

Legal Update Article

National Employee Benefits Day is April 6!

By Joy M. Napier-Joyce

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Meet the Authors



Joy M. Napier-Joyce

(She/Her)

Principal

410-415-2028

Joy.NapierJoyce@jacksonlewis.com

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Employee Benefits

National Employee Benefits Day is a good reminder for all in the world of employee benefits to pause and look back at where we have been over the last year and where we are going. While the challenges are many, the work is more valuable than ever.

Change is one constant over the last few years. From the compliance perspective, employers like certainty (plan advisors do, too) and there has been anything but. This is true now more than ever across all areas of benefits and is likely to continue for years.

It is no surprise that health and welfare plan administration continues to occupy more time and attention than ever before. Plans continue to grapple with compliance with [mental health parity](#), [transparency in coverage](#), the [No Surprises Act](#), and other changes at both the federal and state level. Traditionally an area in which plans operated relatively autonomously, health plan administration and compliance have become increasingly complex. This will continue to be the case, particularly for multi-state plans. Other issues include those that surfaced (and will continue to evolve for years) following the U.S. Supreme Court's decision in [Dobbs](#) and recent state and federal attention on [pharmacy benefits](#).

As the end of the [Public Health Emergency and National Emergency](#) approaches, benefit plans must pay close attention to unwinding the temporary relief provided at the outset of the COVID-19 pandemic. This includes close attention to COBRA, special enrollment and claims deadlines, and decisions on coverage of COVID-19 diagnostic testing, treatment, vaccines, and telehealth under group health plans. Plans also need to consider a recent Texas court decision invalidating the Affordable Care Act's preventive care mandate.

In addition, new retirement plan legislation [SECURE 2.0](#) arrived at the end of 2022, bringing a panoply of [mandatory and optional changes](#) for plan sponsors' consideration. With an eye toward increasing retirement savings and expanding coverage within the private plan system, SECURE 2.0 will produce guidance and implementation efforts for years. Plan fiduciaries also are confronting the role of [ESG investments](#) in retirement plan fund lineups, including trying to keep straight the regulatory, legislative, and judicial attempts weighing in on the proper role of ESG investments and what is an ESG investment. All of this is against the backdrop of market volatility and continued concerns of a recession or inflation, increasing the spotlight on financial wellness initiatives.

Finally, and perhaps most important, well-being, balance, and mental health remain at the forefront. Clearly not confined to the pandemic, attention to all employees' pursuit of the elusive work-life balance is more important than ever, especially as the lines between work and home blur with the persistence of remote and hybrid work.

Benefits professionals know that change creates new opportunities to design important, sustaining benefits that serve employees and their families. Happy Employee Benefits Day!

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