extended so that the outbreak period (as defined in the guidance) is disregarded.

Recognizing the importance of electronic communication in the now distanced world, the rules regarding e-delivery have been temporarily relaxed to allow employers and plans to use emails, text messages and websites to communicate, so long as the recipient is reasonably believed to have effective access. This significantly relaxes the prior rules that generally restricted e-delivery to employees with regular access to a computer as part of normal duties and did not contemplate text messages at all. The newly relaxed rules make e-delivery a more realistic option (e.g., web-based programs offering on-line enrollment).

In preparing for their 2021 plan year, employers need to recognize that the COVID-19 pandemic may have forever changed what we view as “normal” in many ways. Employers must adjust to make sure that they continue to provide employees with the affordable coverage and convenience they need. Remember that you are not alone; seek out advice from your advisors to help you implement and adjust to these new changes.

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Making Strides Toward Diversity, Equity and Inclusion

At ACC Georgia, we not only want to continue the conversation surrounding DE&I, but also inspire action to make a difference in our community. As a means of doing so, we are showcasing examples of our members' companies that are doing great things to make strides toward inclusion in this significant time.

Delta Air Lines

In a memo to employees, Delta CEO Ed Bastian shared the steps the company is taking to become an anti-discrimination organization. Amid the global reckoning over historic racial inequality and injustice, we have been listening, learning and taking steps toward becoming an anti-racist, anti-discrimination organization, he said. Those steps have included a series of virtual Town Halls on racial justice, updated Equal Opportunity and social media guidelines, a new library of anti-racism resources on Deltanet, and our advocacy for Georgia Hate Crimes legislation and police reform in Minnesota. While it is important to continue listening and learning, now is also the time to step up and take strong action. Some of these steps have already begun, some will be accomplished in the short term, and some will be realized over the long-term future. We will focus on the following areas:

- Rebuilding Delta to reflect our world;
- Reimagining our talent strategy;
- Addressing inequity;
- Creating more opportunities for underrepresented groups;
- Stepping up inclusion training at every level of the company; and
- Supporting our Black business partners.

This commitment is important, but it won't mean anything until it has an impact on all aspects of our personal and professional lives – at our airports, in our breakrooms and offices, on the ramp, in our hangars, on our planes, and in our cities, neighborhoods, schools and homes.

Southwire Company, LLC

Southwire, North America's largest wire and cable manufacturer, continuously seeks ways to mature its culture of inclusion to ensure employees are empowered, engaged and encouraged to be their authentic selves. Among many other activities which support this commitment, Southwire's Legal department:

- Is a talented, diverse team, which includes 61% female and 30% minority representation;
- Participates in and connects with Southwire's six employee resource groups;
- Ensures Southwire's work with outside counsel includes actionable guidelines, which reflect diversity and inclusion; and
- Serves as a thought leader for initiatives such as book clubs, which generate meaningful conversation around social justice and inclusivity.